

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, March 14, 2008 No. 21
Contains: Hearings, Meetings, Notices, Reports and Amendments for March 18

HOUSE CALENDAR

MEMBERS OF THE HOUSE:

The House will meet at 10:00 a.m. on Tuesday, **March 18th**, Wednesday, **March 19th**, and Thursday, **March 20th**. As we work toward the March 20th Crossover deadline, please plan for the possibility of some late evenings.

Your assistance in being efficient in floor debates and getting the appropriate information to the House Clerk in a timely manner will go a long way to ensuring that the House will be able to complete its work.

Terie Norelli, Speaker

PARLIAMENTARY INQUIRY

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

When used at the close of a debate, as is the usual case here in New Hampshire, it should be short and specific. It is not proper to use this as an opportunity to present arguments or continue the debate under the guise of asking a question. A parliamentary inquiry at the end of a debate is correctly stated as follows:

MADAM SPEAKER, IF I BELIEVE (or KNOW)

_____ and
_____,

**WOULD I NOW VOTE “YES” AND PUSH THE GREEN BUTTON?
(OR)**

WOULD I NOW VOTE “NO” AND PUSH THE RED BUTTON?

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

NOTICE

Chairs and Vice-Chairs will meet on Tuesday, **March 18th**, from 8:15-9:00 a.m. in Rooms 210-211 of the LOB. Please be prompt as this will be an abbreviated meeting.

Terie Norelli, Speaker

NOTICE OF RECONSIDERATION

This day, Thursday, the **13th day of March, 2008**, at 5:10 p.m., Representative Steve Vaillancourt, having voted on the prevailing side, whereby **CACR 26**, relating to the state senate. Providing that state senators shall be 25 years of age or older, failed to pass the House by the necessary three fifths, did serve notice that today, or some other day as limited by House Rules, he would ask the House to reconsider its action.

Karen O. Wadsworth, Clerk of the House

NOTICE

There will be a Democratic Caucus on Tuesday, **March 18 at 9:00 a.m.**, Wednesday, **March 19 at 9:00 a.m.** and Thursday, **March 20 at 9:00 a.m.** in Representatives Hall.

Rep. Mary Jane Wallner, Majority Leader

NOTICE

There will be a Republican Caucus on Tuesday, **March 18 at 9:00 a.m.**, Wednesday, **March 19 at 9:00 a.m.** (if necessary) and Thursday, **March 20 at 9:00 a.m.** (if necessary) in Rooms 305-307, LOB.

Rep. David W. Hess, Deputy Republican Leader

NOTICE

Please note that the Calendar closes 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, March 20, 2008
Thursday, April 10, 2008
second committee
Thursday, April 17, 2008
second committee
Thursday, May 8, 2008
Thursday, May 15, 2008
Wednesday, May 21, 2008
Friday, May 30, 2008
reports
Thursday, June 5, 2008
reports

Last day to act on House bills: CROSSOVER
Last day to report Senate bills going to a

Last day to act on Senate bills going to a

Last day to report all Senate bills
Last day to act on Senate bills
Last day to form Committees of Conference
Last day to sign Committee of Conference

Last day to act on Committee of Conference

TUESDAY, MARCH 18

SPECIAL ORDER

LEGISLATIVE ADMINISTRATION

CACR 28, relating to compensation of members of the legislature. Providing that compensation of members of the legislature be increased to \$100 per week. **INEXPEDIENT TO LEGISLATE.** Rep. Nickolas J Levasseur for Legislative Administration: Increasing the pay of NH legislators would result in funds being divested from other state programs into our pockets. Although this increase would not take effect until 2010, it is not likely that budgets will be any less stressed. The committee feels that this is not an expense we can take on. Moreover, the committee feels that this CACR does not address the real problems of having the legislative salary defined in the constitution. Even if ample funds were to exist for this increase, this amendment would only be a temporary fix and would be a problem for future legislatures. **Vote 7-3.**

SCIENCE, TECHNOLOGY AND ENERGY

HB 1460, requiring the public utilities commission provide cost recovery for construction of generation assets by Public Service Company of New Hampshire. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: REFER FOR INTERIM STUDY.**

Rep. Michael A Kaelin for the **Majority** of Science, Technology and Energy: The majority of the committee felt that this issue has been heard previously, and that no new arguments have been presented. While the committee understands the need for investment in the North Country, and strongly believes that it would be very desirable to have more clean renewable energy sources, the issue of whether to revisit the existing electricity restructuring laws needs to be addressed first. **Vote 9-5.**

Rep. Thomas R Fargo for the **Minority** of Science, Technology and Energy: The minority recognizes the reluctance of the majority to upset the current delicately-balanced regulatory framework that prevents PSNH from using ratepayer-financed resources to build new generating capacity. However, the minority feels that the need to address the deepening economic hardship in New Hampshire's North Country justifies keeping HB 1460 available for reassessment through interim study. Because of time constraints, the committee did not explore options to set conditions for allowing PSNH to build one biomass-fueled generation facility within Coos, Grafton, or Carroll County. These options include: 1) allowing PSNH to incrementally add generation assets to offset their loss of self-generation capacity due to growth in demand; 2) providing PSNH incentives to retire dirty coal-based generation and replace this capacity with a proportionally larger amount of renewable generation; and 3) to require PSNH to assume some measure of risk in financing the construction of new renewable generation, perhaps following the model of its Northern Wood project in Portsmouth. The minority recognizes that power transmission system capacity problems remain the primary impediment to the committee will be addressing these challenges in the second half of this session. Keeping HB 1460 available through interim study would provide a vehicle for a coordinated effort to simultaneously address solutions to the North Country's electricity transmission and generation issues early in the next session.

HB 1628, relative to renewable energy generation incentive programs. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Michael A Kaelin for the **Majority** of Science, Technology and Energy: The renewable portfolio standard legislation passed last session created a fund to be used to support new renewable electrical generation sources. HB 1628 directs the PUC to reserve 10% of the fund for the support of smaller, home-sized renewable energy systems of 5KW or less. This legislation puts the homeowners on a more equal footing with larger industrial projects, and allows the ratepayers in the middle to recover some of their costs as well. **Vote 9-4.**

Rep. Gene F Andersen for the **Minority** of Science, Technology and Energy: This legislation provides a subsidy of \$6000 for individuals to renewable portfolio standards (RPS) fund. Individuals receiving the subsidy however, are not required to be ratepayers. At best this legislation is premature. No study has been made of funds generated from RPS to determine the optimum return for the ratepayers' investment. At worst this legislation is elitist in that it provides funds to

individuals for their personal power systems without providing benefit of reducing greenhouse gas emissions, securing the electric grid, or maximizing the efficiency of the system.

TRANSPORTATION

HB 1222, prohibiting writing a text message while driving. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Michael B O'Brien for the **Majority** of Transportation: It is the majority opinion that text messaging while driving is a distraction to operators of motor vehicles. In deliberations on this bill, information was received of a study done by Clemson University that showed 80% of the participants were distracted while writing or reading text messages. These distractions produced increased speed, lane changes, and the possibility of accidents. The majority opinion is to have motor vehicle operators, particularly our youth operators, focus on the important task of safe motor vehicle operations. **Vote 9-4.**

Rep. Jennifer M Brown for the **Minority** of Transportation: While text messaging while driving should not be legal, it is covered with our existing negligent driving laws. Negligent driving was instituted to cover anything other than driving including using cell phones, changing a CD, eating, using your navigation system, applying makeup, etc. The minority of the committee feels that to list one of these things will necessitate listing all, lest they be considered legal.

WAYS AND MEANS

HB 1360-FN-A, repealing the court civil filing fee surcharge. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Michael G Marsh for the **Majority** of Ways and Means: This bill would repeal the surcharge on filing fees for civil courts that was passed in 2007. Although not specifically assigned by statute, these fees were assessed to pay the cost of expanded legal assistance offices in the state that serve low income individuals. The underlying purpose of HB 1360 is to reduce the cost of access to the courts for residents who cannot pay these surcharges, which are typically \$25. The committee sympathizes with the intent of the bill, but believes this intent is already met because the surcharges do not apply to many actions that involve low-income individuals including small claims actions, actions related to children or domestic violence, and landlord-tenant actions. It was also pointed out that the court already makes provisions to waive fees for petitioners who demonstrate that they are unable to pay court costs. This bill would set a bad precedent by reversing a law that was passed just last session, and it would reduce state revenues by approximately \$400,000 at a time of heightened budgetary concerns, without proposing an alternative source of funds. **Vote 10-6.**

Rep. Steve Vaillancourt for the **Minority** of Ways and Means: Part 1, Article 14 of the New Hampshire Constitution states, "Every subject of this state is entitled to a certain remedy, by having recourse to the laws, for all injuries he may receive in his person, property, or character; to obtain right and justice freely, without being obliged to purchase it ;completely, and without any denial; promptly, and without delay; comformably to the laws." With apologies from the founding fathers for use of the word "he," the minority is convinced that the intent of this article quite clearly was to make the courts open and accessible to all citizens, regardless of race, color, creed, or income level, so as all citizens could address their grievances against others in an appropriate manner. Last year, as part of House Bill 2, the so-called trailer bill to the budget, also known to some of us as the Christmas tree bill, the House added a \$25 surcharge for Superior Court filings. This brought the filing fee up to \$175, and quite clearly it was done not to speed up the judicial process or to make it any fairer or more efficient, but simply to create revenue for a bloated budget. When we increase court fees for reasons not related to justice, we are in fact in violation of Part 1, Article 14 of the Constitution. The increase discourages people from using "their" courts and sends us down a slippery slope to the time when justice will be bought and sold and only the wealthy need apply. The majority argues that we shouldn't tamper with this matter since it was only passed last year. That might be true if this were done with full and open hearings, but House Bill 2 is a different matter. When Democrats were in the minority, they complained (and rightly so) that many items were slipped into House Bill 2 which could not otherwise stand public scrutiny. Now that Democrats are in control, the lights on the House Bill 2 Christmas tree glow even brighter. And that's just as wrong

as it was when Republicans lit those lights. This bill represents a modest attempt to extinguish those lights, to send the signal that the House will no longer tolerate increasing fees under cover of darkness, and that justice cannot be bought. One member of the majority actually contended in executive session that this \$25 surcharge could be justified because the courts are doing pilot programs in Belknap and one other county. The minority strenuously counters that gets us precisely to why the fee should not have gone forward. People filing to redress their grievances as Constitutionally provided should not be paying for pilot program that have nothing to do with their specific cases. Any such pilots should be paid for, if at all, with general fund revenues. This surcharge was projected to generate \$788,375 in state monies. It is truly sad when we would sell our principles and balance the budget on the backs of poor people (and yes, some middle income and wealthier people as well) for an amount less than a million dollars.

HB 1369-FN-A-L, relative to the amount of meals and rooms taxes retained by operators collecting the tax. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Frank W Davis for the **Majority** of Ways and Means: This bill would have decreased the percentage amount which operators may retain as compensation under the meals and rooms tax from 3 per cent to 1 ½ per cent. It would also place a monthly cap of \$100 on the amount retained by the operators. This bill would increase state revenue by about \$4,600,000, but DRA estimated that it would have additional costs to administer this change. Currently an operator with a gross income of \$1,000,000 would collect \$80,000 for the state, and must file by the 15th day of the month after the revenue is raised. They now retain less than \$6.60 per day. This bill would reduce the retained income to less than \$3.30 per day. The committee recognizes the costs borne by the businesses in credit card charges, and in administering the meals and rooms tax. Appreciating the timely recording, reporting, and remitting of the tax revenue to DRA, the committee voted to ITL this bill and retain the practices now in statute. **Vote 12-3.**

Rep. Steve Vaillancourt for the **Minority** of Ways and Means: For the past two sessions, this committee has been struggling with the issue of fair and reasonable reimbursement for businesses which collect our taxes. Refer to the blurb for House Bill 1241 and you will note that those businesses which provide the labor-intensive and costly service of adhering stamps to cigarette packages receive absolutely nothing in return. Until four years ago, when budget constraints moved center stage, these businesses received a modest one cent per pack, yet the committee, in arguing not to return that sum (which would amount to less than one percent of the tax) argued that we can't come up with the monies elsewhere. The minority contends that this is the ideal place to come up with the monies (approximately \$1.6 million) to accomplish that task and to have another \$1.6 million or so left over. Currently, the rooms and meals tax is the only one which comes with a commission for those businesses which collect it, not just one or two percent but a full three percent. This bill would not have removed that entire amount but was in fact a compromise to realign the commission with actual costs. It would have allowed those who collect the amount to keep the full three percent for up to \$100 a month and to keep one and a half percent beyond that. In other words, according to figures presented to the committee from two years ago, businesses generating sales of \$40,000 a month (nearly a half million a year if they're operating on a year-round basis) would not lose a single penny. 3226 of 4207 rooms and meals tax filers, more than three out of four, would keep the same amount. Thus, this bill would not harm Ma and Pa stores which serve hot meals or small restaurants and lodges. The compromise would allow big rooms and meals filers to keep one and a half percent beyond \$.5 million sales per year. These numbers may have changed slightly since they were generated, but the committee took absolutely no time looking into them. No subcommittee was formed such as was the case two years ago; there was not even a second of debate during executive session. Proponents of this three percent "commission" argue that it is necessary because credit card expenses run about three percent. However, our best guess is that only about one-third of rooms and meals charges are paid with credit cards (keep in mind that 80 percent of the tax comes from meals and the number of small fast food restaurant sales is far greater than sales at larger restaurants where credit cards are used more). Thus, this bill would allow all businesses to keep more than they incur in collecting the tax. Think about how unfair the current situation is not only for the cigarette stampers but to other businesses who do not get a "commission" for collecting

taxes. Who would argue that about 90 percent of us now pay for gasoline purchases with credit cards? Gas stations must incur the three percent credit card fee, but they are not given even a penny in return for collecting the tax. Nor are telephone companies for the work they do in adding an extra line to everyone's bill to collect the communications tax. On and on it goes with only one group singled out for special treatment. The unfairness of this "commission" is staggering and this compromise would address the problem in a manner fair to everyone.

HB 1510-FN-A, redefining tobacco products and increasing the tax on tobacco products other than cigarettes. **REFER FOR INTERIM STUDY.**

Rep. Steve Vaillancourt for Ways and Means: The bill arrived as a more than threefold increase in tobacco taxes for non-cigarettes, from 19 to 60%. It also included cigars at 60% and created a dedicated fund for tobacco abuse prevention. A subcommittee, in an attempt at compromise, kept the rate at 19% but agreed to include cigars in the tax in an attempt to treat all tobacco products fairly. (Loose tobacco and smokeless tobacco are currently taxed at 19% at the wholesale level.) The amendment also eliminated the dedicated fund. The amendment passed the committee by a 12-5 vote, but the bill as amended failed 9-8. Some were not sure if 19% is the right amount. Some feared the bill as amended would either fail in the Senate or be vetoed by the Governor. The interim study motion thus represents a compromise of a compromise. **Vote 12-5.**

HB 1547-FN-L, repealing a fee charged by the registry of deeds. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. William Butynski for the **Majority** of Ways and Means: This bill would repeal the fee charged by the registry of deeds for the land and community heritage investment program (LCHIP), without providing any alternative revenue source to support LCHIP. In 2007, the House, the Senate, and the Governor all acted to finally provide sustained and predictable funding for LCHIP. Let us keep our commitment to LCHIP. **Vote 11-6.**

Rep. Priscilla P Lockwood for the **Minority** of Ways and Means: The House voted against this method of supporting LCHIP last session. It was reinstated by a committee of conference. The Town Clerks' Association has major objections with processing and administering. They do not feel they can be ready for implementation in time. They would have no problem administering an increase in the real estate transfer tax, but a fee on all documents presents many confusing problems.

TUESDAY, MARCH 18

CONSENT CALENDAR

CRIMINAL JUSTICE AND PUBLIC SAFETY

HB 436, expanding employee freedom of expression to all public employees. **OUGHT TO PASS.**

Rep. Laura C Pantelakos for Criminal Justice and Public Safety: This bill expands a public employee's right to express and give their opinions concerning any government entity. The committee felt strongly that public employee's freedom of speech should be protected. **Vote 13-0.**

HB 1383, adopting the uniform child abduction prevention act. **REFER FOR INTERIM STUDY.**

Rep. Armand D Forest for Criminal Justice and Public Safety: There are several good points to this bill, and many confusing points. The committee felt that this bill has merit and voted to recommend an interim study which would also include members of the Children and Family Law Committee. **Vote 13-0.**

HB 1407, relative to permission to discharge a firearm in the compact part of a town or city. **REFER FOR INTERIM STUDY.**

Rep. David A Welch for Criminal Justice and Public Safety: This bill was intended to allow a review of RSA 644:13, which requires written permission to discharge a firearm in a compact area. In an urban setting this makes considerable sense, but in a rural area where there may be miles of country

road and in the middle a cluster of 6 homes 300 feet or less apart, it does not seem to make the same sense. When this statute was amended in 1991 it was to conform to recent changes in the fish and game statutes. It was clear at the time that it should apply to separate events. It was recently applied in the town of Hebron to close a private range that had been in existence for 11 years with no complaints and with written agreement of its 5 neighbors. Because the original chief of police had reviewed the safety factors of the range eleven years ago and RSA 644:13 does not appear to have been a factor, no written permission was necessary. The only complaint to the selectboard was from a resident several hundred feet from the “compact area” who felt the noise was hurting his attempts to sell his home in a flat real estate market. Because noise is not a factor to shut down a shooting range, RSA 644:13 was used. The committee would like time to study whether this was a proper application of the law and if the current language should apply equally to rural and urban areas.

Vote 13-0.

HB 1508-FN, relative to prohibited influence of voters and persons intending to vote and relative to the applicability of political advertising and push polling restrictions. **OUGHT TO PASS.**

Rep. Lee M Hammond for Criminal Justice and Public Safety: This bill further clarifies unhampered participation in an open election process and provides fair penalties for those who would interfere

Vote 14-0.

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

Rep. William V Knowles for Criminal Justice and Public Safety: The majority of the committee agree with the penalty assigned HB 1569-FN, which has already passed the House. **Vote 14-1.**

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

Rep. Jordan G Ulery for Criminal Justice and Public Safety: This bill modernizes current anti-fraud legislation by increasing the per incident fines for violations by the insurance producers. The fines are added one to another for each separate violation of law. At the same time, the fines for those who defraud the insurance company (increasing your premiums) are increased. Other changes were technical in nature, consolidating the many different titles of persons who create insurance policies to one title – producer. The Committee reviewed the proposed penalties and concurred with the policy committee. **Vote 15-0.**

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

Rep. Jordan G Ulery for Criminal Justice and Public Safety: On March 5, 2008 the House passed HB 1613. Language in that bill differed from language in this bill with regard to the DMV suspending the license of a sexual predator who has failed to register as such. This allows a predator who is in violation to be located by law enforcement in this, or another state during a routine traffic stop. The amendment offered brings language in this bill into agreement with previously passed language. A review of the other fees proposed found them to be appropriate, proportional and reasonable **Vote 15-0.**

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 690, establishing a pilot program for job skills training in volunteer work by unemployed individuals. **OUGHT TO PASS.**

Rep. A Laurie Harding for Executive Departments and Administration: This bill creates a pilot program that will give those receiving unemployment benefits an opportunity to gain new skills via volunteer work with non-profits. The committee worked on this bill as a second committee. There were no new positions requested for this program and no licensing concerns. Therefore, the committee supported the bill as presented. **Vote 11-1.**

HB 841, relative to the appointment of parenting coordinators and establishing the family mediator and parenting coordinator certification board. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Alida I Millham for Executive Departments and Administration: The committee work on this bill is strictly relating to the criteria for certification of parenting coordinator for the court system. The amendment has clarified the definition of mental health practitioner. There is reference to the inclusion of appropriately experienced advanced nurse practitioners and licensed psychiatrists. It also puts in statute the specific criteria for qualifications, certification and continuing education.

The intent of the committee is for some flexibility, under rules, for people who have a masters or doctoral degree in mental health, counseling or dispute resolution. **Vote 12-0.**

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

Rep. Don Petterson for Executive Departments and Administration: This bill would require that originators of mortgage loans secured by real property be licensed by the New Hampshire Banking Department. The bill would join New Hampshire with 22 other states that license loan originators and in so doing would provide the banking department greater ability to curb fraud by giving it jurisdiction over individual loan originators, not just the company where they are or were employed.

Vote 13-0.

HB 1346, relative to the regulation of junk dealers, scrap metal dealers and pawnbrokers. **OUGHT TO PASS.**

Rep. Ronald J Nowe for Executive Departments and Administration: This bill adds several requirements to the operators of junk and scrap metal dealers. The changes are intended to address the ever increasing issue of the taking of valuable commodity material from properties in the region. It also requires that the dealer maintain records of purchase transactions and that they be verified by positive identification of each seller of material. It changes the authority to issue license from police to the local governing body and changes language to allow using identification by junk and scrap dealers and pawn brokers. **Vote 12-1.**

HB 1459-FN-A, relative to modular building standards and fees. **REFER FOR INTERIM STUDY.**

Rep. Alida I Millham for Executive Departments and Administration: The committee was unable to complete work on the certification details of this bill and have chosen to send it to interim study so that work can be done. **Vote 15-0.**

FINANCE

HB 502-FN-A-L, extending Medicaid coverage through age 20 to individuals who were foster children and are attending postsecondary school. **REFER FOR INTERIM STUDY.**

Rep. Bonnie G Mitchell for Finance: The committee felt that this was important policy to support. We recommended Interim Study in order to work with the department of health and human services to identify the funds to support the policy. One idea may be to use TANF reserve funds for this purpose as foster children who are supported to attend college would be less likely to need TANF support. **Vote 19-0.**

HB 584-FN, including 17-year olds in the juvenile justice system. **REFER FOR INTERIM STUDY.**

Rep. Thomas L Buco for Finance: On January 2, 2008 the House voted 248-93 to support the policy of including 17-year olds in the juvenile justice system. However, in our effort to determine the true short term and long term costs to the state, counties and municipalities, the committee received several conflicting fiscal notes. Therefore, the committee recommends holding HB 584 for Interim Study with the expectation that we might receive more accurate cost estimates. **Vote 20-0.**

HB 924-FN, relative to the deconstruction of buildings. **INEXPEDIENT TO LEGISLATE.**

Rep. Bernard L Benn for Finance: Currently, state agencies encourage recycling in construction projects when practical and cost effective. This bill establishes a reuse and recycling rate of not less than 75% for demolition, renovation and new construction projects funded in whole or in part by state funds. This rate is higher than that required by the US Green Building Council for LEED certification. The department of education testified in opposition to the bill because of some practical problems and the short term additional costs it would impose on school construction. The department of transportation stated that this bill may result in higher demolition bid prices. The department of environmental services testified in support of the concept of the bill and stated that in some instances, when there was a good market for the recycled materials, cost saving could occur over conventional demolition. The department of administrative services stated that an additional staff position would be required to administer the program and that no appropriation for the position was included in the bill. The committee supports the current efforts to recycle construction

demolition in the state, but cannot recommend passage of this bill because of the complete lack of costing information and the unknown impact on state expenditures. **Vote 15-1.**

HB 1338, establishing an arboviral illness task force and relative to mosquito control and abatement. **OUGHT TO PASS.**

Rep. Larry A Emerton for Finance: The continued improvement of the department of health and human services, division of public health's work on preventing and informing our residents on arboviral illnesses is the main purpose of this bill. As these diseases, Eastern Equine Encephalitis (EEE) and West Nile Virus (WNV), are increasing in severity and occurrence in New Hampshire, this bill expands funding eligibility requirements and improves and revises the duties of the mosquito control commission. It also establishes a 15 member arboviral illness task force to help to address the future needs and responses by all to this very critical problem. **Vote 20-0.**

HB 1395-FN, establishing the AIDS drug assistance program fund. **OUGHT TO PASS.**

Rep. Thomas L Buco for Finance: The AIDS Drug Assistance Program (ADAP) is the division of the federal Ryan White Act which provides medications to eligible persons living with HIV/AIDS. The NH department of health and human services, division of public health receives rebates from pharmaceutical companies for medications purchased through the ADAP program. The US Health Resources and Services Administration requires that 100% of rebate funds generated from the 340 B Drug Reimbursement Program must be reported as program income, added to the funds committed to the program, and be used to further the objectives of the program. HB 1395-FN is needed to create a non-lapsing fund so that these rebates may be carried over from year to year to be used for program expenditures including drugs and primary care services. The creation of this non-lapsing fund would have no impact on the general fund as these rebates were never deposited into the general fund. The committee requested an effective date be upon passage to ensure that any unspent revenue from SFY'08 would be carried forward to SFY'09. **Vote 18-1.**

HB 1549-FN, relative to the duration of the disability requirement for aid to the permanently and totally disabled. **REFER FOR INTERIM STUDY.**

Rep. Fran Wendelboe for Finance: This bill as proposed is very complex and would have a significant fiscal impact. The department of health and human services' fiscal assessment showed an increase of one hundred million dollars with half being state general funds. At the same time, a disability advocate gave testimony, facts, and figures showing instead a cost savings of over 8 million dollars in the first year. The department will contract to have an independent assessment study of the issues done by UMass and report by the end of the year for the next year budget process. Based on this the committee recommended Interim Study. **Vote 20-0.**

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

Rep. David L Smith for Finance: Unfortunately this bill was presented with a fiscal note which called for extra expenditures of \$15 million over the next five years. In our work session, the prime sponsor stated that this was incorrect. The bill simply changed the grade steps to 8, as opposed to 5 for classified state officers. The HAY Group had requested this bill as a 'housekeeping' measure. Given the lack of correct fiscal data, and no emergency need, the sponsor was advised to bring it back next year as the housekeeping bill that was his intent. **Vote 15-1.**

HB 1631-FN, relative to the state purchase of biodiesel fuels. **OUGHT TO PASS.**

Rep. Linda T Foster for Finance: The revised fiscal note on this bill determined that there is no fiscal impact regarding this policy. **Vote 19-0.**

SB 94, relative to the office of information technology. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Lynne M Ober for Finance: This bill eliminates the office of information technology within the governor's office and establishes the department of information technology as an independent agency, under the direction of a commissioner and division directors. Currently this office with its 437 employees dwarfs the rest of the governor's organization. It also eliminated the division of information technology in the department of safety. It eliminates the position of chief information officer and also eliminates one position for each division director position that is established. The Finance Committee amendment to this bill makes it budget neutral and adds no budgetary expenditure. It authorizes the commissioner of the department of information technology to fill

vacant positions that were transferred from the department of health and human services in the same manner as the commissioner of health and human services. When these positions were transferred there was no provision for filling them should they become vacant. The attorney general ruled that legislation must be passed to authorize the department of information technology to fill the positions should they become vacant. The bill also added an additional member, appointed by the governor, to the information technology council, which provides oversight. The new department will sunset in six years at which time its effectiveness and the need for it to continue as a separate department will be examined by the legislature. **Vote 23-0.**

FISH AND GAME

HB 1648-FN, relative to search and rescue response expenses of the fish and game department. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Carla M Skinder for Fish and Game: This bill establishes a means to allow fish and game to recover the cost of search and rescue services from persons, who through personal negligence, require the service. The fish and game performance audit has been reviewed and search and rescue was identified as a program that could be more self sustaining if given the ability to recover expenses from those that have been deemed negligent. In fiscal year 2007, \$150,146 was spent on search and rescue missions. It was determined that \$42K of that cost was attributable to negligence. Fish and game, along with the attorney general and the court system, if necessary, will determine negligence. Any person determined to be negligent who refuses to pay the expenses incurred could face losing his or her fish and game licenses and driver's license. Residential care and health facilities, from where a client elopes, could face suspension or revocation of the facility's license if found negligent. **Vote 11-0.**

HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS

HB 1637, relative to reports to the cancer registry. **OUGHT TO PASS WITH AMENDMENT.**

Rep. James R MacKay for Health, Human Services and Elderly Affairs: The department of health and human services gathers information on cancer cases diagnosed and treated in the state for the New Hampshire Cancer Registry through its agent, Dartmouth Medical School, using protocols established by the North American Association of Central Cancer Registries. In addition, this information is also utilized by the New Hampshire division of vital records which supplies data on deaths in New Hampshire due to cancer. The information collected and maintained by the Registry allows the health department to study cancer trends and improve cancer education and prevention efforts. This work is financed in total by the federal government, and, to continue to qualify for the funding, we must be in compliance with the Registry's regulations as they are updated from time to time. This bill as amended provides for the review of these changes to the Registry's rules and regulations with a process that includes HHS oversight to ensure agreement with state law and practice. Further, the amendment provides that if the department finds that future changes in the Registry are in conflict with state law and practice, those measures would not be implemented by the department. With the agreement of this check and balance, the committee supported passage of the bill as amended. **Vote 16-0.**

HB 1649-FN-L, relative to the Medicaid long-term care eligibility determination process. **OUGHT TO PASS.**

Rep. Thomas E Donovan for Health, Human Services and Elderly Affairs: This bill will require the home and community based care program nurse to obtain backup clinical information from the applicant's primary health care provider only in cases where the applicant's medical eligibility cannot be determined through the HCBC nurse's own assessment. This bill fixes a problem in the Medicaid long term care eligibility process that was causing delays in the process of determining eligibility. The department has recalculated its fiscal note assumptions since the public hearing and has determined that, due to decreased administrative burden on the department, this bill will actually save general fund dollars. **Vote 16-0.**

MUNICIPAL AND COUNTY GOVERNMENT

HB1651, allowing municipalities in Coos county to offer property tax exemptions to foster commercial and industrial construction. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Robert L Theberge for Municipal and County Government: Coos County is made up of the city of Berlin and 43 towns and unincorporated places and needs help to foster economic growth. The committee is proposing a very specific and focused tax exemption, at the local level, by any of Coos County municipalities. The exemption would apply only to the municipal and local school property taxes and would not apply to the state education tax nor the county tax. The local legislative body would determine the amount of any new construction property tax exemption for commercial or industrial uses or both. The exemption may run for a maximum period of 10 years, provided that for all years the exemption is in place, the dollar amount shall not exceed 500 percent of the increased assessed value. It is the opinion of the committee that this bill, as amended, is carefully crafted and is one of a few possible solutions to the present economic turmoil that exists in Coos County. This local exemption would not shift any tax burden within the municipality where it is granted nor within the city or towns/unincorporated places. This tax exemption would only apply to the increased assessed value that the new construction would generate. The committee also wants to ensure that if an exemption, as described, was adopted, all other requests for like exemptions would be uniformly administered within the city or town/unincorporated places. This is a needed economic tool for the citizens of the North Country. **Vote 12-0.**

PUBLIC WORKS AND HIGHWAYS

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

Rep. Alfred C Lerandeau for Public Works and Highways: This bill as written and presented is a housekeeping measure and clarifies setbacks on the interstate and state highway system with regards to auto recycling centers. When the interstate or turnpikes are involved with permitting a recycling center within 1,000 feet, DOT applies RSA 236:90-110. When a recycling center involves a Class I, II or III road, NH DES applies RSA 236:111-129. This bill makes each section of the law reflect the proper setbacks relative to the class of highway, but still maintains local control. The number of permitted auto recycling centers permitted by NH DOT remains the same. **Vote 13-0.**

WAYS AND MEANS

HB 666-FN, establishing a license fee for the sale of animal vaccines. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Steve Vaillancourt for Ways and Means: This bill represents an attempt to provide additional revenues so that the spay and neuter program for cats and dogs will be more able to fulfill its mission. Each year, the program runs out of funds early thus closing off the program for qualified individuals. The amendment removes a new fee, \$500 and \$200, for selling animal vaccines. That would have raised an estimated \$22,000. However, the committee leaves in place another section of the bill which will extend the life of the spay-neuter program by no longer offering other vaccines, not specifically related to spay and neutering, as part of the program. Estimates vary as to how much this will provide for the fund, but it appears to be at least twice the \$22,000 and may be much more than that. Thus, the committee accomplishes the goal of the original legislation without the imposition of a new fee. **Vote 15-0.**

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

Rep. Roger G Wells for Ways and Means: This bill as amended makes changes to the spay/neuter program that has been requested by the state veterinarian. It eliminates the loophole that even wealthy individuals buying an animal from an animal shelter can receive spay/neuter. It allows the program to direct the funds to the people with actual needs as defined by a number of qualifying programs. It allows the state veterinarian to also qualify individuals in extraordinary need in emergency situations. The amendment keeps all co-pays as they currently exist. **Vote 15-0.**

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

Rep. William A Hatch for Ways and Means: Currently, there is a lack of clarity for the fish and game department in the rule-making authority concerning aquaculture licensing. The committee

feels all action necessary was taken by the policy committee, and therefore voted Ought to Pass as submitted. **Vote 16-0.**

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

Rep. Frank W Davis for Ways and Means: This bill was a request by the fish and game department as a measure to ensure consistency between fish and game license agents and OHRV/snowmobile registration agents. The only change in fees replaces criminal penalties with a minor fine for late transmission of funds. No one testified against this legislation **Vote 16-0.**

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

Rep. Michael D Brunelle for Ways and Means: This bill was requested by the insurance department and was passed by the House with the recommendation of the policy committee. HB 1376 clarifies current law to include statutory violations of the insurance department. In addition, the bill sets penalties for insurers who knowingly violate the law, making them subject to license suspension and fines. The committee decided to support its passage unanimously. **Vote 14-0.**

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

Rep. Michael D Brunelle for Ways and Means: This bill was requested by the insurance department and was passed by the House with the recommendation of the Commerce Committee. HB 1378 establishes penalties for certain insurers who fail to file reports or remit the proper tax within a specific period of time. The committee decided to unanimously support the bill's passage. **Vote 15-0.**

HB 1448-FN, relative to documents prepared by the department of transportation and reimbursement fees for such documents. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Ron J Mack for Ways and Means: This bill clarifies the legal authority for the department of transportation to charge copy fees for some of its documents. The amendment ensures that the fees charged will be only on the cost of copying. **Vote 15-1.**

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

Rep. William A Hatch for Ways and Means: This bill advances the fair and appropriate administration of our tobacco tax. Therefore, the committee voted Ought to Pass. **Vote 15-0.**

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

Rep. William A Hatch for Ways and Means: This bill advances the fair and appropriate administration of the tobacco tax. Therefore, the committee voted Ought to Pass. **Vote 16-0.**

HB1528-FN, relative to suspension of a driver's license for gasoline theft. **REFER FOR INTERIM STUDY.**

Rep. Peyton B Hinkle for Ways and Means: This bill attempts to deal with the problem of gasoline theft as a result of people driving off without paying. It first went to the Transportation Committee before coming to Ways and Means. It was the opinion of the committee that the bill dealt with a criminal issue and should have gone to the committee on Criminal Justice. Members of that committee agreed and expressed the desire to participate during interim study. This would further allow for proper consideration of the penalties imposed by the bill and whether such penalties are appropriate for the crime. **Vote 12-0.**

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

Rep. Christine C Hamm for Ways and Means: This bill, which defines "fresh milk" versus "New Hampshire fresh milk" versus "Northeastern fresh milk," came to the Ways and Means Committee after passing the Environment and Agriculture Committee unanimously and the House floor on a voice vote. The committee amended the bill to make one change, i.e. to deposit any penalties collected as a consequence of mislabeling not to the milk producers emergency relief fund but rather to the General Fund. **Vote 12-0.**

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

Rep. Ron J Mack for Ways and Means: The plate inventory fund receives the money charged for new license plates and uses it to pay for manufacture of further plates. There is currently about \$2 million in it and it tends to grow by \$1 million a year. When we authorized the new veteran's plate, the start-up costs were charged to the recipients in a special \$25 charge. We are now well past start-

up, and it is time to end this fee, at a cost of about \$45,000 per year to the plate inventory fund.

Vote 11-1.

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

Rep. William A Hatch for Ways and Means: The committee recognized that residents in overseas services for the government need the ability to renew their licenses by application only but the committee considered that the appropriate fees should be paid and thus amended the bill to include the normal fees. **Vote 13-1.**

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

Rep. Norman L Major for Ways and Means: This bill is a request of the department of transportation. The bill changes the requirements for suspension of motor vehicle registration for violations of the electronic toll collection system, also known as E-Z Pass, and changes current procedures so that after the department of transportation has notified the department of safety of an unpaid E-Z Pass violation, the department of safety may suspend the owner's renewal registration privileges, but not the owner's driving privileges, registration, or resident plates. The owner of a registration after November 26, 2007 will no longer be notified of a suspension until after four violations. This bill as amended will change the suspension of driving privileges, registration and resident plates for five or more toll violations to a suspension of registration renewal privileges only and an administration fee. The owner will be notified every time a violation occurs and has 30 days from date of notification to pay the toll and administration fee, if assessed. Up to four administrative fee waivers will be granted. The registration renewal privileges of any vehicle, if applicable, of an owner shall be reinstated upon notice to the director from the department of transportation that all tolls, fees, and fines have been paid. The department of transportation and the department of safety have recommended passage of the bill as amended. **Vote 11-0.**

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 WITH AMENDMENT.**

Rep. Michael G Marsh for Ways and Means: This bill is enabling legislation that allows the counties to establish first-time offender alcohol and substance treatment (FAST) programs that offer an alternative to prosecution for first-time drug and alcohol offenders who are charged with violation-level or misdemeanor-level drug or alcohol offenses. The committee heard testimony from the Merrimack County attorney, who has implemented a FAST program, that it is an effective way to curb substance abuse and at the same time it does not create a criminal record for young people. These programs are generally self-funding after initial start-up, because attendees are required to pay a fee to attend the program, but they need seed money to get started. To that end, the bill establishes in the criminal justice bureau of the department of justice a grant program to identify sources for this seed money, creates a non-lapsing fund to receive grant money, and authorizes the attorney general's office to disburse any funds raised by these grants to the individual counties to help them start a FAST program. The committee did not review the policy to establish the fund, as the House voted for this earlier this year. The committee voted to reduce the maximum amount of the grant money that the attorney general's office can keep to defray its grant writing and administration expenses to 8.5 percent from the original 15 percent. **Vote 11-0.**

HB 1647-FN-A, relative to demand response program revenue. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Michael G Marsh for Ways and Means: This bill establishes a fund for demand response program revenue to be used for conservation purposes in executive departments, energy performance contracts, and demand response program expenses. A demand response program means a program under which the state receives payment for voluntarily reducing electricity demand in response to grid instability in exchange for payments from the independent system operators. In effect, the state will be paid to reduce total peak electricity demand, a goal that is in the interests of the state and its citizenry. The money received will go into the demand response program fund and will be used to promote energy conservation in executive departments, thus furthering the goal of reducing

electricity usage over time. The committee voted unanimously that this is a worthy bill, after amending it to allow the money to be used in a more flexible manner to promote conservation. **Vote 15-0.**

SB 173, relative to regulation of private postsecondary career schools. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Ron J Mack for Ways and Means: The committee's responsibility in this bill is only the fee charged by the post secondary education commission for regulation of private career schools. There is a general rule that professional boards charge 125% of the cost to their members for their oversight, allowing the state's general fund 25% overhead. This rule never seems to have been applied to an agency overseeing institutions, only those overseeing professional individuals such as surgeons and welders. Because of this, and because the commission testified that some of their schools would be severely stressed to pay the 125%, the committee amended this section to require only 100% of cost be covered by the fee. The committee was also asked to change the quorum requirement for the commission's meetings, which is a policy issue which we referred back to the first committee. The Education Committee has requested us to make that change, which appears in the amendment. **Vote 16-0.**

TUESDAY, MARCH 18

REGULAR CALENDAR

COMMERCE

HB 686-FN, relative to the regulation of tracking devices. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. James R Martin for the **Majority** of Commerce: The bill as amended incorporates the work of the RFID Study Commission to date. The commission continues to work and will address as its next order of business, the labeling of consumer products which contain an RFID device. This bill as amended prohibits the implantation of RFID devices in humans in New Hampshire and makes the unauthorized use of scanning devices to read encoded information on payment cards, including credit cards, illegal. **Vote 12-2.**

Rep. Joel F Winters for the **Minority** of Commerce: Each provision of the minority amendment to HB686 contains common sense consumer protections, many of which are removed by the majority amendment. A consumer product which contains a hidden RFID chip would have to have a label on it and human implantation would be prohibited without an individual's consent. The anti-skimming laws would be updated to prohibit cloning of RFID credit and debit cards and the state would be prohibited from using RFID in identification documents such as driver's licenses. However, the bill contains a list of exemptions for legitimate state use such as EZ-Pass.

CRIMINAL JUSTICE AND PUBLIC SAFETY

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

Rep. David A Welch for Criminal Justice and Public Safety: This bill repeals RSA 644:8, IV-(c) which reads: "The provisions of RSA 284 shall not be affected by this section." The committee amendment removes language relative to "exempting horse and dog racetracks from the application of animal cruelty laws." It is not clear that an exemption ever existed and the language suggesting that it did was the subject of dissenting testimony on the bill. Our amendment does not change the intent of the bill as passed by the House on February 6, 2008. **Vote 9-5.**

HB 1526, relative to the use of images of New Hampshire residents who died in the line of duty. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Ellen Nielsen for Criminal Justice and Public Safety: While some members of the committee were concerned that this bill might have a chilling effect on political speech protected by the First

Amendment, the majority agreed that the law, as written, applies only when someone attempts to profit financially by using a deceased individual's image without permission from the next of kin. The committee amended the penalty section of the bill to make it consistent with penalties for similar violations. **Vote 11-4.**

HB 1623-FN, relative to penalties for possession of marijuana. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. John E Tholl for the **Majority** of Criminal Justice and Public Safety: The bill would have reduced the penalty for the possession of 1.25 oz of marijuana from a Class B felony to a violation and it would have further reduced the penalty for sale also to a violation with a fine of \$200. The committee heard several hours of testimony on both sides of the issue. An amendment, which would have made possession of .25 oz of marijuana a violation and removed the reduction of the penalty for sale, passed the full committee by a narrow margin after debate. The amended version then failed on a vote of 6-12. The committee felt that while the court imposed penalties for small quantities of marijuana was most often a small fine, in the range of \$100, despite the requirement in RSA 318-B:26 XIII for a minimum of \$350, simply reducing the penalty for possession of a small quantity to a violation would not only send the wrong message to our youth, but would expose them to harsher penalties for transportation and other violations of the controlled drug statutes in the mistaken belief that possession was no longer a misdemeanor for a small quantity and therefore not a big deal.

Vote 13-5.

Rep. Jeffrey P Fontas for the **Minority** of Criminal Justice and Public Safety: Current penalties for possession of up to one ounce of marijuana are a maximum one year in jail and up to a \$2,000 fine. However, there are many additional penalties that are invisible to the public eye. Drug convictions are the only crimes that jeopardize eligibility for federal financial aid. To date, more than 200,000 students nationally have been denied financial aid simply because they have drug convictions. Additionally, a drug conviction can jeopardize opportunities to join the military, receive food stamps and public housing, and even employment opportunities. HB 1623 was introduced to preserve those opportunities – especially for young people who may early in life find themselves on the wrong track. The amended version of HB 1623 would have reduced penalties for possession of up to one quarter of an ounce of marijuana to a violation punishable by a \$200 fine. This amended version was a substantial compromise from both sides and a sound step in the right direction.

ENVIRONMENT AND AGRICULTURE

HB 1429, relative to private landfills. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: REFER FOR INTERIM STUDY.**

Rep. James G Phinizy for the **Majority** of Environment and Agriculture: This bill sought originally a moratorium on permitting privately owned landfills pending a review of the current permitting process. It also sought to clarify a municipality's role in the permitting process as well as to establish requirements that a landfill go through permitting should there be a "material modification" to an existing permit's terms. The committee held two hearings and several work sessions, as these issues are very complex. The amended version of the bill establishes a commission to look into present landfill capacity, distribution capacity in relation to demographics, necessary changes to current permitting processes, and parameters for host agreements to encourage greater, future landfill capacity for the state. While the committee feels that a moratorium on permitting of private landfills is impractical, it did establish in statute the definition of "host community agreement" and require that the department work with any community as a facilitator on a host agreement, prior to a permit. The amendment also establishes the policy requiring that a material modification to an existing landfill be considered as if it were a new permit. **Vote 13-4.**

Rep. Leigh A Webb for the **Minority** of Environment and Agriculture: Although there is no disagreement that the state needs a better way to facilitate and encourage the creation, maintenance, and remediation of future of private landfills, the language of the bill as amended raises serious questions as to the department of environmental services ability to accomplish those goals, especially retroactively with regard to existing facilities. The minority believed that the bill as amended had significant enough changes to warrant further investigation and input from all affected

parties, which was not possible during the executive session. The minority believed that interim study would be more appropriate.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 172-FN, relative to state meat inspection. **OUGHT TO PASS.**

Rep. Russell C Day for Executive Departments and Administration: This is enabling legislation to permit the creation of a position of state meat inspector. Currently, meat is inspected by the U.S. Department of Agriculture. New Hampshire has one slaughter house. Should the USDA stop inspecting meat at this facility, this bill would permit the state to hire a person to perform this activity. There is no cost associated with this bill and it will not be in use until or unless the USDA stops performing the function. **Vote 7-4.**

HB 877-FN, relative to the state recycling program. **OUGHT TO PASS.**

Rep. A Laurie Harding for Executive Departments and Administration: This bill establishes a state policy on recycling. It also creates a committee of legislators and department heads to address various aspects of the state policy. The committee worked on this bill as a second committee. This bill does not create any new positions and does not address any issues that involve licensing. **Vote 10-3.**

HB 1478, relative to the quorum for meetings of the equalization standards board. **OUGHT TO PASS.**

Rep. Peter B Schmidt for Executive Departments and Administration: This bill would reduce the quorum requirement of the equalization standards board from seven to five, thus alleviating a problem which regularly hampers the board's ability to act. The ESB, which monitors the effectiveness and appropriateness of the state's equalization procedures and may recommend to the legislature desirable changes and improvements in state standards, has a purely advisory capacity, so that actions taken by the reduced quorum sought by this bill do not pose a danger to state regulations. **Vote 11-4.**

FINANCE

HB 65, relative to the Pease development authority. **OUGHT TO PASS.**

Rep. Peter R Leishman for Finance: This bill expands the authority of the Pease development authority (PDA) to appoint the director of the division of ports and harbors and to lease division property. Presently, the governor and executive council's approval is required not only to appoint the division director but to lease or sell division land. The proposed legislation will require that before any property is offered for sale, the PDA is obligated to offer it to the town or city in which it is located pursuant to RSA 4:40 and will still require approval of the governor and council. From 2002-2007 the unrestricted revenue derived from the division of ports and harbors was \$379,717.00. Under the proposed legislation, all future revenue from the division would remain with the PDA. In addition, any person holding the position of chief harbor master or deputy harbor master shall be a certified police officer. **Vote 16-0.**

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

Rep. David L Smith for Finance: This bill was recommitted to the committee from the House. Although the bill calling for more superior court judges, has the best of intentions, the committee voted ITL for the following reasons: 1) the potential amount to be realized from the budgeted salary accounts is not sufficient to cure the problem, 2) funds in these accounts will lapse, which will contribute positively to the current budget, 3) government should do the things it must do, and do them correctly. Representatives of the court system were advised to make the fixing of this situation a top priority in their next budget request. **Vote 14-2.**

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

Rep. Arthur G Jillette for Finance: This bill amends current law by adding dental education to a program that currently buys slots in both in-state MD and out-of-state DVM, MD and OD graduate training programs. This will insure that at least five New Hampshire residents can be admitted to out-of-state dental schools each year. Considering the total tuition and fees paid by our residents to

these graduate programs, it is a minor cost to the State of New Hampshire to insure a place for our talented students. The Education Committee approved this bill by a 14-1 margin. This bill will not require expenditures until July 2009. **Vote 14-5.**

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

Rep. Peter R Leishman for Finance: The Pease Development Authority (PDA) will provide \$1.5 million to the Rye Harbor Commercial Fish Pier project. The pier was damaged beyond repair during the April 2007 storm. This contribution will be in addition to the PDA annual \$650,000 payment to the state and will be used to offset part of their \$12.5 million debt. **Vote 16-3.**

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

Rep. Kenneth L Weyler for Finance: Since its creation in 1938, the highway fund has accomplished its purpose of ensuring that New Hampshire highways and bridges are well maintained. During periods of surplus, it was tempting to transfer money from the highway fund for non-highway purposes. Part II, Article 6a of the Constitution was designed to limit such transfers unless they had some nexus to highways, even if it was the "control of traffic thereon." While the general fund grew at 6% per year, highway funds rarely saw more than 3% growth, and in the last few years have even had no growth. The present biennium saw a transfer from the general fund to the highway fund of 6.75 million dollars per year. There is no constitutional problem in moving funds in that direction. What this bill does is to restore some funds that historically went to the highway fund, but in the intervening years were allowed to go elsewhere. We have labored over a ten-year highway plan, so we know that a long horizon is needed for planning. A stipend from the general fund for a biennium is not something one can rely on long term. It would be far more effective to permanently place these revenues in the highway fund. Ways and Means recommend removal of most of the revenues from this bill while seeing a problem in the general fund in this biennium. The bill now has no transfers in this current biennium, but will transfer in the next one. We will have to solve general fund problems in this biennium. The bill restores all title and registration fees to the highway fund, and an amendment adds the traffic fines that safety collects to the highway fund. This total transfer will be 17 to 18 million dollars per year in the next biennium. Division II of the Finance Committee met jointly with the Public Works Committee. A straw poll of Public Works supported the amendment 14-0. Division II voted 6-0, OTP/A. The bill also limits the reductions from highway building and maintaining, which have been negatively affecting our highway repairs. **Vote 18-1.**

HB 1642-FN, providing additional funding for charter schools for the 2009 fiscal year. **OUGHT TO PASS.**

Rep. Kenneth L Weyler for Finance: The committee was impressed with how successful the charter school experience has been for its students. Some of us took as our challenge a way to make charter funding long term and sustainable. This was a goal requested by both the Education Committee, and the Deputy Commissioner of the Department of Education. We made an attempt at a long term funding but that amendment failed in a tie. The bill as passed by the House was passed, but discussion proved that a technical correction for the effective date was needed. That amendment will be brought before you as a floor amendment, supported by the committee. This will fund charter schools for the next school year. **Vote 16-8.**

HB 1652-FN-A, relative to the state obligation for payment of the non-federal share of FEMA public assistance and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Robert A Foose for Finance: This bill was submitted in coordination with the governor's office. It extends some important deadlines for completing several of the projects generated in response to the October 2005, May 2006, and April 2007 floods. It also fully funds the state obligation and clarifies the authority of the department of safety to transfer and expend funds. The new requirement for additional funds is \$2,150,000. **Vote 21-0.**

JOINT COMMITTEE ON EXECUTIVE DEPARTMENTS AND ADMINISTRATION AND FINANCE

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. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Pamela V. Manney for the Joint Committee on Executive Departments and Administration and Finance: When the health care subsidy was originally adopted for teachers and political subdivision employees, the benefit was terminally funded and applied only to employees who retired by July 1, 2004. Since the adoption of this benefit, the date has been extended to employees who retire by July 1, 2008. There is a fear that there will be an unusually high number of teachers retiring this year as a direct result of this law. The bill as amended will permit employees who are eligible to retire on July 1, 2008 to collect the health care subsidy if they retire by July 1, 2009. This does not add to the pool of employees who are eligible for the subsidy; it only gives those eligible employees another year to work before retiring and therefore spreads out the impact of the incentive to retire. **Vote 25-15. HB 1645-FN-L**, relative to medical benefits payment by the retirement system for eligible group I teachers and political subdivision employees in the retirement system. **OUGHT TO PASS WITH AMENDMENT.**

Reps. Anne Marie Irwin and Marjorie Smith for the Joint Committee on Executive Departments and Administration and Finance: The legislature has a legal and moral obligation to ensure that the strongest possible retirement system is in place for all public employees in New Hampshire now and in the future. The retirement system only guarantees a pension calculated when one retires. It does not guarantee cost of living adjustments (COLAs) or money for health care (medical subsidies). Over the past 10 years, the NH retirement system went from one of the nation's highest funded public pensions in the country to one of the lowest. Everyone is to blame for the current underfunding of \$2.7 billion. The legislature adopted a funding formula that under-calculated how much money the pension needed. As a result, employers paid in too little. At the same time, employee groups used almost \$1 billion dollars out of the pension fund for other extra non-guaranteed benefits. The investment of the pension monies by the retirement board under-performed most of the public pension funds in the country resulting in lost earnings.

Last year HB 653 took important steps to shore up the pension system. It adopted a fair methodology- so employers pay their fair share. It required that the 2.7 billion dollar underfunding be fully paid by the employers (including interest at 8 ½%) over 30 years. It also delayed future removal of earnings out of the pension fund to pay other benefits until the account is better funded. There was a time when the account was 100% funded. It is now at 63%. HB 1645 requires that we get to 85% before future earnings are removed to pay for other post employment benefits. As a result, it is predicted that additional money will not be diverted out of the pension to the "Special Account" for about 22 years.

There is not enough money to pay for medical subsidies or COLAs on top of the pension. The retirement system does not guarantee these payments, but retirees rely on them. HB 1645 addresses these issues and improves the governance of the retirement system so it can perform among the more successful pension funds rather than one of the least successful.

Because of IRS rules, the retirement system can no longer use the special account to pay for retirees' medical subsidies. As a result, the only way to continue to pay for medical subsidies is to have the taxpayers pick up the cost, about an additional 40% above what they are required to pay to the retirement system. When the medical subsidy was created, the taxpayers were not supposed to pick up this additional cost. If the legislature or the retirement system now requires that they pick up the cost, it may be an unconstitutional unfunded mandate, and employer payments toward the medical subsidy may stop. If the employer contributions are stopped entirely, the subsidy will run out of money within a few years: teachers in 2011, employees in 2012, police in 2015, and fire in 2017.

To save the medical subsidy, HB 1645 ends the 8% annual increase in the medical subsidy payments and transfers \$250 million from the special account into the pension so that employer rates with contributions to the medical subsidy is about equal to what taxpayer contribution rates would have been to just the pension without the other changes.

Of the 51,000 active employees in the retirement system, only about 3,000 would qualify for the medical subsidy benefit under existing law (an additional 10,000 retirees currently get that benefit.).

Firefighters and police hired since 2001 are not covered by the program, yet the program is underfunded by \$822 million. In order to develop a new medical subsidy program to assist the 48,000 active workers who do not now qualify for the subsidy, the bill creates a commission to design and recommend a new medical subsidy program to the legislature for action next year.

COLAs are not a guaranteed benefit. They have been paid out of money in the special account. But the money in the special account is running low. If we continue to provide COLAs as before, the \$300 million left for COLAs in the special account (after the \$250 million dollar transfer for medical subsidies) will run out in between 2 to 5 years depending on the group: teachers, employees, fire or police. Even if the \$250 million transfer is not made to save the medical subsidies, the COLA funds would run out in 6 to 12 years depending on the group.

HB 1645 provides more money for those with the lowest pensions by ensuring everyone gets at least a floor amount. It caps the amount of supplemental allowance to the amount the average pension earner gets in each group, so that higher income pension earners will only get extra payments equal to the average pensioner in their group. It also pays the annual supplemental allowance as an extra check, instead of adding into the base of the retirement payment. This significantly extends the life of these supplemental payments out of the special account and will prevent the account from running dry.

The retirement system's return on investments has been in the bottom 30% of the other public pension systems in the country resulting in lost earnings to the pension fund. This has significantly hurt the financial health of the pension fund and the other benefits. HB 1645 strengthens the financial and investment expertise on the board by adding 2 new trustee positions for experts in these areas and reducing the duplicate representation of 2 member trustees from each of the 4 retiree groups, fire, police, teachers, and employees. It also strengthens the investment committee role and structure. This should improve the returns earned by the system.

Finally, in order to further strengthen the health of the pension system without changing the rules for existing employees the bill makes changes in how benefits are calculated **for new hires only** that will increase the long term financial health of the system. Maximum retirement benefits are capped at 100% of the member's final year full base rate of compensation. The number of years of service and age requirements for police and firefighter groups are increased from 20 years of service and age 45 to 25 years of service and age 50.

Without certain technical changes also included in the bill the NHRS system would be at risk of losing its qualified status under the IRS and no longer be eligible as a tax exempt plan. If we do nothing the legislature, in effect, would be raising rates on local governments by over 50% for benefits that are not guaranteed. We would be violating the trust for all future public employees who expect to receive their pension and some support on health costs and COLAs. Since the Special Medical Account money cannot be used to pay for the medical subsidy, taxpayer rates will skyrocket by 40% to pay for the medical subsidy which could be found to be an unconstitutional unfunded mandate on the political subdivisions. If this occurs, no new money will go to pay for the medical subsidy and that benefit will run out for retired teachers in 2011, employees in 2012, police in 2015, and fire in 2017.

Without changes in the way COLAs are granted, the existing funding for COLAs could run out in between 2-5 years depending on the group (6-12 years if we do not transfer money to save the medical subsidy). Studies show that pension funds, whose boards of trustees are controlled by members of the retirement system, perform poorly as compared to boards with more representation of investment professionals. The longer it takes for the investment returns to build up the funding in the pension, the longer it will be until new money would be flowing into the special account that could be used for future COLAs.

Under HB 1645 state expenditures will increase by about \$29 million and county and local expenditures by about \$21 million. Without the essential changes in HB 1645 state expenditures will increase by about \$57 million and county and local expenditures by about \$72 million. **Vote 35-5.**

JUDICIARY

HB 1146, relative to immunity for school personnel using necessary force to protect pupils.

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

Rep. Paul L Hackel for the **Majority** of Judiciary: This bill gives complete immunity from liability to any teacher or other person “entrusted with the care or supervision of a pupil” for any “act or omission performed in good faith.” This creates a subjective standard which, in effect, replaces our present objective standard of “necessary force.” Good faith is next to impossible to determine and also covers acts based on bad judgment. One of the purposes of the bill was to protect teachers from frivolous legal action, but in 2002 this legislature passed RSA 507-G:2 which already covers this. Only one teacher spoke in favor of the bill and his situation was well covered by existing law re necessary force. The NH department of education already has an excellent policy on “Use of Physical Restraint” issued Spring 2005. The Disabilities Rights Center, NH Child & Family Services, and the Governor’s Commission on Disability all opposed this bill. **Vote 9-7.**

Rep. Maureen C Mooney for the **Minority** of Judiciary: This bill will grant immunity from civil or criminal liability to teachers who use “necessary force” in accordance with RSA 627:6, II(a). RSA 627:6, II(a) is the law that grants teachers the vague right to use “necessary force” to maintain discipline within our schools. However, once a teacher uses this force he or she remains subject to a civil lawsuit or potential criminal charges for using it. The minority believes that in order to make RSA 627:6, II(a) have any real meaning, the authorization to use “necessary force” must be backed up with a grant of civil and criminal immunity. HB 1146 will protect teachers from the moment they use “necessary force” until the incident warranting that force is resolved, and reinforce the teachers’ authority in performing their jobs. Recent high-profile incidents of school violence, as well as the all-too-common outbreaks of violence in our schools, continue to raise the justified concern that we are not doing all we can to give educators the tools and legal support they need to maintain discipline in our schools. HB 1146 will grant New Hampshire teachers the protection, authority and legal support needed to properly handle contentious school situations in straightforward statutory language.

HB 1322, relative to hearings for incapacitated persons admitted to state institutions by their guardians. **REFER FOR INTERIM STUDY.**

Rep. Philip Preston for Judiciary: The issue addressed in this bill is the length of time a ward admitted to a state institution must wait between admittance and a hearing before a probate judge. The committee agreed that the process should not be drawn out, but testimony at the hearing suggested that few cases would be affected by this bill. Setting an absolute limit on the number of days could place a distressed patient at a disadvantage and place an unnecessary burden on the court system. Noting that the fiscal impact is unknown, the majority of the committee, while agreeing with the intent of the bill, believed that it should be further studied. **Vote 9-7.**

HB 1359-FN, relative to fees for public records. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Stephen J Shurtleff for the **Majority** of Judiciary: This bill would set the rate charged by the county registers of deeds for providing copies at .07 cents each. The committee believes that the ten county registers should set this rate, because the cost involved would vary from county to county. The bill would also ban county registers of deeds from charging a fee for obtaining county deed records via the Internet. This fee generates a small revenue stream for county government. Just as we don’t want to raise fees in these tough economic times, we also don’t want to increase the burden on county property tax payers by eliminating this fee. Furthermore, as the fiscal note states, “this bill will have an indeterminable fiscal impact on State, County, and Local Revenue and may increase State expenditures.” **Vote 11-5.**

Rep. Gregory M Sorg for the **Minority** of Judiciary: Although drafted in general terms, this bill was directed primarily towards fees charged for those services provided by county registries of deeds that are currently unregulated, RSA 478:17g III states that such fees, “shall be established and posted by the register of deeds.” Each registry of deeds being a monopoly in the county it serves, each register has the ability to charge and collect any fees he or she wishes, which has resulted in fees far exceeding the costs of the service concerned. The minority believes that this authority should be reined in so that registers of deeds no longer have unlimited power to tax.

HB 1437, establishing a committee to study whether the state of New Hampshire shall establish a policy that victims of negligent or intentional tortious acts shall recover losses incurred as a result of such acts. **OUGHT TO PASS.**

Rep. David J Bettencourt for Judiciary: The present situation as to a victim's ability to recover lost wages, medical expenses, and other losses should be fair and reasonable. The issue is complex, the present law is confusing and the perspective of a qualified group is needed. **Vote 11-9.**

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

Rep. Gail C Morrison for Judiciary: The testimony was convincing that this measure is needed. We were shown photos of snow plowed into parking spaces at state buildings. The bill adds a section to RSA 265:74, Parking Privileges for Persons with Walking Disabilities. It emphasizes that public property owners such as municipalities, and private property owners, such as those of shopping centers, must not limit access of the disabled sector of our population by allowing blockage of marked handicapped spaces. Judiciary was the second committee to hear and consider this bill. **Vote 8-3.**

SPECIAL ORDER

HB 1589-FN, prohibiting the lethal injection of any substance as part of the abortion process.

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

Rep. Maureen Baxley for the **Majority** of Judiciary: The committee feels it is not the role of government to prohibit doctors from using their medical judgment in determining what medical treatment is best for their patients. This procedure is used in cases of severe abnormality of the fetus, such as having no brain, or in cases of eclampsia. **Vote 12-6.**

Rep. Nancy J. Elliott for the **Minority** of Judiciary: The minority believes that injecting an unborn child with a lethal injection is inhumane. The substance commonly used for this process is potassium chloride. This is the same serum used to terminate death row inmates. Of course we administer pain medication to inmates first. Not so for our children. They are forced to endure excruciating pain of a massive heart attack that can take some time for the unborn child to die. We heard testimony that this chemical is very painful and therefore unethical to use on animals, but not so for unprotected babies. Literature passed out in committee from the World Net Daily detailed that this injection is to protect the abortion clinics from being charged in violation of the partial birth abortion ban. Three area hospitals, Massachusetts General, Brigham and Women's and Beth Israel Deaconess are using this method to avoid any chance of a live birth and prosecution. One area doctor does not even give the woman a choice; the injection is required in babies over 20 weeks' gestation. This is a strange position for an individual who says women should have a choice. This same doctor states he is "more concerned about the risk for the faculty and staff here." He is so concerned about prosecution that "he will no longer allow medical and nursing students to observe late-term abortions at his clinic, fearing someone might lodge a criminal complaint." This chemical is for the doctors' convenience without regard for the pain of the infant or the possible side effects on the mother if the potassium chloride is accidentally injected into her. This procedure is cruel and should be prohibited in NH.

LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES

HB 1127, relative to determining a bargaining unit in public employee labor relations. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Jeffrey P Goley for the **Majority** of Labor, Industrial and Rehabilitative Services: This bill is enabling legislation that allows certification of a bargaining unit of 3-10 employees if and only if the public employer approves. There are already towns in New Hampshire that have voted in favor of recognizing a bargaining unit of fewer than 10 employees but have been unable to do so under current law. This bill is not a mandate as it must have approval of the governing body of the public employer before the bargaining unit can be certified. **Vote 8-6.**

Rep. William J Infantine for the **Minority** of Labor, Industrial and Rehabilitative Services: The minority of the committee understands that HB 1127 is enabling legislation, however, the disagreement on the content of the bill is over what body will be granted the decision making ability.

The majority believes the “governing” body should decide to recognize a new bargaining unit of fewer than 10 and the minority believes the legislative body should decide. The disagreement is over one word but the minority believes this one word has significant consequences. The “governing” and “legislative” bodies in cities are the same. In small towns and county government they are very different. The “governing” body in the towns and county government cannot approve financial matters, only the “legislative” body (the voters) has this specific authority. By giving the authority to recognize the bargaining unit to the “governing” body we are usurping the rights of the people and ourselves as legislators in our duty as the legislative body of county government.

HB 1436, relative to requiring inclusion of an automatic continuation clause in collectively bargained agreements with public employees. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Randolph N S Holden for the **Majority** of Labor, Industrial and Rehabilitative Services: The committee felt that the ability for one side to “freeze out” the other could no longer continue. HB 1436 as amended addresses the concerns of Article 28-A, by adhering to only what the voters agreed. HB 1436 does not allow for any new expenses not agreed upon by the voters. The bill allows for the last year of the contract to continue until a new contract is negotiated and ratified. **Vote 8-6.**

Rep. Jason M Bedrick for the **Minority** of Labor, Industrial and Rehabilitative Services: This bill mandates evergreen clauses for municipal and county employee contracts. While the minority doesn’t oppose evergreen clauses in principle, we believe that this is a decision that should be made by the counties and municipalities. Many municipalities have chosen to adopt evergreen clauses; others have not. This is an issue of local control. This is also an issue of constitutionality. Part I, Article 28-A of the New Hampshire Constitution clearly forbids the state from imposing unfunded mandates. Even though the amendment seeks to avoid unconstitutionality by applying only to contracts entered after the effective date of this bill, this bill still mandates what amounts to increased expenses without funding those expenses.

LEGISLATIVE ADMINISTRATION

HB 1354, relative to security in the state house and legislative office building. **INEXPEDIENT TO LEGISLATE.**

Rep. Sarah A Hutz for Legislative Administration: This bill would restrict citizens from carrying legal weapons, such as licensed firearms, into the State House and Legislative Office Building. As written, this bill is unenforceable as it offers no provisions for enforcement, such as added security personnel, metal detectors, or the allocation of any funds for such methods of enforcement. This committee does not seek to limit the rights of licensed gun owning citizens, and this bill does not offer any concrete deterrents to those who would seek to do harm. **Vote 9-1.**

MUNICIPAL AND COUNTY GOVERNMENT

HB 1472, relative to workforce housing. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Mary R Cooney for the **Majority** of Municipal and County Government: This bill as amended is the end result of many years of assessment and review of competing interests. The purpose of the bill is to codify the 1991 Supreme Court case of Britton vs. the Town of Chester which said that “Municipalities are not isolated enclaves...and do not exist solely to serve their own residents, and their regulations should promote the general welfare, both with and without their boundaries,” and that the town of Chester has an “...obligation to provide low and moderate income families ... realistic opportunity to obtain affordable housing.” This bill sets definitions of affordability and workforce housing. It provides the maximum flexibility to municipalities to provide reasonable opportunities for the development of work force housing. It does not create a system of statewide land use regulation or state wide zoning law. The bill requires municipalities to allow for the location of workforce housing in residential districts but recognizes that some municipalities already have a “fair share” of such housing. There is a provision in the bill that requires any specific workforce housing plan to meet reasonable regulations related to environmental protection, water supply, sanitary disposal, traffic safety and fire and life safety protection. In those circumstances where an appeal is made to either the planning board or the zoning board of adjustment the bill requires that

a hearing is held within six months either by the Superior Court or a court appointed referee. This bill does not force a municipality to build workforce housing, just not prevent such housing to be built should the need and opportunity arise. **Vote 9-7.**

Rep. Eric G Stohl for the **Minority** of Municipal and County Government: The purpose of this bill is to define workforce housing and to codify the requirements of Britton v. Chester in law. The term “workforce housing” is the most recent catch phrase that is being used for this type of housing. Prior to workforce housing it was “affordable housing” and before that it was considered “low income housing”. The definition in HB 1472 has not changed since 1991, just the name. However HB 1472 goes further by adding “additional guidance for complying” with the court case. No community will be able to define what “workforce/low income/affordable” housing is based on the definition.

Therefore only the courts will be able to define that – not our land use boards at the local level. The requirement for “providing reasonable and realistic” opportunities states that workforce housing has to be “economically viable.” To whom does this term attach the workers or the developers? What is viable in Nashua, our most southern city, may not be what is viable in Pittsburg, our most northern town. In most places in New Hampshire that term will apply more to the worker than to the developer, not vice-versa. The bill also states that developments that “exclude minor children from more than 20 percent of the units, or in which more than 50 percent of the dwelling units have fewer than two bedrooms shall not constitute workforce housing.” In reality, is workforce housing for the worker or the worker’s family? So when it comes to what is needed to provide a supply of housing for the workers of New Hampshire, is it the industry that needs to locate somewhere in New Hampshire to attract workers to an area or is it that the workers need to be living in that area to attract the industry? If an industry is located anywhere in New Hampshire that pays livable wages, the workers will follow. When the workers follow and need housing, a developer will race to the area to provide that housing because it will be economically viable to construct. It is called “supply and demand”. We have voted to allow a housing commission (HB 1259) that will be voted on by the legislative body to help the land use boards deal with this issue. If this legislation is passed, then the work of the housing commission will be diminished because all the definitions are mandated. The minority of the committee believes that we should let the housing commissions work, find out the local issues, educate the land use boards and help with the local definition of “workforce/low income/affordable” housing.

HB 1507, exempting the land and buildings of Masonic lodges from property taxation. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Robert J Elliott for the **Majority** of Municipal and County Government: This bill adds Masonic lodges to other institutions whose property is exempt from taxation under RSA 72:23-c. RSA 72:23-c,I allows for every religious, educational, and charitable organization, Grange, the Veterans of Foreign Wars, the American Legion, the Disabled American Veterans, the American National Red Cross, and any other national veterans association. It is a well recognized fact that the Masons are a religious, educational, and charitable organization. Religion is a major part of its fraternal proceedings, the D.A.R.E. Program is an example of its educational component, and the Shriners Burn Center is a fine example of its charitable characteristics. This organization goes back to the days of President George Washington and many of the buildings have great historical value to the area in which they are located. There have been a few situations within the state as to whether Masonic lodges qualified for this exemption. This bill seeks to simply clear up the issue that the Masons are as worthy as the above previously mentioned organizations. **Vote 11-6.**

Rep. Mary R Cooney for the **Minority** of Municipal and County Government: This bill would single out Masonic Lodges for property tax exemption in all municipalities. In cases before the Board of tax and Land Appeals, the Masonic Lodge of Milford was denied tax exempt status because it did not meet the definition of a New Hampshire charitable organization. They have since reorganized as a charitable organization and now receive tax exempt status. This bill is an attempt to classify a fraternal organization which may or may not conduct charitable activities as tax exempt. They would not be accountable to the state or the town for their activities. Needless to say, this is yet another case of cost shifting. Under current law, municipalities can abate an organization’s taxes if they believe it to be primarily charitable. Another reason this bill should not become law is that it would

be setting a precedent. Every organization in the state will be knocking at our door wanting to be included in tax exempt statute. We have the New Hampshire charitable standards for a reason, we should not be granting organizations a way to circumvent them.

HB 1581-FN-L, relative to the formation of stormwater utility districts. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: REFER FOR INTERIM STUDY.**

Rep. Bennett F Moore for the **Majority** of Municipal and County Government: This bill would enable the legislative bodies of towns and cities to establish Storm Water Utility Districts, similar to the same power given to Manchester in Chapter 329, Laws of 2007. These utility districts could separately assess a fee to properties, based on conditions that generate storm water from that property. Fees collected would be used to maintain and build storm water systems. Costs of that effort now are collected in the general property tax levy. A utility would be able to more closely collect the money from the properties that contribute most to the issue. Planning board actions can lessen storm water problems for new developments but in older, densely developed areas of the state, storm water systems are sometimes not adequate and significant amounts of monies maybe necessary to solve flooding issues. This bill would offer alternatives to local government in funding solutions to those problems. Detailed rules and practices are not currently available to detail the step by step process that will be used in creating accessing rules and implementing solutions. These will come over time. This bill will allow municipalities the opportunities to create the utility district after the process is established in other cities or to join in the early stage and help create the process. A concern on a reference to land taking was mentioned in the committee deliberations on the bill. The bill does add storm water systems to the list of public purposes that can be used to support a land taking. The majority believes that land taking for that purpose is already allowed and this bill just clarifies that purpose in the statutes. **Vote 9-7.**

Rep. Betsey L. Patten for the **Minority** of Municipal and County Government: The committee feels that the separation of storm water from sewers is an environmentally sound public policy. The department of environmental services (DES) via this bill is requesting that the municipalities make their own standards for storm water treatment, conveyance and discharge systems in HB 1581. The minority of the committee feels that this bill is not ready for prime time because DES has not put forward any solutions or standards to deal with storm water. There is no requirement in this bill for DES to give technical guidance and help to the municipalities. The only standards available are the federal standards established by the EPA for the 45 towns in the state that are classified as urbanized areas that are located in southeastern New Hampshire. The minority of the committee certainly acknowledges that the management of storm water is an environmental issue that needs addressing. However, the minority feels that more study is needed to have DES research and educate the municipalities in the proper dispersal of storm water. We heard testimony that DES would rather not have storm water reduced to being conveyed or restricted in any form of pipe. The preferred method of handling storm water would be to have it dispersed into a natural setting. Incorporating storm water utility systems into RSA 149-I enables municipalities to adopt storm water utility commissions, construct and maintain storm water systems without the proper technical and justifiable data from DES that is needed by the municipalities to create an environmentally sound solution to a recognized problem. Also by incorporating storm water treatment, conveyance and dispersal systems into RSA 149-I the municipalities will have the same authority that is allowed to the commissioner of DOT when taking land for state highways, which includes the use of eminent domain. Even though this bill is designed to be enabling at the local level, the fiscal note stated concerns from the judicial branch, the department of justice, the judicial council and the New Hampshire Association of Counties that states that the bill will increase state and county expenditures by an indeterminable amount for FY2008 and each year thereafter. One of several reasons given for the increase in state and county expenditure includes the litigation involved in the taking of land provision. The minority of the committee certainly acknowledges that the management of storm water is an environmental issue that needs addressing. However, the minority feels that more study is needed to have DES research and educate the municipalities in the proper dispersal of storm water.

PUBLIC WORKS AND HIGHWAYS

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

Rep. James B Rausch for Public Works and Highways: This bill clarifies existing law by allowing all certified Regional Career and Education Centers (Regional Vocational Centers), including public academies, to qualify for renovation funds. The department of education considers certified regional centers for renovation and equipment replacement when the facilities are twenty years or older. The renovation grants must be approved by the legislature and the governor through the capital budget process before they are authorized. **Vote 13-0.**

HB 1641-FN, relative to collections and refunds of road tolls. **OUGHT TO PASS.**

Rep. David B Campbell for Public Works and Highways: This legislation was recommended by a joint House and Senate Commission which investigated the feasibility of transferring the collection of the road toll (i.e. the gas tax) from the department of safety to the department of revenue administration. The central question was unresolved because the two departments differed on which agency was best equipped and more efficient in collecting the gas tax. The committee feels more investigation into who should collect and audit the road toll revenue is necessary. HB 1641-FN was agreed to by both departments as helpful in better facilitating the department of safety's present collection and auditing functions. **Vote 14-0.**

HB 1646, relative to the 10-year transportation improvement plan. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Candace C W Bouchard for Public Works and Highways: The 2009-2018 Ten Year Transportation Plan (Plan) is reasonably financially constrained because this Plan eliminates approximately 2 billion dollars from the previous under-funded 2007-2016 plan. To develop this more realistic plan, projects have been deferred, removed, or re-scoped. The plan contains projects addressing highways, railroads, transit, bicycles, pedestrians and aeronautics. The 2009-2018 plan prioritizes: (1) The repair of 89 red listed bridges, (2) Preservation of existing infrastructure, (3) Improvements along I-93 to address red listed bridges, safety and capacity, (4) Other projects critical to public safety such as the repair of the Memorial Bridge in Portsmouth, widening the Spaulding Turnpike in Rochester, the southern portion of the Conway By-Pass and widening the Little Bay bridges on the Spaulding Turnpike between Newington and Dover. The 2009-2018 Plan closely adheres to the financial resources estimated to be available, including \$195 million in GARVEE bonds (bonds issued in anticipation of future federal revenue). The financial model used to develop the plan assumes the following: a) An annual rate of inflation for construction costs of 3.2%, b) Level federal funding at the current rate of \$140 million dollars per year, understanding the current federal grant expires in 2009, and there are projections that future federal funding will be reduced by 30%. c) The State Highway Fund, consisting of road toll (gas tax) and vehicle registration fees will increase by 1.8% per year. The projects in the 2009-2018 Plan total an estimated \$2.3 billion dollars with projected revenue of \$2.1 billion dollars, resulting in the last 4 years of the plan to be less certain in terms of scope, future funding, inflation and priority. The plan will be reviewed every two years pursuant to RSA 228:9 and RSA 240. Due to the revenue shortfalls it is the intent not to add new projects before the review except for emergencies. To add transparency to the plan, DOT will add financial models to show revenue sources and expenditures. The committee will continue to work diligently to reverse the Highway Trust Fund shortfall by addressing the diversion of Highway funds, studying public/private partnerships, innovative and creative financial bonding, declining road toll (gas tax) due to less vehicle miles traveled and alternative energy vehicles. The amendment does not add the Bedford project to the 10 Year plan, but does allow for work on Route 101 in Bedford and would make the Town of Bedford eligible for reimbursement for work performed by the Town on this critical east-west corridor. Bedford will be eligible to be reimbursed for 80% of the actual costs of these improvements, but there is no guarantee that future legislatures would actually approve the expenditure. The amendment also explains the financial constraints of the last four years of the 10 Year Transportation Plan. **Vote 15-0.**

RESOURCES, RECREATION AND DEVELOPMENT

HB 1439, relative to a moratorium on large groundwater withdrawals intended for commercial bottling use. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: REFER FOR INTERIM STUDY.**

Rep. Christopher J Ahlgren for the **Majority** of Resources, Recreation and Development: This bill was submitted due to concern that water bottled for export would be subject to international trade agreements. These agreements were thought to supersede any state controls that prevent the continued withdrawal of water during a drought or emergency. The attorney general's office testified that this was not true unless the controls were discriminatory. Ironically, this bill is highly discriminatory and likely to be ruled unconstitutional. Bottled water accounts for less than 1% of the total groundwater withdrawn. Water used for making soda, beer, and flavored beverages are not included in this bill, nor are withdrawals for other purposes such as watering golf courses. The department of environmental services (DES) must issue a permit to a company before it is allowed to begin a large water withdrawal. A permit, once issued, can be modified if there is any negative impact on the aquifer, surface waters or surrounding wells. The permitting process has undergone major legislative changes, improving public and municipal participation. Under the amended HB 1353, the groundwater commission will be extended to study ongoing issues involving groundwater. Over the past four years, myriad legislation has been enacted due to their fine work. There is no imminent threat to our groundwater and this moratorium for such a small user group is simply unjustified. **Vote 14-4.**

Rep. Susan R Kepner for the **Minority** of Resources, Recreation and Development: The sponsor's intent was to protect small towns' and municipalities' water supplies with respect to large groundwater withdrawals. The minority believes water is the new oil. It is our most precious resource – a public trust. A moratorium is the first step – a proactive step to give the time to develop in-depth knowledge of the actual water resources in our state. Public concern, climate, global warming issues and “the giving away” of this resource need to be addressed before any more commercial extraction is permitted.

SCIENCE, TECHNOLOGY AND ENERGY

HB 1434, relative to the regional greenhouse gas initiative and authorizing cap-and-trade programs for controlling carbon dioxide emissions. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Thomas R Fargo for the **Majority** of Science, Technology and Energy: This bill would formally enter New Hampshire in the Regional Greenhouse Gas Initiative (RGGI) following a 10-state memorandum of understanding (MOU) to cap large fossil-fueled power-generator carbon emissions at 2003 levels between 2009 and 2014, and to decrease CO2 emissions by 10 % by 2019. The MOU, signed in December 2005 by the Governors of the ten RGGI states, allocates to NH approximately 8.6 million out of a total of 188 million carbon emission allowances annually, giving NH a 4% stake in this regional program. A 2007 UNH study concludes that since NH participates in a regional power distribution system, NH ratepayers will pay for other states' participation even if New Hampshire chooses not to join. The UNH study further concludes that joining RGGI is in the best long-term economic interest of NH. The committee worked very hard to maximize the benefit to the citizens and businesses of NH, and to minimize the impacts to the ratepayers, while staying within the constraints of the MOU. HB 1434 will create a dedicated Greenhouse Gas Emissions Reduction Fund by selling, through a regional auction, NH's carbon emissions allowances. Proceeds from that auction will be directed primarily to consumer-level energy efficiency investments that will accomplish two main goals: 1) to reduce energy demand, thereby reducing overall carbon emissions through conservation; and 2) to invest locally in energy efficiency business development. HB 1434 recognizes past and on-going investments by PSNH to reduce carbon emissions as required by NH's Clean Power Act of 2002. HB 1434 includes several safeguards to protect NH's electricity consumers: 1) the Governor and Executive Council can suspend requirements of RGGI during an "emergency supply crisis"; 2) the NHDES is empowered to reserve 1% of the allowances to relieve suppliers during periods of high demand; 3) generators can opt to purchase qualified carbon offsets; 4) should the auction price exceed a safety threshold, fund proceeds above that threshold will be rebated to the ratepayers; and 5) HB 1434 includes provisions for routine reporting back to the General Court

regarding program performance and any potential need for changes in NH's RGGI program. **Vote 12-2.**

Rep. John H Thomas for the **Minority** of Science, Technology and Energy: The minority of the committee feels that the societal and environmental goals of RGGI are laudable (attempting a regional cap and reduction of carbon dioxide). But we disagree with the approach for the following reasons: 1) It saddles the electric ratepayer with short term rate increases; 2) It is unfair to electric ratepayers, because they will be subsidizing energy efficiency projects for non-electric users; 3) It creates a new "greenhouse gas emissions reduction fund". This new fund could potentially hold between \$16 million to over \$100 million in its coffers. Although the funds are intended to be used for energy efficiency investments, there is no guarantee that a future legislature or governor will not raid that fund to balance budgets; in that case, our citizens will have borne the financial burden of the program without state department of environmental services (DES) and public utilities commission (PUC) away from their primary New Hampshire mission to serve a multi-state, non-elected bureaucracy. 6) RGGI only addresses one sector of the carbon-producing economy (fossil-fuel based electric generating plants), but does not address the carbon dioxide from the transportation sector, residential heating sector or industrial sector. We feel this creates an unfair disadvantage to NH electric ratepayers (our neighbors and constituents). 7) New Hampshire's slowing economy cannot afford to be further hampered by increases in the costs of producing goods and services caused by government-imposed mandates like RGGI. Timing is not right for New Hampshire to join RGGI, and RGGI will not fix what ails Mother Earth.

HB 1583-FN, requiring the bureau of emergency communications to develop and maintain a statewide emergency notification system. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Melanie A Levesque for Science, Technology and Energy: This bill provides for a statewide emergency notification system to alert residents and businesses. Currently notification is provided via common notification channels such as television and radio. This bill will augment the system to cover land lines and pagers. Several local towns utilize emergency notification systems. A statewide system would allow economies of scale through greater participation with the ability to target specific locations where notification is required. There will be no additional financial impact on existing surcharges or on the general fund. **Vote 11-3.**

TRANSPORTATION

HB 1572-FN, establishing cancer research number plates. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: REFER FOR INTERIM STUDY.**

Rep. Robert W Williams for the **Majority** of Transportation: This bill and many other past bills similar to it have come before the committee in previous sessions for many years. The issue is not about the worthiness of the cancer society or cancer research. The issue is about how many additional specialty license plates types do we want to have in New Hampshire. We are at the cross roads on this issue which makes our decision on this bill so vitality important. We will open the flood gates if we approve a special number plate for cancer research. How can we then not approve plates for the hundreds of worthy organizations and causes who will want their own plates? The two basic purposes of issuing number plates in the first place are compromised every time a special plate is authorized. The purpose is first and foremost to identify the vehicle and second, to raise revenue for the highway fund. License plates assist law enforcement officers in their work. License plates should be easy to read and remember. Duplicate symbols, lettering and numbering on multiple styles of plates makes it difficult for law enforcement officers and witnesses to accurately read and remember at accident or crime scenes. License plates exist to identify vehicles. **Vote 7-6.**

Rep. Carole J Estes for the **Minority** of Transportation: The department of safety has resisted expanding the types of license plates issued in NH. During this biennium, the committee heard requests from colleges, universities, private groups, military requestors, and non-profit organizations. In every case, the committee heard department testimony that the costs would be prohibitive, there would be difficulty for police and witnesses to differentiate, and it would not be profitable for the state. The minority finds the arguments incongruous when states that are 20 or 30 times the size of NH's vehicle population allow their citizens to express their individuality and support their causes. Members of the majority say these requests come before the committee year

after year. The minority believes another view must be taken to insure citizens' desires are addressed. We believe interim study an appropriate resolution.

WAYS AND MEANS

HB 432-FN, relative to certain on-premises beverage and liquor licenses. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Michael G Marsh for the **Majority** of Ways and Means: This bill would establish a new type of liquor license, called a tavern license, for establishments that do not want to serve food or otherwise don't qualify as a restaurant. HB 432 would create 2 classes of tavern licenses with different fee schedules- a large tavern license for establishments with over 50 seats and a small tavern license for fewer than 50 seats. The bill passed the policy committee unanimously, and passed the House on a voice vote. The bill as referred to the second committee set conditions on an establishment in order to obtain a restaurant liquor license: it must sell at least \$150,000 worth of food a year or have more food sales than liquor sales, and the size of the lounge cannot exceed the restaurant area by more than three times. The bill also gives the local municipality the ability to deny an establishment a tavern license. The committee considered two aspects of the bill - the appropriateness of a requirement for at least \$150,000 in annual food sales and the size of the license fee. With the agreement of the policy committee, a minimum of \$75,000 in annual food sales was set for seasonal establishments that operate less than six months per year. In considering the appropriate license fee, the committee wanted the cost of enforcement to be covered by the license fees received. Currently the costs exceed license revenue by approximately \$300,000. We heard testimony that oversight and compliance checking of taverns is much more expensive than for restaurants, due to the type of patrons and activities in the taverns. The liquor commission believes that fifteen to twenty establishments will seek large tavern licenses, and approximately the same number of establishments might be required to obtain tavern licenses. The committee agreed with the decision of the policy committee and House that a license fee of \$12,000 for a small tavern and \$15,000 for a large tavern was reasonable and believes the anticipated revenues will pay for the enforcement costs. **Vote 12-5.**

Rep. Steve Vaillancourt for the **Minority** of Ways and Means: The minority takes seriously the charge of second referral committees in the House and would not for a minute consider intruding on the domain of the policy committees. That is precisely what has happened with this bill. The amendment changes an area which has nothing to do with taxes, fees or fines and thus should not be in the domain of this committee. We are told that one or two members of the policy committee accepted the change, but that begs two questions. How can one or two people speak for an entire committee? And why was the second committee even addressing an area outside its domain? The minority is equally troubled by what this committee failed to do. No changes were made to the fees established for these so-called new taverns. An attempt to increase the fees from \$24,000 and \$12,000 (for large and small taverns) to \$30,000 and \$15,000 was sought by the liquor commission enforcer. This failed by an 8-8 vote in committee. The minority would have supported the bill with lower, not higher fees. The minority rejects the argument that such high fees are needed because liquor inspectors will need to be "parked outside" these new taverns. The minority is convinced that new monies generated from this huge fee will be used to police current establishments which are charged much less. For example, social clubs, which are allowed to serve alcohol which will lead to intoxication just as quickly as alcohol purchased from one of these new taverns, are charged only \$1200 a year. So too are college clubs. Even convention centers are only charged \$2400 a year. For these new taverns to be charged ten times as much for serving approximately the same purpose is more than unfair; it is perhaps a violation of equal protection laws and other tenets in the New Hampshire and U.S. Constitutions. There was testimony that these taverns would do the bulk of their business on weekend nights, two nights a week or 104 nights a year. Do the division. The tavern would have to do \$231 of business each night just to pay its license. We hear about tax freedom day and how the average American pays taxes until some time in May or June. Do we want to create a fee so great for these new taverns that it might be 11 p.m. or midnight each night before they have enough in the till to even pay for the license? The minority thinks not. The minority

believes that these new taverns should be paying the highest rate of establishments that currently serve alcohol, perhaps even a premium but certainly not a 1000 percent mark-up.

HB 781-FN, relative to the duties of the department of safety. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Ron J Mack for the **Majority** of Ways and Means: This bill makes technical corrections to fit statute and practice of the department of safety. The committee established that the changes affecting revenues were in fact formalization of changes made in practice some years back. A proactive section, allowing the commissioner to start charging penalty and interest on late payments of the 911 surcharges collected by telephone companies, was amended by the committee to place the maximums allowed in law rather than setting them in rules. Late payments have not been a problem in the past. **Vote 13-3.**

Rep. Steve Vaillancourt for the **Minority** of Ways and Means: The minority has no problem with the policy established in this bill, but the minority believes the \$1000 fine is excessive and even more importantly, the minority believes the 18 percent interest rate is unreasonable. For a House which is already on record against usurious interest rates, it is unconscionable for us to allow government to charge an interest rate approximately five times the federal funds rate. Twelve percent would be a much more appropriate rate.

HB 1303-FN, relative to limiting games of chance. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. William Butynski for the **Majority** of Ways and Means: The overwhelming bipartisan majority of the committee determined that HB 1303 did not have any impact on current revenues, and thus the actions already taken by the policy committee and the full House were appropriate and sufficient. **Vote 14-2.**

Rep. Peyton B Hinkle for the **Minority** of Ways and Means: This bill authorizes the games of chance that shall be permitted, including Texas Hold 'Em and all other poker games. Poker has become an extremely popular form of gambling involving large sums of money. This is also the form of games authorized that can attract the most abuse because of the sums involved. However, this bill does not include any tax on the winnings that could help to cover the cost of the regulation and oversight that will surely be needed if poker is allowed. This issue has not been adequately considered, including whether the forms of games of chance are the most appropriate.

HB 1372-FN, relative to allowing driveway construction permit fees. **REFER FOR INTERIM STUDY.**

Rep. William A Hatch for Ways and Means: While the committee agreed with the policy, it has concerns with establishing a precedent for open-ended fees of this nature. The committee determined this should be explored at greater length. **Vote 15-0.**

HB 1426-FN-A, relative to motor fuel import fees. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Christine C Hamm for the **Majority** of Ways and Means: This bill was requested by the oil disbursement board, made up of representatives from industry and state government, in an effort to deal with a critical need to increase funding for environmental cleanup. The committee heard testimony that the state currently has a backlog of 750 sites, an effort that could take 10 years to address, and that the longer cleanup is delayed, the more opportunity there is for further adverse effects, including contamination of groundwater supplies. Since the last fee increase in 1995, claims have increased in both number and extent, at the same time the fund balance to address these claims has declined. As reluctant as committee members are to increase any fee, in this instance the majority believed that this was a matter of paying less now rather than paying more later. Thus in voting for the increase, the majority was attempting to respond to the dual concerns of current public health hazards and long-term economic drawbacks. **Vote 11-6.**

Rep. Peyton B Hinkle for the **Minority** of Ways and Means: This bill increases the fee collected on motor fuels imported into the state, with the money to be deposited in the oil discharge and disposal cleanup fund. It raises another \$2 million which will add to the price of gasoline. This also represents a constitutional question which might not pass a court challenge since the \$2 million would not be used for roads or police patrol of our highways. While DES testified that monies are

needed in the fund, the need is out in the future. Also, in-ground tanks have been replaced throughout the state with double walled tanks having monitoring systems to give early warning of any leaks. This should result in a decrease in the need for future clean-up funds. The minority is concerned that, before we force up the price of gasoline, we should get a better understanding of the extent to which clean-up funds are needed. A spokesman for the N.H. motor transport association testified that he would like to see this use of a tax on gasoline done away with. The minority agrees that we should not be raising taxes on motor fuel so that the funds can be used for non-highway use. **HB 1427-FN-A**, relative to the fuel oil import fee. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Michael G Marsh for the **Majority** of Ways and Means: This bill would increase the fee on fuel oil that goes to fund the fuel oil discharge cleanup fund. The fee is currently 1 cent per gallon and HB 1427 will raise it to 1.2 cents per gallon. The money in the fund is used to pay for the clean up of spills from heating fuel oil tanks, and this bill will raise approximately \$630,000 per year for the fund. Fuel oil tanks are predominantly found in homes and small businesses, and spills are a particular problem in older homes without basements where the tanks may have been outdoors and are abandoned. Fuel oil discharge represents a serious potential health risk to citizens who depend on well water, and also to our lakes and rivers, because the oil will move through the ground water spreading contamination. At present the cleanup of newly discovered spills is delayed because the revenue for the cleanup fund has not increased since 1995, although the average cost of a cleanup has increased from \$90,000 to \$120,000. Delays ultimately increase the cost of cleanup, as well as environmental damage. The oil fund disbursement board, which includes representatives from the industry and oversees the fund, voted unanimously to recommend the fee increase, due to the severity of the problem and the potential risk. The committee agreed with the oversight board.

Vote 11-6.

Rep. Steve Vaillancourt for the **Minority** of Ways and Means: Make no mistake about it, this is not merely a tax increase, it is a tax increase on a substance the people of New Hampshire can least afford these cold winter days, on their heating oil. The department of environmental services (DES) tells us they need more money for the clean-up fund, but there was also testimony that the problem will become acute some time in the future. The minority concurs with the governor that we should not be increasing taxes and fees this year. We are sending the wrong message by saying the state is willing to add to the costs of heating homes this winter, especially when not necessary.

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

Rep. Ron J Mack for the **Majority** of Ways and Means: This bill with its \$20 "learner's permit" fee insures that the "learning driver" has attained a passing score on a written examination administered by the department of motor vehicles and the committee believes that the fee is fair and reasonable. The fiscal note indicates that the administration costs will be covered by the fee. **Vote 14-2.**

Rep. Steve Vaillancourt for the **Minority** of Ways and Means: The minority would never question the wisdom of the policy committee's desire to establish a learner's permit for youth. However, fiscal data shows that the proper fee for this would be \$10 rather than \$20. That would more than cover the cost of administering the program and creating permits (\$112,827 the first year; \$70,196 the second year, etc.). The \$20 fee is projected, depending on number of applicants, to generate \$236,700. That's twice what is needed. Let's give young people a break and encourage more to acquire the permit by making it \$10.

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

Rep. Michael G Marsh for Ways and Means: Despite the title of this bill, it does not provide funds to the education trust fund. Instead, this bill regulates certain aspects of the charity gaming program and provides one additional staff member to assist in oversight. The committee limited its concern to the amount of the annual license fee charged to operators and card dealers, defined as secondary operators in the bill. At present, operators pay an annual \$500 fee while dealers pay no fee. The bill instructs the pari-mutuel commission to set additional fees to pay for a new auditor in the

commission, who will provide needed oversight of charity gaming. This cost would be \$62,000 in 2009, rising to \$70,000 in 2012. The committee was concerned that the entire cost of the position would fall on the dealers, and this would be excessively onerous. The committee amended the bill to set the maximum dealer license fee at \$30 per year. The balance of the cost of the position will be paid by the operators, who are the main private beneficiaries of charity gaming. **Vote 11-2.**

HB 1545-FN-A, establishing a waiver option for live-racing tracks. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Dennis P Vachon for the **Majority** of Ways and Means: This bill would establish a waiver option for live-racing tracks, allowing dog and horse tracks to reduce the annual number of live racing dates that they conduct from the current requirement of fifty days to a requirement of twenty-five days. It would further allow tracks to conduct their live racing at another track within the state, with the consent of the other track. The committee heard testimony that this change might result in out-of-state tracks renegotiating or canceling their simulcast transmission contracts with in-state tracks. The committee is concerned that in this event, simulcast racing revenues, which form the bulk of pari-mutuel revenues, would be imperiled. In a time of heightened concern over state revenues, the committee chose not to risk these revenues at this time. **Vote 8-5.**

Rep. Priscilla P Lockwood for the **Minority** of Ways and Means: This bill allows tracks options on the number of days required for live racing. The fiscal note indicates the state would save money with fewer races. The “breakage” formula remains unchanged. The minority questions the wisdom of the ITL motion.

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

Rep. Gilman C Shattuck for the **Majority** of Ways and Means: This bill as received by the committee establishes a program for reporting hazardous materials. The bill also established fees to provide grants to help with operating expenses of the regional HazMat teams that have relied on a mixture of federal funding and the generosity of local municipalities. The federal funding has disappeared except for new equipment acquisition. Testimony before the committee raised concerns about the fairness of the fees as proposed in the bill in terms of the amount and on whom they would be imposed. In recognition of the legislature’s reluctance to open revenue issues during an off year of the budget, the bill as amended by the committee funds the program through an existing dedicated fund, the fire standards and training and emergency services fund for a one year period until the next biennium. Thereafter, the fee structure by the original bill goes into effect unless the commission established by the bill recommends some other funding source. The majority believes that the amended bill provided the best method to fund this necessary and vital program in the interim without imposing additional fees. If the legislature fails to act, these HazMat teams will cease to function unless the costs are borne by local property tax payers. These HazMat teams provide a necessary state function which the majority feels cannot be ignored at this time. There is a clear connection between the industry that stores these hazardous materials and the need for the HazMat teams in the event of an emergency caused by an accidental or purposeful spill. The committee also amended the bill to clarify exactly who pays how much of the fees, as there was considerable confusion on this among opponents at the hearing. **Vote 11-6.**

Rep. Peyton B Hinkle for the **Minority** of Ways and Means: This bill transfers up to \$1,200,000 from the fire standards and training and emergency medical services fund to the hazardous materials emergency response program. This continues the funding for another year, which the minority agreed with. However, the bill establishes a fee schedule for Tier II employers. The minority feels that the continued funding of the hazardous materials response program should not be with fees. The fee structure proposed in the bill puts more of a financial burden on the backs of small businesses. Businesses testified that the bill also puts a heavy administrative reporting requirement on them, adding to their cost. It is bad policy to fund this type of program on selected businesses, especially when many businesses take responsibility for avoiding material spills. The Motor Transport Assoc., the Home Heating Oil Dealers, the Oil Heat Council, and the NH Independent Oil Marketers Assoc., along with many other businesses, all opposed the bill. The

Business and Industry Assoc. testified that the Regional Hazardous Materials Response Team provide a benefit to the whole state and should be funded at the state level. The minority also believe that the most logical way to equitably fund this program would be through the General Fund. **HB 1644-FN-A**, establishing a Coos county job creation tax credit. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. William A Hatch for the **Majority** of Ways and Means: This bill creates a tax credit for companies that create jobs in Coos County, which has been hard hit by the closing of paper mills, an important economic contributor to the region. The bill provides a tax credit of \$750 per year for 5 years for jobs that pay at least 150% of the state minimum wage, and \$1000 for jobs that pay 200% of the minimum wage. This is one possible form of assistance to the county, but additional help in the form of improved transportation and communications infrastructure are also needed. The tax credit is set to expire in 2013. Although no fiscal note was provided, the committee believes the cost in the current biennium is de minimus. Over the nine year period that the tax credit may be taken, the committee believes the total credit will average less than \$500,000 per year. The committee made a number of technical changes to the bill that better define what jobs qualify and how the tax credit is applied. **Vote 16-2.**

Rep. Roger G Wells for the **Minority** of Ways and Means: The minority strongly supports economic development for the North Country, Coos County in particular. However, this bill does not accomplish the goal and perhaps even takes us a step back from true economic development by focusing us in the wrong direction. There seems to be a difference between the state departments of economic development and revenue administration. For example, the DRA Commissioner told the committee, "I'm not sure if tax credits actually work." The minority believes that we should not be going forward with a proposal which has no reasonable degree of working. This bill offers far too many opportunities for businesses to "game" the system, to take advantage of the credit without actually providing new jobs which would help the county. While the minority believes the amendment improves the bill, it does not offer enough guarantees of success. For example, there was no firm fiscal note. Estimates of cost to the state ranged from \$80,000 to \$400,000 a year. The Legislature has been warned against new expenditures during these tough times. We have rejected numerous bills that would have cost less than this or given credits less than this. The minority could perhaps swallow the cost if there was even a scintilla of proof that this would provide positive results rather than serve as window dressing for political purposes. Another concern is that while Coos County appears to be facing difficult times, there are other economically depressed areas of the state. In fact, there was testimony at the hearing from people in nearby northern Grafton County towns. The minority believes that, to pass constitutional muster, a more comprehensive plan focusing equally on the truly needed would have to be crafted.

STATE FEDERAL RELATIONS AND VETERANS AFFAIRS

HR 21, urging Congress to oppose any attempt to remove the phrase "In God We Trust" from United States currency. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Kris E Roberts for State-Federal Relations and Veterans Affairs: The committee debated the separation of church and state issue concerning "In God We Trust." Based on usage of the word "God" and "Lord" in the Declaration of Independence and the Constitution along with a number of federal court cases, the committee agreed that "In God We Trust" wasn't being used to force religion on anyone. It was determined the usage was based on tradition so the committee amendment adds the words "E Pluribus Unum" along with eliminating the request to remove over 50,000,000 presidential coins from circulation. **Vote 10-2.**

HR 22, urging that the federal government enforce existing immigration law. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Kris E Roberts for the **Majority** of State-Federal Relations and Veterans Affairs: The majority of the committee agrees with the intent of this bill when it comes to protecting people from slave-like working conditions. This bill addressed far more than enforcing existing immigration laws. It was also a request for funding and completion of the fence from the Pacific Ocean to the Gulf of Mexico. The fence was addressed in another resolution and existing immigration law does not call for a border from the Pacific Ocean to the Gulf of Mexico. **Vote 9-7.**

Rep. David F Scannell for the **Minority** of State-Federal Relations and Veterans Affairs: The minority believes that this resolution asks the federal government merely to enforce laws that are currently on the books, and that the enforcement of existing laws is an integral part of comprehensive immigration reform.

HR 24, petitioning Congress to commence impeachment procedures. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Pamela D Coughlin for the **Majority** of State-Federal Relations and Veterans Affairs: The majority of the committee believes that the world is in perilous and uncertain times and this House Resolution will encourage intolerance, violence and hatred around the world. Our President is the Commander in Chief. Our United States military has many troops along with many civilian contractors in Iraq and Afghanistan since the attacks on United States soil on September 11, 2001. This House Resolution will encourage terrorists to continue their attacks and hurt the morale of the United States' military forces and civilian contractors throughout the world. It will also undermine our troop's ability to pursue and accomplish their mission, which is the protection and security of the United States of America. **Vote 10-5.**

Rep. Eleanor Glynn Kjellman for the **Minority** of State-Federal Relations and Veterans Affairs: This bill is a petition to the US House of Representatives to commence impeachment procedures. Under Section 603 of Jefferson's Manual of Parliamentary Practice, a state legislature may bring this action. Many citizens and several representatives of the NH House of various political persuasions and parties, Republicans, Libertarians, Independents and Democrats, appeared before the committee in favor of this resolution. It appears to be not only bi-partisan but also multi-partisan. This resolution does not impeach the president, but requests that the US House begin an investigation regarding the various grievances of the petitioners. It is not our prerogative in the NH House to argue the merits of the grievances, or to seek proof of their validity, indeed that is the purpose of the impeachment inquiry in the US House. Impeachment is a tool of accountability – part of the checks and balances process of our democracy - which is available to the citizens in our democracy. The people have a right to petition their representatives and we have a duty to respond and act – regardless of the timing, convenience, political expediency or other concerns which are secondary to the preservation of the democratic process. We believe the process of impeachment should be exercised to maintain accountability in the office of the Presidency.

HR 25, urging Congress to fully implement the Secure Fence Act of 2006. **OUGHT TO PASS.**

Rep. Doreen Howard for State-Federal Relations and Veterans Affairs: The committee felt that this bill was about securing all US borders, not just “the fence” along the U.S./Mexican borders. The congressional act to which HR 25 refers was “to establish operational control over the entire international land and maritime borders of the United States.” HR 25 asks Congress to fund and enforce the Secure Fence Act through more effective use of personnel and technology along with physical infrastructure enhancements. **Vote 8-5.**

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.)

HB 1139, relative to party access to voter information. (Pending question is the majority committee amendment.)

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.

HB 1483, requiring instruction in Internet safety. (Pending question is Ought to Pass with Amendment.)

HB 1593-FN-A-L, establishing a flat rate education income tax and relative to the statewide enhanced education tax and certain other taxes. (Pending question is the majority committee report of Inexpedient to Legislate.)

HB 1612-FN-L, relative to county and state obligations for costs for nursing care and services, and for court orders for children services. (Pending question is the committee report of Inexpedient to legislate.)

HOUSE BILLS AMENDED BY THE SENATE

HB 267, relative to certain small loans. (SJ 2/14/08)

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, MARCH 17

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

1:00 p.m. Complaint hearing.

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

4:00 p.m. Regular meeting.

INTERAGENCY COORDINATING COUNCIL FOR WOMEN OFFENDERS (RSA 21-H:14-c), Room 103, State House (Please note room change.)

9:00 a.m. Regular meeting.

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

1:00 p.m. Subcommittee meeting.

TUESDAY, MARCH 18

ELECTION LAW, Room 308, LOB

12:00 p.m. Or during the lunch break from the House session, executive session on **SB 437**, relative to access to voter database information.

THURSDAY, MARCH 20

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, MARCH 21

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

9:00 a.m. Regular meeting.

NEW HAMPSHIRE LAND AND COMMUNITY HERITAGE AUTHORITY BOARD OF DIRECTORS (RSA 227-M:4), CDFA Board Room 10 Dixon Avenue, Concord

10:00 a.m. Regular meeting.

NEW HAMPSHIRE RAIL TRANSIT AUTHORITY BOARD OF DIRECTORS (RSA 238-A:4), Rooms 305-307, LOB

10:00 a.m. Regular meeting.

MONDAY, MARCH 24

COMMISSION ON THE USE OF RADIO FREQUENCY TECHNOLOGY (HB 203-FN, Chapter 165:1, Laws of 2006), Room 303, LOB

10:00 a.m. Regular meeting.

ELDERLY AFFAIRS (RSA 17-H:2), Rooms 205-207, LOB

10:00 a.m. Regular meeting. Ms. Renee Martin of First Call Mortgage Company Inc. will give a special presentation on reverse mortgages for seniors. Pricing, terms and types of products for seniors will be presented.

TASK FORCE TO DEVELOP LEGISLATION FOR EXPANDING ACCESS TO AFFORDABLE HEALTH INSURANCE FOR THE 2008 AND 2009 LEGISLATIVE SESSION (HB 305, Chapter 248:1, Laws of 2007), Room 302, LOB

1:00 p.m. Regular meeting.

TUESDAY, MARCH 25

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

2:00 p.m. Regular business.

ELECTION LAW, Room 308, LOB

10:00 a.m. **SB 436**, enabling certain persons to vote in primaries prior to turning 18 years of age.

10:30 a.m. **SB 492**, relative to persons designated to fill vacancies on the ballot.

11:00 a.m. **SB 478**, relative to processing absentee ballots.

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

10:00 a.m. **SB 324-FN**, consolidating all substance abuse services in the office of alcohol and drug abuse prevention within the department of health and human services.

11:00 a.m. **SB 390**, establishing a suicide prevention council.

JOINT LEGISLATIVE FACILITIES (RSA 17-E:2), Room 100, State House

3:00 p.m. Regular meeting.

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

3:00 p.m. Regular meeting.

NH-CANADIAN TRADE COUNCIL (RSA 12-A:2-g), Room 301, LOB

9:00 a.m. Topic: Proposed Northern Border Economic Development Commission. Guest Speaker: US Congressman Paul Hodes.

TELECOMMUNICATIONS OVERSIGHT COMMITTEE (RSA 374:22-h), Rooms 302-304, LOB

10:00 a.m. Telecommunications Oversight Committee joint with DRED Broadband discussion.

TRANSPORTATION, Room 203, LOB

9:00 a.m. **SB 490-FN**, relative to fees for special number plates for veterans and relative to vehicle registration fees for disabled veterans and former prisoners of war.

9:30 a.m. **SB 103-FN-L**, establishing a committee to generate and evaluate solutions for maintaining emergency access on class VI and private roads.

10:00 a.m. **SB 303-FN**, relative to special number plates.
10:30 a.m. **SB 336-FN**, relative to special number plates for veterans who are former prisoners of war.
11:00 a.m. **SB 363**, requiring youth operators and passengers of OHRVs and snowmobiles to wear approved protective headgear.
11:30 a.m. **SB 364**, relative to vehicle weight tolerance.

WEDNESDAY, MARCH 26

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

9:00 a.m. Regular business.

THURSDAY, MARCH 27

PERFORMANCE AUDIT AND OVERSIGHT COMMITTEE (RSA 17-N:1), Room 212, LOB

3:00 p.m. Regular meeting.

FRIDAY, MARCH 28

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

9:30 a.m. Regular meeting.

COMMISSION TO STUDY AUTISM SPECTRUM DISORDERS IN NEW HAMPSHIRE (HB 396, Chapter 171:1, Laws of 2007), Bureau of Developmental Services, 105 Pleasant Street, Main Building South Function Room, Concord

10:00 a.m. Regular meeting.

STATE PARK SYSTEM ADVISORY COUNCIL (RSA 216-A:3-k), Department of Resources and Economic Development, 172 Pembroke Road, Concord

9:00 a.m. Regular meeting.

MONDAY, MARCH 31

CITIZENS TRADE POLICY COMMISSION (RSA 19-L), Rooms 305-307, LOB

9:00 a.m. Regular meeting.

ETHICS COMMITTEE (RSA 14-B:2), Room 100, State House

1:00 p.m. Regular meeting.

FRIDAY, APRIL 4

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

9:00 a.m. Continued regular meeting.

MONDAY, APRIL 7

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. 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.

WORKERS' COMPENSATION ADVISORY COUNCIL (RSA 281-A:62), Room 307, LOB
9:00 a.m. Regular meeting.

FRIDAY, APRIL 11

**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.

**EMERGENCY MANAGEMENT SYSTEM OVERSIGHT COMMITTEE (RSA 21-P:51), Room
307, LOB**
10:00 a.m. Regular meeting.

GUARDIANS AD LITEM BOARD (RSA 490-C:1), Room 102, LOB
1:00 p.m. Regular meeting.

**NEW HAMPSHIRE COMMISSION ON DEAFNESS AND HEARING LOSS (RSA 125-Q),
Room 205, LOB**
1:30 p.m. Regular meeting.

OFFICIAL NOTICES

COUNTY DELEGATION NOTICE

Hillsborough County Executive Committee will meet on Friday, **March 28** at 9:00 a.m. at the Hillsborough County Complex, Bouchard Building, Goffstown. If you cannot attend please call the office at 627-5631.

Rep. David Essex, Chairman
Hillsborough County Executive Committee

COUNTY DELEGATION NOTICE

Merrimack County Delegation will meet on Tuesday, **March 25** at 6:00 p.m. in the lower level conference room of the McDonnell Building, 4 Court Street, Concord, New Hampshire. The purpose of the meeting is to approve the 2008 Merrimack County Budget.

Rep. Candace W. Bouchard, Chairman
Merrimack 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, 185, 211, 285, 315, 359, 369, 399, 415, 432, 436, 502, 523, 563, 584, 594, 678, 690, 692, 754, 765, 794, 837, 877, 901, 1293, 1298, 1341, 1396, 1459, 1508, 1509, 1545, 1579, 1580, 1584, 1594, 1598, 1599, 1601, 1602, 1603, 1605, 1607, 1608, 1614, 1615, 1616, 1619, 1620, 1621, 1622, 1623, 1624, 1626, 1631, 1633, 1635, 1639, 1642,

1645, 1647, 1648, 1649, 1652. SBs 94, 146, 173, 212, 303, 317, 318, 437, 439, 490.

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.

On Saturday, **March 15**, the "Five Years Too Many March and Demonstration" to mark the fifth anniversary of the US-led invasion of Iraq will take place in Concord. We will assemble in the parking lot at 6 Loudon Road at 1:00 p.m., march at 1:30 p.m. to a Peace Rally at the State House at 2:30 p.m. We are calling for the US to leave Iraq NOW; NO military strikes on Iran and Pakistan; and funding Human needs at home and abroad. Endorsed by American Friends Service Committee-NH, New Hampshire Peace Action, the NH UCC Peace with Justice Task Force, Seacoast Peace Response, Code Pink-NH, MothersUniting, Pace e Bene Nonviolence Service, the Plymouth's Common People's Peace Vigil, the Unitarian Universalist Action Network of New Hampshire, Concord High School Peace Club, At Om Yoga, Lakes Region Peace and Justice, Concord UU Social Justice Committee, and the Sisters of Mercy. Please contact Erin Placey at eplacey@afsc.org with questions.

Rep. Susi Nord

The Merrimack County Democrats will hold their annual St. Patrick's Day Dinner on Sunday, **March 16** at 6:00 p.m. at the NH Audubon Center located at 3 Silk Farm Road in Concord. For further information contact Rep. Eleanor Kjellman.

Rep. Eleanor G. Kjellman

All members are invited to the Sullivan County Conversation with UNH President Mark Huddleston on Monday, **March 17**, at Kimball Union Academy's Flickinger Arts Center, 57 Main Street, Meriden from 4:00 to 6:00 p.m. This year's topic, Sustaining Sullivan County's Natural Resources, will describe UNH research and Cooperative Extension efforts that help sustain Sullivan County's working forests, farmland, water resources and wildlife. As refreshments will be served, please RSVP to UNH Cooperative Extension Sullivan County Cooperative Extension at 863-9200 or email to pam.joslin@unh.edu by March 12. If you are interested in two special farm tours starting at 1:00 p.m., prior to the Sullivan County Conversation that day, ask for more details. Hope to see you there.

Rep. Carla Skinder

Bobby Stephen's 30th Annual St. Patrick's Day Celebration to benefit NH Jobs of America Graduates and funds for education will be held on Monday, **March 17** at 5:00 p.m. at the Executive Court Banquet Facility, Route 28, Manchester. Dinner and entertainment. Tickets \$35 can be purchased at the door.

Rep. John H. Thomas

In celebration of the YMCA Youth in Government Program and Legislative Awareness Day, all legislators are cordially invited to a luncheon in the State House Cafeteria on Wednesday, **March 19** during the House Session lunch break, sponsored by the New Hampshire Alliance of YMCAs. Sandwiches, hot and cold drinks, and dessert will be provided.

Rep. Larry A. Emerton

The New Hampshire Order of Women Legislators (OWLs) will meet at the lunch break from session on **March 19** in Room 100, State House. Please bring a lunch. We have many very important issues to resolve, thank you.

Rep. Jacqueline Cali-Pitts

The members of the NH Chapter of the National Association of Insurance and Financial Advisors (NAIFA-NH) cordially invite all House members and staff to a reception at the Barley House on Wednesday, **March 19** from 3:00 to 6:00 p.m. Look forward to seeing you there.

Reps. Mary Jane Wallner and David W. Hess

All legislators and staff are cordially invited to the New Hampshire Automobile Dealers Association's annual Crossover reception on Wednesday, **March 19** at the New Hampshire Historical Society, The Tuck Library, 30 Park Street, Concord, beginning at 3:00 pm or following the session. NHADA has historically hosted this event which offers legislators a wonderful opportunity to unwind and enjoy the company of fellow legislators and staff in a fun, social gathering.

Reps. Mary Jane Wallner and David W. Hess

Please join the Masons of the General Court Lodge for their stated meeting on Thursday, **March 20** at 6:30 p.m. A light dinner will be served at 5:30 p.m.

Rep. Shawn N. Jasper

A blood drive sponsored by the American Red Cross will be held on Tuesday, **March 25th** in front of the State House between 9:00 a.m. and 3:00 p.m. Blood is urgently needed, donors welcomed. Please call Health Services at 271-2757 to make appointments.

Rep. Mary Jane Wallner

House members are invited to a lecture on Avian Flu and Lyme Disease on **March 25** from 4:30 to 5:30 p.m. at the Little Theater at Portsmouth High School, Portsmouth, NH. The lecture, "Risk Assessments of Highly Pathogenic Avian Influenza and Lyme Disease," is provided through support of the UNH Masters of Public Health Program and the NH Public Health Association. To RSVP for this free lecture, call 862-1128.

Rep. Cindy Rosenwald

The University of New Hampshire Alumni Association and Parents Association are pleased to invite

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

Rep. Marjorie K. Smith

In honor of National Child Abuse Prevention Month, the New Hampshire Network of Child Advocacy Centers (NHNCAC) is hosting a legislative luncheon at the Barley House on **April 16** from 12:00 Noon to 1:30 p.m. NHNCAC serves as a statewide resource and membership organization for New Hampshire's 8 established and 2 developing Child Advocacy Centers (CACs). By utilizing a multi-agency joint investigation approach, CACs provide a safe neutral environment for the evaluation of child abuse and exploitation, coordination of services for victims and families and child abuse prevention through community education. A short program with Governor John Lynch will begin at 12:30 p.m. Members of the House and Senate are welcome. Please RSVP to amanda.peterson@unh.edu would be appreciated.

Rep. Mary Stuart Gile

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 **March 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>
Mar 17	9:00	Broken Ground Elementary School – Concord	4/24
Mar 17	10:30	Tuftonboro Central School	4/34
Mar 18	9:00	Broken Ground Elementary School – Concord	4/24
Mar 18	11:00/12:30 SH/HM	Appleton Elementary School – New Ipswich	4/63
Mar 19	9:00	Broken Ground Elementary School – Concord	4/24
Mar 19	10:30	Sant Bani School – Sanbornton	4/14

Mar 19	12:30	KA Brett School – Tamworth	4/30
Mar 20	9:30	Barnstead Elementary School	4/50
Mar 20	11:00	Sacred Heart School – Hampton	4/30
Mar 21	9:45/11:00 SH/SC	Lincoln Street School – Exeter	4/60
Mar 21	12:30	Maplewood Elementary School – Somersworth	(3&4/45)
Mar 24	10:30	Henniker Elementary School – 2 Separate Tours	4/52
Mar 24	9:30	Dover High School – Civics Class	HS/45
Mar 25	9:00	Bow Elementary School	4/45
Mar 25	11:00	Greenland Elementary School	4/45
Mar 26	9:00	Bow Elementary School	4/45
Mar 26	10:00	East Kingston Elementary School	4/26
Mar 26	10:15	Woodbury Middle School – Salem	(7&8)/25
Mar 26	11:30	Disnard School – Claremont	4/40
Mar 27	9:00	Bow Elementary School	4/24
Mar 27	10:00/11:30 SH/HM	Newmarket Elementary School	4/90
Mar 28	9:30/11:00 SH/HM	Epsom Elementary School	4/60
Mar 28	1:00	Merrimack Area Home School	(4 th -9 th)/15
Mar 31	9:45/10:30 SH/HM	Hooksett Memorial School	4/95
Mar 31	10:00	Winchester School	4/50

TUESDAY, MARCH 18

AMENDMENTS

(LISTED IN NUMERICAL ORDER)

2008-0895h

Amendment to HB 432-FN

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

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

1 On-Premises Beverage and Liquor Licenses; Full Service Restaurants. Amend RSA 178:21, II(a)(1) to read as follows:

(a)(1) Licenses for Full Service Restaurants. The commission may issue a license to any full service restaurant. Such license shall entitle the licensee to sell beverages and liquor at tables in the approved dining rooms of the restaurant with or without meals when the restaurant kitchen is in operation and meals are being actively promoted and served in that dining room. The dining room shall not, however, be used as a substitute for lounge operations. Licenses shall be granted only to restaurants approved by the commission and which show the commission on forms, filed with the license application, covering the 12 most recent calendar months prior to filing, that at least 50 percent of the gross sales of any such licensee is in food. Restaurants with annual food sales of at least ~~[\$75,000]~~ **\$150,000, or at least \$75,000 if a restaurant is open less than 6 months per year**, shall be exempt from the 50 percent requirement. The commission shall at least annually review each license, and application for renewal, on the conditions stated in this paragraph.

2 On-Premises Cocktail Lounge Licenses; Full Service Restaurants; Area. Amend RSA 178:22, V(q) to read as follows:

(q) Full Service Restaurants. The commission may issue a cocktail lounge license to any full service restaurant holding a full service restaurant license under RSA 178:21, II(a)(1), to serve liquor and beverages in any room of the restaurant designated by the commission. The cocktail lounge shall be operated in conjunction with the dining rooms. No cocktail lounge shall be operated on days that the dining room is closed. No cocktail lounge shall operate before the dining room opens for meals, except if breakfast and noon meals are not offered, the cocktail lounge may operate 3 hours before the dining room opens for the evening meals. Liquor and beverages served in such room need not be consumed with meals. The commission may extend the cocktail lounge license to include the use of a dining area in the restaurant, after such area has been closed for serving meals, but not before 9:00 p.m., as an overflow area for the cocktail lounge when the lounge is filled to capacity. In the overflow area, liquor and beverages need not be served with meals. Licenses shall be granted only to such restaurants as the commission, at its discretion, shall approve and then only to such restaurants as shall demonstrate to the commission, in the manner prescribed by the commission, ***that the seating capacity of the cocktail lounge is no greater than 3 times the seating capacity of the dining room and*** that at least 50 percent of the combined restaurant and lounge and lounge sales shall fall within the category of food. Restaurants with annual food sales of at least ~~[\$75,000]~~ ***\$150,000, or at least \$75,000 if a restaurant is open less than 6 months per year,*** shall be exempt from the 50 percent requirement, and the commission shall prorate the annual food sale requirements for seasonal restaurants. The commission may grant, regulate, suspend, or revoke a cocktail lounge license without affecting any other license granted to such restaurant.

AMENDED ANALYSIS

This bill establishes on-premises cocktail lounge licenses for taverns. This bill also establishes a minimum seating ratio for restaurants operating cocktail lounges and modifies the food sales required for the exemption from the 50 percent food sales requirement.

2008-0880h

Amendment to HB 666-FN

Proposed by the Committee on Ways and Means - C

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

AN ACT relative to the immunizations included for reimbursement in the animal population control program.

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

1 Veterinarian Participation. Amend RSA 437-A:4, II (b) to read as follows:

(b) For all animals sterilized under RSA 437-A:3, II, the commissioner shall also reimburse, to the extent funds are available, any licensed veterinarian of this state participating in such program for an examination fee and the presurgical immunization of dogs ~~[against rabies, distemper, hepatitis, leptospirosis, and parvovirus, or an examination fee and the presurgical immunization of]~~ ***and*** cats against rabies~~[-, feline panleukopenia, calici, pneumonitis and rhinotracheitis, as the case may be]~~. Reimbursement for the full cost of the presurgical immunization shall be made by the commissioner to the participating veterinarian upon the written certification, signed by the veterinarian and the owner of the animal, that the immunization has been administered. There shall be no additional charges to the owners of animals sterilized under RSA 437-A:3, II for examination fees or the presurgical immunization. ~~[Owners of animals sterilized under RSA 437-A:3, I who have adopted such animals from shelters shall pay the cost of all presurgical immunizations and examination fees directly to the participating veterinarian.]~~

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

AMENDED ANALYSIS

This bill removes certain animal diseases from the list of immunizations eligible for reimbursement under the animal population control program.

2008-0687h

Amendment to HB 686-FN

Proposed by the Majority of the Committee on Commerce - R

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

AN ACT relative to the regulation of remotely readable devices and the illegal use of payment card scanning devices or reencoders.

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

1 New Chapter; Regulation of Remotely Readable Devices. Amend RSA by inserting after chapter 358-S the following new chapter:

CHAPTER 358-T
REGULATION OF THE USE OF REMOTELY READABLE DEVICES
FOR THE PURPOSE OF TRACKING

358-T:1 Definitions. In this chapter:

I. "Person" means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, foundation, joint venture, government, government subdivision, agency or instrumentality, public corporation, or any other legal or commercial entity.

II. "Remotely readable device" means any item, application, or mark that is passively or actively capable of transmitting an individual's identity, characteristics, status, group membership, travel history, or location, or capable of storing or transmitting a number, symbol, signal, pattern, or other identifier that could be linked with any such identification or location information.

358-T:2 Human Implantation of Remotely Readable Device Prohibited.

I. No person shall implant or attempt to implant or physically incorporate a remotely readable device into or on the body, skin, teeth, hair, or nails of another individual without the prior, informed, written consent of the individual. Consent of a guardian, guardian ad litem, attorney-in-fact, or parent of a minor child shall be considered adequate consent, unless a written instrument executed by the individual precludes implantation or physical incorporation. Use of a bracelet or other readily removable device is not considered implantation or physical incorporation under this section.

II. No individual shall be offered an incentive, denied an opportunity, or in any way treated by a person differently from any other individual as a consequence of providing or withholding such consent.

III. No person shall use the presence or absence of an implanted remotely readable device as a basis for discriminating against an individual for any purpose whatsoever, including, but not limited to, employment, housing, insurance, medical care, voting, education, travel, and commerce.

358-T:3 Penalties.

I. Any person convicted of violating this chapter shall be guilty of a class B felony.

II. An aggrieved individual or the state may bring suit for civil penalties for up to \$10,000, plus court costs and reasonable attorney's fees, for each violation of this chapter.

2 Illegal Use of Payment Card Scanning Device or Reencoder. Amend RSA 638:28, I-III to read as follows:

I. "Scanning device" means a scanner, reader, or any other electronic device that is used to access, read, scan, obtain, memorize, or store, temporarily or permanently, information encoded on ~~[the magnetic strip or stripe of]~~ **or in** a payment card.

II. "Reencoder" means an electronic device that places encoded information from ~~[the magnetic strip or stripe of]~~ a payment card onto ~~[the magnetic strip or stripe of]~~ **or into** a different payment card.

III. "Payment card" means a credit card, charge card, debit card, or any other card **or device** that is issued to an authorized ~~[card]~~ user and that allows the user to obtain, purchase, or receive goods, services, money, or anything else of value from a merchant.

3 Illegal Use of Payment Card Scanning Device or Reencoder. Amend RSA 638:29, I to read as follows:

I. A person is guilty of the crime of using a scanning device or reencoder to defraud when the person knowingly:

(a) Uses a scanning device to access, read, obtain, memorize, or store, temporarily or permanently, information encoded on ~~[the magnetic strip or stripe of a]~~ **or in a** payment card

without the permission of the authorized user of the payment card and with the intent to defraud the authorized user, the issuer of the authorized user's payment card, or a merchant; or

(b) Uses a reencoder to place information encoded on ~~[the magnetic strip or stripe of a]~~ **or into a different** payment card onto ~~[the magnetic strip or stripe of]~~ **or into** a different card without the permission of the authorized user of the card from which the information is being reencoded and with the intent to defraud the authorized user, the issuer of the authorized user's payment card, or a merchant.

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

AMENDED ANALYSIS

This bill prohibits the human implantation of a remotely readable device without the individual's informed, written consent. The bill also amends the definition of payment card and reencoding for purposes of the crime of using a scanning device or reencoder for fraudulent purposes.

2008-1021h

Amendment to HB 686-FN

Proposed by the Minority of the Committee on Commerce - R

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

1 New Chapter; Regulation of Remotely Readable Devices. Amend RSA by inserting after chapter 358-S the following new chapter:

CHAPTER 358-T

REGULATION OF REMOTELY READABLE DEVICES

358-T:1 Definitions.

I. "Consumer" means an individual in the state of New Hampshire who consumes or uses a retail product for personal, non-commercial reasons.

II. "Consumer product" means a physical object that is, or is intended to be, used or consumed by a consumer and includes, but is not limited to food, alcoholic and nonalcoholic beverages, and prescription and nonprescription drugs, clothing, merchandise, motor vehicles, advertising and sales documents and literature, books, magazines, greeting and business cards, and any packaging intended to be removed by a consumer. A "consumer product" does not include an identification document or any product to the extent that unique identification via radio waves is an essential part of the consumer's use, including, but not limited to, commercial mobile radio service as described in 47 U.S.C. section 332, electronic toll collection systems as defined in RSA 236:31, I(c), keys, and garage door openers.

III. "Consumer notice" means either:

(a) A graphical system designed to provide a standard way to show the presence of a remotely readable device; or

(b) Notice given with the following text: "This product contains a remotely readable device that can be read without your knowledge if it is brought within range of a reader device."

IV. "Identification document" means any document or object containing personal information that an individual uses alone or in conjunction with any other information to establish his or her identity, to obtain health or medical care, to engage in government-regulated activities, or to engage in financial transactions. Identification documents shall include but shall not be limited to:

(a) Drivers' licenses, identification cards, and license plates issued by the director of the division of motor vehicles, department of safety.

(b) Electronic toll collection systems as defined in RSA 236:31, I(c).

(c) Identification cards or badges issued to employees or contractors.

(d) Insurance benefit cards.

(e) Identification cards issued by schools and educational institutions.

(f) Benefit cards issued in conjunction with any government-supported aid program.

(g) Credit, debit, and financial account cards.

(h) Licenses, certificates, registrations, or other means to engage in a business or profession regulated by the state or its political subdivisions.

(i) Library cards issued by any public library.

V. "Person" means an individual, corporation, business trust, estate, trust, partnership, limited liability corporation, association, foundation, joint venture, government, government subdivision, agency or instrumentality, public corporation, or any other legal or commercial entity.

VI. "Personal information" means information that can be used to identify an individual. Such information includes an individual's name, address, telephone and cellular telephone number, social security number, credit card and financial account numbers, driver's license number, e-mail address, date of birth, race, religion, ethnicity, nationality, political affiliation, photograph and digital image, fingerprint or other biometric identification, and any other unique personal identifier or number.

VII. "Remotely readable device" means any item, application or mark that is passively or actively capable of transmitting an individual's identity, characteristics, status, group membership, travel history, or location, or capable of storing or transmitting a number, symbol, signal, pattern, or other identifier that could be linked with any such identification or location information. A remotely readable device includes, but is not limited to, technologies that use radio waves to identify individual objects, such as radio frequency identification.

VIII. "Track" means to locate, follow, or plot the path of an individual by means of a remotely readable device, but shall not include locating technology used by the enhanced 911 system or commercial mobile radio service pursuant to 47 U.S.C. Section 332.

358-T:2 Notice Required; Consumer Products.

I. No person shall manufacture a consumer product or identification document to which a remotely readable device has been affixed or implanted, which is intended to be offered for sale or provided to a consumer, without a consumer notice affixed to the consumer product, identification document, or its packaging.

II. Consumer products to which a remotely readable device has been affixed or implanted, which are offered for loan or rental without an original, manufacturer's consumer notice, shall include either:

(a) A consumer notice; or

(b) The following notice: "This (specify product type) may contain a remotely readable device which can be read without your knowledge if it is brought within range of a reader device."

III. Any notice provided pursuant to this subparagraph shall be given in a clear and conspicuous manner.

IV. No consumer notice required under paragraph I may be removed until it has been sold or provided to a consumer.

358-T:3 Human Implantation of Remotely Readable Device Prohibited.

I. No person shall implant or attempt to implant or physically incorporate a remotely readable device into or on the body, skin, teeth, hair or nails of another individual without the prior, informed written consent of the individual. Consent of a guardian, guardian ad litem, attorney-in-fact, or parent of a minor child shall be considered adequate consent, unless a written instrument executed by the individual precludes implantation or physical incorporation. Use of a bracelet or other readily removable device is not considered implantation or physical incorporation under this section.

II. No individual shall be offered an incentive, denied an opportunity, or in any way treated by a person differently from any other individual as a consequence of providing or withholding such consent.

III. No person shall use the presence or absence of an implanted remotely readable device as a basis for discriminating against an individual for any purpose whatsoever, including, but not limited to, employment, housing, insurance, medical care, voting, education, travel, and commerce.

358-T:4 Restrictions on State Use of Remotely Readable Devices.

I. The state or a political subdivision, department, or agency shall not issue, or permit others to issue on its behalf, any identification document that contains a remotely readable device or uses remotely readable devices to locate an individual, either directly or indirectly through other persons, except in the following circumstances:

(a) To locate a person who is incarcerated in the state prison or county jail, is housed in a mental health facility pursuant to a court order after having been charged with a crime, is subject to court-ordered electronic monitoring, or is a resident of a state or county hospital, nursing facility or assisted living facility.

(b) When the remotely readable device is implanted in an identification document that is to be used on a toll road or bridge owned or operated by the state or a political subdivision, department, or agency thereof, but only for the specific purpose of collecting funds for the use of that road or bridge.

(c) An identification document that is issued to a person for the limited purpose of facilitating secure access by the identification document holder to a secured public building or parking area.

(d) The identification document is part of a contactless identification document system used by the state or a political subdivision, department, or agency of the state that is operational and in use prior to January 1, 2007.

(e) Credit, debit, or financial account cards issued to a person for use on behalf of the state or a political subdivision, department, or agency of the state, provided that such card complies with RSA 358-T:2.

II. No identification document permitted under this section shall contain, transmit, or enable the remote reading of any personal information other than a unique personal identifier number which is not a social security number.

III. This section shall not apply to the court authorized use of remotely readable devices by law enforcement officials.

358-T:5 Electronic Tracking Prohibited. Except as otherwise provided in this chapter, no person may track an individual without a valid court order or the consent of the person being tracked. Notwithstanding the foregoing, a person may track property owned or otherwise legally possessed where the person has reason to believe the property is being used in violation of the person's property interests.

358-T:6 Penalties.

I. Any person convicted of violating RSA 358-T:2 or RSA 358-T:5 shall be guilty of a misdemeanor if a natural person and a felony if any other person. Each such act shall constitute a separate offense.

II. Any person convicted of violating RSA 358-T:3 shall be guilty of a class B felony.

III. An aggrieved individual or the state may bring suit for civil penalties for up to \$1,000 or actual damages, whichever is greater, plus court costs and reasonable attorney's fees, for each violation of this chapter.

2 Illegal Use of Payment Card Scanning Device or Reencoder. Amend RSA 638:28, I-III to read as follows:

I. "Scanning device" means a scanner, reader, or any other electronic device that is used to access, read, scan, obtain, memorize, or store, temporarily or permanently, information encoded on ~~[the magnetic strip or stripe of]~~ **or in** a payment card.

II. "Reencoder" means an electronic device that places encoded information from ~~[the magnetic strip or stripe of]~~ a payment card onto ~~[the magnetic strip or stripe of]~~ **or into** a different payment card.

III. "Payment card" means a credit card, charge card, debit card, or any other card **or device** that is issued to an authorized ~~[card]~~ user and that allows the user to obtain, purchase, or receive goods, services, money, or anything else of value from a merchant.

3 Illegal Use of Payment Card Scanning Device or Reencoder. Amend RSA 638:29, I to read as follows:

I. A person is guilty of the crime of using a scanning device or reencoder to defraud when the person knowingly:

(a) Uses a scanning device to access, read, obtain, memorize, or store, temporarily or permanently, information encoded on ~~[the magnetic strip or stripe of a]~~ **or in a** payment card

without the permission of the authorized user of the payment card and with the intent to defraud the authorized user, the issuer of the authorized user's payment card, or a merchant; or

(b) Uses a reencoder to place information encoded on ~~[the magnetic strip or stripe of a]~~ **or into a different** payment card onto ~~[the magnetic strip or stripe of]~~ **or into** a different card without the permission of the authorized user of the card from which the information is being reencoded and with the intent to defraud the authorized user, the issuer of the authorized user's payment card, or a merchant.

4 Consumer Notice. Amend RSA 358-T:1, III(a) to read as follows:

(a) A graphical system designed to provide a standard way to show the presence of a remotely readable device, **and if an RFID transponder, its frequency and data structure**; or

5 Effective Date.

I. Section 4 of this act shall take effect January 1, 2013.

II. The remainder of this act shall take effect January 1, 2009.

AMENDED ANALYSIS

This bill:

I. Requires consumer products or identification documents with remotely readable devices to include a consumer notice to that effect.

II. Prohibits the human implantation of a remotely readable device without the individual's informed, written consent.

III. Prohibits electronic tracking of another individual with certain limited exceptions.

IV. Amends the definition of payment card and reencoding for purposes of the crime of using a scanning device or reencoder for fraudulent purposes.

2008-0859h

Amendment to HB 781-FN

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

Amend the bill by replacing section 9 with the following:

9 New Section; Enhanced 911 System; Penalty for Late Payment of Surcharge. Amend RSA 106-H by inserting after section 9 the following new section:

106-H:9-a Penalty for Late Payment of Surcharge. The commissioner is authorized to charge a penalty not to exceed \$1,000, plus interest of 18 percent per year, on surcharge receipts that are more than 90 days in arrears, which penalty and interest shall be forwarded to the state treasurer for deposit in the enhanced 911 system fund.

AMENDED ANALYSIS

This bill:

I. Requires certain agency reports to be filed with the legislature in addition to the governor and council, and requires the department of safety to file its report annually rather than biennially.

II. Clarifies that the department of safety's responsibilities include administration of motor vehicle road toll laws, homeland security and emergency management; enhanced 911 services, and firefighter training.

III. Repeals the hazardous materials transportation safety board and establishes the hazardous materials transportation advisory committee.

IV. Amends references to the department of administrative services in the statutes governing the enhanced 911 system, which is now within the department of safety.

V. Removes term limits for members of the motor vehicle industry board.

VI. Authorizes the department of safety to charge a penalty for late payment of the surcharge for the enhanced 911 system fund.

2008-0915h

Amendment to HB 781-FN

Proposed by the Minority of the Committee on Ways and Means - R

Amend the bill by replacing section 9 with the following:

9 New Section; Enhanced 911 System; Penalty for Late Payment of Surcharge. Amend RSA 106-H by inserting after section 9 the following new section:

106-H:9-a Penalty for Late Payment of Surcharge. The commissioner is authorized to charge a penalty not to exceed \$1,000, plus interest of 12 percent per year, on surcharge receipts that are more than 90 days in arrears, which penalty and interest shall be forwarded to the state treasurer for deposit in the enhanced 911 system fund.

2008-0957h

Amendment to HB 841

Proposed by the Committee on Executive Departments and Administration - C

Amend RSA 461-A:11-a, II as inserted by section 1 of the bill by inserting after subparagraph (d) the following new subparagraph:

(e) Family mediation under RSA 461-A:7 has not resolved the parenting issues.

Amend RSA 328-C:2, VII and VIII as inserted by section 3 of the bill by replacing it with the following:

VII. "Mental health practitioner" means a mental health practitioner as defined in RSA 330-A:2, VII, a psychiatric advanced registered nurse practitioner licensed under RSA 326-B:18, or a psychiatrist licensed under RSA 329.

VIII. "Parenting coordination" means a child-focused dispute resolution process in which an impartial parenting coordinator assists high-conflict parents to implement their parenting plan by facilitating the resolution of their disputes in a timely manner, educating parents about children's needs and how to communicate effectively, and with the prior approval of the parties or of the court, making arbitration decisions within the scope of the court order or appointment contract.

IX. "Parenting coordinator" means a person who assists the parties in resolving issues related to parenting by educating them about communication skills and children's needs, by mediating disputes, and, if necessary, by arbitrating disputes.

Amend RSA 328-C:6-a as inserted by section 10 of the bill by replacing it with the following:

10 New Section; Parenting Coordinator Qualifications, Certification, and Continuing Education.

Amend RSA 328-C by inserting after section 6 the following new section:

328-C:6-a Parenting Coordinator Qualifications, Certification, and Continuing Education.

I. To be certified as a parenting coordinator, a person shall:

(a) Have completed at least 16 hours of training in parenting coordination. This training shall be approved by the board and shall include topics in child development, family dynamics, parenting coordination skills, and decision-writing; and

(b) Have completed a 3-hour training program in domestic violence, in accordance with board requirements, within the last 3 years; and

(c) Meet the qualifications under one of the following categories:

(1) Hold a master of science degree in family studies; and

(A) Have practiced in the field of family studies for at least 3 years; and

(B) Have completed at least 15 hours of training in mediation skills, and

(C) Have 6 hours of additional training in RSA 458 relative to divorce and

RSA 461-A relative to parenting law within the last 3 years; and

(D) Have within the last 3 years devoted at least one third of the time spent in practice to individuals or families involved in divorce or parental rights and responsibilities matters; or

(2) Have been a family law practitioner for at least 3 years; and

(A) Have completed at least 15 hours of training in mediation skills, and

(B) Have 6 hours of additional training in child development and parenting plans within the last 3 years; and

(C) Have within the last 3 years devoted at least one third of the time spent in practice to individuals or families involved in divorce or parental rights and responsibilities matters; or

(3) Have been a mental health practitioner for at least 3 years; and

(A) Have completed at least 15 hours of training in mediation skills, and
 (B) Have 6 hours of additional training in RSA 458 relative to divorce and RSA 461-A relative to parenting law within the last 3 years; and
 (C) Have within the last 3 years devoted at least one third of the time spent in practice to individuals or families involved in divorce or parental rights and responsibilities matters; or
 (4) Have a masters or doctoral degree in mental health, counseling, education, or dispute resolution; and
 (A) Have been a certified family mediator for at least 8 years and currently be certified; and
 (B) Have 6 hours of additional training in RSA 458 relative to divorce and RSA 461-A relative to parenting law within the last 3 years; and
 (C) Have served the court in at least 35 cases involving parenting disputes as either court-referred mediator or as a guardian ad litem; or
 (5) Have a masters or doctoral degree in law; and
 (A) Have been a certified family mediator for at least 8 years and currently be certified; and
 (B) Have 6 hours of additional training in child development and parenting plans within the last 3 years; and
 (C) Have served the court in at least 35 cases involving parenting disputes as either court-referred mediator or as a guardian ad litem.
 Amend RSA 328-C:8, III(a) as inserted by section 13 of the bill by replacing it with the following:
 (a) The definition of “degree in mental health, counseling, education, or dispute resolution.”

2008-0080h

Amendment to HB 1127

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

Amend the bill by replacing section 1 with the following:

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

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

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

A public employer may recognize a bargaining unit with 3-10 members, but in no case shall the board certify a bargaining unit of [less] ***fewer*** than 10 employees with the same community of interest ***without the prior approval of the governing body of the public employer.*** For purposes of this section, probationary employees shall be counted to satisfy the [10] employee minimum ***number*** requirement. In no case shall such probationary employees vote in any election conducted under the provisions of this chapter to certify an employee organization as the exclusive representative of a bargaining unit.

2008-0540h

Amendment to HB 1127

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

Amend the bill by replacing section 1 with the following:

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

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

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

A public employer may recognize a bargaining unit with 3-10 members, but in no case shall the board certify a bargaining unit of [less] ***fewer*** than 10 employees with the same community of interest ***without the prior approval of the legislative body of the public employer.*** For purposes of this section, probationary employees shall be counted to satisfy the [49] employee minimum ***number*** requirement. In no case shall such probationary employees vote in any election conducted under the provisions of this chapter to certify an employee organization as the exclusive representative of a bargaining unit.

2008-0306h

Amendment to HB 1222

Proposed by the Majority of the Committee on Transportation - R

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

1 New Section; Rules of the Road; Prohibited Text Messages and Device Usage While Operating a Motor Vehicle. Amend RSA 265 by inserting after section 105 the following new section:

265:105-a Prohibited Text Messages and Device Usage While Operating a Motor Vehicle.

I. A person operating a moving motor vehicle who reads or writes a text message or uses 2 hands to type on or operate an electronic or telecommunications device, is guilty of a violation.

II. The fine for a violation of this section shall be \$100.

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

AMENDED ANALYSIS

This bill prohibits reading or writing a text message and using 2 hands to type on or operate an electronic or telecommunications device while driving.

2008-0959h

Amendment to HB 1293

Proposed by the Committee on Ways and Means - C

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

AN ACT relative to eligibility of dog and cat owners to participate in the state's reduced fee companion animal population control program.

Amend RSA 437-A:3 as inserted by section 1 of the bill by replacing it with the following:

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 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:

(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.

II. 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 based on a written finding of financial hardship 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 \$25.

AMENDED ANALYSIS

This bill changes the eligibility criteria for owners of cats and dogs to participate in the reduced fee companion animal population control program.

2008-0837h

Amendment to HB 1298-FN Proposed by the Committee on Finance - R

Amend the bill by replacing section 5 with the following:

5 Applicability. No agreement to provide dental education to qualified New Hampshire residents pursuant to this act shall take effect prior to July 1, 2009. The state shall expend no funds for qualified New Hampshire residents receiving dental education pursuant to this act prior to July 1, 2009.

AMENDED ANALYSIS

This bill adds dental education programs to the existing veterinary/medical/optometric education program. The bill also provides that no contract shall take effect and no funds shall be expended on qualified New Hampshire residents receiving dental education prior to July 1, 2009.

2008-0757h

Amendment to HB 1429 Proposed by the Majority of the Committee on Environment and Agriculture - R

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

1 New Paragraph; Private Landfills; Permit Required. Amend RSA 149-M:9 by inserting after paragraph XIV the following new paragraph:

XV. A privately owned landfill shall be required to conduct a pre-modification review prior to commencement of construction of any material modification to any existing privately owned landfill. The review shall be sufficient to allow the commissioner to make determinations that the proposed construction or modification will not cause or contribute to a failure to attain or maintain any public benefits required by RSA 149-M:11. Prior to commencement of construction or modification, the applicant shall submit the required information to the commissioner. No facility may materially modify a landfill without obtaining a modification permit from the department. The commissioner's review of the submitted information shall be no less stringent than a review of an initial permit application, and shall require that no permit shall be issued for modifications unless the facility meets all the requirements for review and for initially obtaining a permit under this section. For the purposes of this paragraph, a "material modification" is either a change in location for previously permitted capacity or a material change in the facts or circumstance upon which the public benefit determination was made.

2 Commission Established. RSA 149-M:2 set a goal of 40 percent solid waste diversion by 2000 and RSA 149-M:3 established a hierarchy of solid waste management preferred methods for the state: source reduction; recycling and reuse; composting; waste-to-energy technologies; incineration without resource recovery; and landfilling. The general court finds that the state has not attained the 40 percent diversion goal and has failed to achieve positive gains in limiting landfilling. In an effort to guide the department of environmental services to achieve these solid waste management goals and ensure that the state has sufficient capacity for its own solid waste needs, there is hereby established a commission to study solid waste management and reduction.

3 Membership and Compensation.

I. The commission shall consist of the following members:

- (a) Three members of the house of representatives, appointed by the speaker of the house of representatives.
- (b) Three members of the senate, appointed by the president of the senate.
- (c) The commissioner of the department of environmental services, or designee.
- (d) The director of the office of energy and planning, or designee.
- (e) A representative of the private solid waste industry, appointed by the governor.
- (f) A representative of a municipal solid waste facility, appointed by the New Hampshire Municipal Association.

(g) One member representing the recycling industry, 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. Non-legislative members shall receive no compensation.

4 Chairperson; Quorum. The members of the commission shall elect a chairperson and vice-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 at least 4 of whom shall be members of the general court.

5 Duties. The commission shall:

I. Review current solid waste capacity needs and availability and estimates of capacity needs and availability for the next 20 years.

II. Investigate the resources needed to assist municipalities and businesses in diverting greater amounts of the waste stream from disposal in landfills and incinerators, with the goal of preserving disposal capacity in New Hampshire.

III. Review the current distribution of capacity in New Hampshire in terms of the state's demographics.

IV. Review and propose changes, if necessary, to the solid waste permitting requirements of the department of environmental services.

V. Investigate host community agreements and regional municipal agreements to facilitate development of disposal capacity.

VI. Make recommendations for a framework that better facilitates solid waste planning management, reduction, and permitting in New Hampshire.

6 Report. The commissioner 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.

7 Definitions; Host Community Agreement. Amend RSA 149-M:4, X-a to read as follows:

X-a. "Host community agreement" means a written, legally binding agreement between the owner or operator of a privately owned solid waste facility and the town in which the privately owned solid waste facility is located, governing the operation, location, development, or expansion of the privately owned solid waste facility.

X-b. "Incinerator" means a facility which employs a method of using controlled thermal combustion, including flame combustion, to thermally break down waste or other materials, including refuse-derived fuel, to an ash residue that contains little or no combustible materials.

8 Modifications; No Permit Issued. Amend RSA 149-M:12 by inserting after paragraph III the following new paragraph:

IV. The department shall work with the host community to facilitate the creation of the host community agreement. The department shall not issue a permit for the modification of an existing privately owned solid waste facility or the construction of a new privately owned solid waste facility unless there is a host community agreement in place.

9 Effective date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill:

I. Requires private landfills making material modifications to existing landfills to receive a permit.

II. Requires the department of environmental services to facilitate the creator of host community agreements.

III. Establishes a commission to study solid waste management and reduction.

2008-0663h

Amendment to HB 1430

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

Amend the bill by replacing section 1 with the following:

1 Repeal. RSA 644:8, IV-a(c), relative to a reference to the applicability of RSA 284, is repealed.

2008-0770h

Amendment to HB 1434

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

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

1 Findings.

I. New Hampshire signed a Memorandum of Understanding (MOU) with 9 other states wherein each state agreed to propose legislation or seek regulatory approval to implement an electric power sector cap and trade program on CO₂ emissions, known as the regional greenhouse gas initiative (RGGI). The MOU outlines the primary elements of RGGI including:

(a) Establishing a total CO₂ emissions allowance cap for the region as well as individual state allowance budgets;

(b) Setting aside a minimum of 25 percent of the state's allowances for consumer benefit and other strategic energy purposes;

(c) The limited use of documented CO₂ emission reductions outside the electric power sector to help with compliance and the expanded use of such reductions when certain price thresholds for allowances are exceeded; and

(d) Cooperation with other states in implementing the RGGI program.

II. RGGI is a modest first step in addressing greenhouse gas emissions consistent with the direction of the New England Governors/ Eastern Canadian Premiers goals and provides leadership in promoting a federal or international plan.

III. According to a recent economic study by the University of New Hampshire, implementation of the regional greenhouse gas initiative is in the best economic interests of New Hampshire and investment in energy efficiency and conservation will help to reduce energy costs for New Hampshire citizens.

IV. For these reasons, the general court supports the implementation of RGGI to achieve CO₂ emissions reductions through an electric power sector cap and trade program that encourages energy conservation and efficiency.

2 New Subdivision; Regional Greenhouse Gas Initiative. Amend RSA 125-O by inserting after section 18 the following new subdivision:

Regional Greenhouse Gas Initiative

125-O:19 Statement of Purpose and Findings. The general court finds that global climate change is a significant environmental problem which could already be contributing to changes in New Hampshire average temperatures, frequency of extreme storm events, number of days with snow cover, timing of spring river flows, and date of spring blooms. Recent studies and scientific

evidence indicate that global climate change is caused by a buildup of natural and manmade greenhouse gases in the atmosphere. Carbon dioxide (CO₂) is a significant greenhouse gas that contributes to global climate change. Therefore, the purpose of this subdivision is to reduce greenhouse gas emissions resulting from energy use in New Hampshire.

125-O:20 Definitions. In this subdivision:

I. “Affected CO₂ source” means any source with one or more fossil fuel-fired electricity generating units having a nameplate rated capacity equal to or greater than 25 megawatts.

II. “Budget allowances” means those RGGI allowances comprising the state annual budget for CO₂ emissions specified in RSA 125-O:21, II.

III. “Commission” means the public utilities commission.

IV. “Compliance period” means a 3 calendar year time period, unless extended one calendar year by a stage-2 trigger event. The first compliance period is from January 1, 2009 to December 31, 2011, unless a stage-2 trigger event extends the first compliance period to December 31, 2012. Each subsequent sequential 3 calendar year period is a separate compliance period subject to a one-year extension if a stage-2 trigger event occurs during the compliance period. The compliance period shall never be longer than 4 calendar years.

V. “Consumer price index” or “CPI” means the U.S. Department of Labor, Bureau of Labor Statistics unadjusted consumer price index for all urban consumers for the U.S. city average, for all items on the latest reference base, or if such index is no longer published, such other index as the department determines is appropriate. The CPI for any calendar year is the 12-month average of the CPI published by the United States Department of Labor, as of the close of the 12-month period ending on August 31 of each calendar year.

VI. “Department” means the department of environmental services.

VII. “Early reduction allowances” means allowances provided to affected CO₂ sources for eligible projects undertaken which have the effect of reducing emissions at the affected CO₂ source by an absolute reduction of emissions during calendar years 2006, 2007, and 2008, from a baseline approved by the department, through emission rate improvements or permanently reducing utilization of one or more units at a source.

VIII. “International trading programs” means international programs approved by the department such as the European Emission Trading Scheme (ETS) and offset credits established under the Clean Development Mechanism (CDM) to be used to obtain equivalent RGGI offset allowances.

IX. “Market settling period” means the first 14 months of any compliance period.

X. “Offset allowances” means allowances issued to projects determined to be eligible by the department undertaken outside of the electric power sector to reduce CO₂ or CO₂ equivalent emissions.

XI. “PSNH” means Public Service Company of New Hampshire or any successor to the company’s public utility franchise.

XII. “Regional greenhouse gas initiative” or “RGGI” or “RGGI program” means the program to implement the memorandum of understanding (MOU) between signatory states, dated December 20, 2005, as amended on August 8, 2006 and April 20, 2007, and the corresponding model rule to establish a regional CO₂ emissions budget and allowance trading program for emissions from fossil fuel-fired electricity generating units.

XIII. “Regional organization” means a non-profit organization formed by the signatory states to RGGI to provide technical and administrative assistance for such things as: emissions and allowance tracking, offsets development and implementation, allowance market monitoring, and data collection. The organization shall have no regulatory or enforcement authority.

XIV. “Retire” means submitting a RGGI allowance to the department for compliance or other purpose or retaining a RGGI allowance by the department such that the allowance may never be sold or otherwise used again.

XV. “RGGI allowances” means a limited authorization to emit one ton of CO₂ issued by the department or other RGGI signatory state in accordance with this subdivision or the RGGI program and shall include budget allowances, offset allowances, and early reduction allowances.

XVI. "Stage-one trigger event" means a 12-month rolling average CO₂ allowance price that is equal to or greater than \$7 in 2005 dollars, such figure adjusted annually on January 1 of each calendar year according to the consumer price index, but only when such a rolling average price occurs in any 12-month period beginning after the end of the market settling period.

XVII. "Stage-2 trigger event" means a 12-month rolling average CO₂ allowance price that is equal or greater than \$10 in 2005 dollars, such figure adjusted annually on January 1 of each calendar year according to the consumer price index plus 2 percentage points, but only when such a rolling average price occurs in any 12-month period beginning after the end of the market settling period.

125-O:21 Carbon Dioxide Emissions Budget Trading Program.

I. The department shall establish and enforce a CO₂ emissions budget trading program consistent with this subdivision that shall be in substantial accordance with the RGGI program.

II. The program shall include a statewide annual budget allowance of 8,620,460 tons during the years 2009 through 2014. Beginning January 1, 2015 and ending December 31, 2018, the budget shall decline by 215,512 tons per year, resulting in a 10 percent total reduction from the initial budget, after which it shall remain unchanged until further legislative action.

III. The department shall make available for sale at one or more auctions all of the budget allowances for a given year, except for those granted or reserved under RSA 125-O:22, VI, 125-O:24, and 125-O:25. The department may also make available for sale at one or more auctions a portion of future year budget allowances. Such auctions may be conducted in coordination with other states. Revenues from the sale of allowances shall be deposited in the greenhouse gas emissions reduction fund established under RSA 125-O:23.

IV. The department shall grant to affected CO₂ sources early reduction allowances, at no cost, for projects eligible to receive such allowances.

V. The department shall grant offset allowances to owners of eligible offset projects located in New Hampshire.

VI. The department and the commission shall report on an annual basis to the air pollution advisory committee under RSA 125-J:11 and the legislative oversight committee on electric utility restructuring under RSA 374-F:5, on the status of the implementation of RGGI in New Hampshire with emphasis on the prices and availability of RGGI allowances to affected CO₂ sources, and the trends in electric rates for New Hampshire businesses and ratepayers. The report shall include but not be limited to:

- (a) The number of allowances sold in the RGGI program and the type of entities purchasing allowances;
- (b) The number of unsold allowances in the RGGI program;
- (c) The available price data of allowances from the regional auction and secondary markets;
- (d) Market monitoring reports;
- (e) The CO₂ emissions by affected source, state, and RGGI region;
- (f) The spending of revenues from auction allowances by each RGGI state; and
- (g) The allocation and spending of the greenhouse gas emissions reduction fund, including associated energy savings and emissions reductions.

VII. The department may establish and enforce the CO₂ emissions budget trading program in cooperation and coordination with other states or countries that are participating in regional, national or international CO₂ emissions trading programs with the same or similar purpose including:

- (a) Entering into any agreement or arrangement with the representatives of other states, including the formation of a for-profit or non-profit corporation, any form of association or any other form of organization, in this or another state; and
- (b) Participating in any such corporation, association, or organization, and in any activity in furtherance of the purposes of this subdivision, in any capacity including, but not limited to, as directors or officers.

VIII. Any actions taken under this subdivision by the department or the commission shall not constitute a waiver of sovereign immunity and shall not be deemed consent to suit outside of New Hampshire.

125-O:22 Compliance; Permit Required.

I. Each affected CO₂ source shall obtain and retire a quantity of RGGI allowances equivalent to its CO₂ emissions from fossil-fueled fired generation for each compliance period.

II. An affected CO₂ source may use offset allowances for up to 3.3 percent of its compliance obligation, except that in a given compliance period:

(a) If a stage-one trigger event occurs, an affected CO₂ source may use offset allowances for up to 5 percent of its compliance obligation; and

(b) If a stage-2 trigger event occurs, the compliance period shall be extended to 4 years and an affected CO₂ source may use offset allowances for up to 10 percent of its compliance obligation, including offset allowances or credits permanently retired from eligible international trading programs, as approved by the department.

III. Purchasers or acquirers of RGGI allowances may retain unused RGGI allowances without limit. Affected CO₂ sources may use retained RGGI allowances in future compliance periods.

IV. No person shall operate an affected CO₂ source without a temporary or operating permit issued by the department in accordance with this chapter and RSA 125-C. An affected CO₂ source that is in operation upon the effective date of this subdivision, shall submit a complete application for a permit modification to the department no later than January 1, 2009. Applications for permits shall be upon such forms, and shall include such information as the commissioner requires under rules adopted pursuant to RSA 541-A. The commissioner shall act upon a permit application within a reasonable period of time.

V. In addition to the provisions set forth in RSA 125-O:7, an affected CO₂ source that fails to obtain and retire sufficient RGGI allowances during a compliance period, in accordance with RSA 125-O:22, I, shall obtain and surrender 3 RGGI budget or early reduction allowances in the next compliance period for each RGGI allowance that the affected CO₂ source was short in obtaining compliance.

VI. Budget allowances shall be provided to affected CO₂ sources as needed and upon request for CO₂ emissions in periods of operation during which an Operating Procedure 4 capacity deficiency alert is in force as established by the ISO New England Inc. The department shall reserve from auction for such emergency conditions a quantity of allowances equal to one percent of the annual budget allowances which shall be the maximum made available in a given year under this section. The department shall directly sell these allowances to the affected CO₂ sources at the last regional auction clearing price. Those allowances reserved but not sold in a given year as provided in this section shall be auctioned the following calendar year.

VII. Upon recommendation of the commission, the governor with consent of the executive council may declare an emergency supply crisis, and the governor and council may allow affected CO₂ sources to forgo strict compliance with paragraph I for a given compliance period and be given reprieve from any associated penalties, provided that those affected CO₂ sources obtain and retire an additional number of allowances during the next compliance period equivalent to any shortfall in allowances that may have occurred for the compliance period during which the declared emergency was made.

VIII. A distribution company may recover the actual, prudent and reasonable costs of investments in carbon emissions reduction or capture technologies through its default service charge pursuant to RSA 369-B:3, IV(b)(1)(A), provided that the commission first determines that the investment is in the public interest.

125-O:23 Greenhouse Gas Emissions Reduction Fund.

I. There is hereby established a greenhouse gas emissions reduction fund. This nonlapsing, special fund shall be continually appropriated to the public utilities commission to be expended in accordance with this section. The state treasurer shall invest the moneys deposited therein, as provided by law. Income received on investments made by the state treasurer shall also be credited

to the fund. All programs supported by these funds shall be subject to audit by the public utilities commission as deemed necessary. A portion of the fund moneys shall be used to pay for commission and department costs to administer this subdivision, including contributions for the state's share of the costs of the RGGI regional organization. Any new employee positions to be paid for using fund moneys shall be approved by the fiscal committee of the general court. The public utilities commission shall transfer from the fund to the department such costs as may be budgeted and expended, or otherwise approved by the fiscal committee and the governor and council, for the department's cost of administering this subdivision.

II. Fund moneys shall be used to support energy efficiency, conservation, and demand response programs to reduce greenhouse gas emissions generated within the state, which may include programs proposed and administered by private entities, as well as by the department, the commission, and other state and local governmental agencies.

III. At least 5 percent of the moneys shall be used to assist low-income residential customers, as defined by the commission and in a manner compatible with other low-income programs administered by the commission, to reduce total energy use including heating fuels.

IV. Notwithstanding paragraphs I, II, and III, all amounts in excess of the threshold prices listed below for any allowance sale made prior to January 1, 2016 that is deposited in the fund shall be rebated to all electric ratepayers in the state on a per-kilowatt-hour basis, in a timely manner, to be determined by the commission. For the following years listed, the threshold price shall be:

- (a) 2009 and 2010, \$12/ton.
- (b) 2011 and 2012, \$13/ton.
- (c) 2013 and 2014, \$14/ton.
- (d) 2015, \$15/ton.
- (e) After 2015, no threshold price.

V. All penalties collected pursuant to this subdivision shall be deposited in the greenhouse gas emissions reduction fund.

VI. In selecting programs to be funded under this section the commission shall consider, at a minimum, the extent to which the proposed program can be expected to:

- (a) Reduce greenhouse gas emissions from all fuels used to provide electricity, heating, and cooling in New Hampshire;
- (b) Be cost-effective;
- (c) Reduce New Hampshire's peak electric load;
- (d) Promote market transformation, innovation, and energy cost savings; and
- (e) Otherwise be consistent with the public interest and the purposes of this subdivision.

125-O:24 Conversion of Allowances.

I. PSNH shall receive credit for allowances received prior to the inception of the RGGI program in the manner described in this section.

II. PSNH shall submit all necessary documentation to the department by January 30, 2009 relative to compliance with RSA 125-O:3, III(d).

III. PSNH shall submit all necessary documentation to the department within 90 days of effective date of this paragraph relative to RSA 125-O:5, III.

IV. As soon as practicable after the start of the program, the department shall determine the number of allowances previously allocated to PSNH under RSA 125-O:3, II or awarded to PSNH under RSA 125-O:5, III, that remain in PSNH's account of CO₂ allowances held by the department as banked allowances, after the company has completed compliance with the emissions cap of RSA 125-O:3, III(d) for the 2007 and 2008 calendar years.

V. At the distribution rate specified in paragraph VI, the department shall grant to PSNH budget allowances, at no cost, equivalent to the total of the banked allowances pursuant to paragraph IV minus the early reduction allowances granted to PSNH under RSA 125-O:21, IV. PSNH shall be obligated to apply for early reduction allowances for any eligible projects it has undertaken. For each budget allowance granted, one banked allowance shall be retired.

VI. The department shall grant budget allowances pursuant to this section as expeditiously as possible, but in no event shall the amount of budget allowances granted pursuant to this section

total more than 2.5 million allowances per year in years 2009, 2010, and 2011, 1.5 million allowances in any one year thereafter.

VII. In the event the state no longer participates in the RGGI program due to legislative action or the RGGI program becomes invalid or unenforceable as determined by the department and certified to the secretary of state, the department shall cease granting budget allowances pursuant to paragraphs V and VI. Notwithstanding the other provisions of this section, PSNH shall have no right or claim to receive any additional budget allowances under this section beyond those already granted to it up to that point in time when participation in the program has ceased or the program has become invalid or unenforceable. If this point in time occurs part way through a year, the number of budget allowances given to PSNH for that year shall be pro-rated based on the distribution rate in effect for that year, provided the total amount of allowances calculated pursuant to paragraph IV has not already been granted to PSNH.

VIII. The department shall not grant budget allowances after December 31, 2014 pursuant to this section without legislative authorization to continue the granting of allowances. Notwithstanding the other provisions of this section, PSNH shall have no right or claim to receive any additional budget allowances under this section beyond those already granted by December 31, 2014, should the legislature not authorize continuation of the allowance granting.

IX. All remaining banked allowances held by the department originating from the calculation performed under paragraph IV, shall be retired after the department ceases to grant budget allowance in accordance with paragraph VII or VIII.

125-O:25 Set Aside for Voluntary Purchase of Renewable Energy Certificates.

I. The department shall reserve from auction, for retirement purposes, a quantity of budget allowances, not to exceed one percent of the annual budget, equivalent to the CO₂ emissions reductions associated with renewable energy certificates recognized under RSA 362-F and purchased voluntarily by electricity customers and not resold.

II. Budgeted allowances reserved under paragraph I not retired at the end of each year shall be auctioned the following calendar year.

125-O:26 Auction of Budget Allowances. Any rules adopted by the department relative to auctions, pursuant to RSA 125-O:8, I(d), shall provide that they:

I. Shall be conducted based on the schedule and frequency adopted by the department in consultation with other entities participating in the RGGI program;

II. Shall include the sale of allowances for current and future years to promote transparency and price stability in a manner to be determined by the department in coordination with the regional organization;

III. Shall include auction design elements that minimize allowance price volatility, guard against bidder collusion, and mitigate the potential for market manipulation;

IV. Shall include provisions to address, and to the extent practicable minimize, the potential for allowance market price volatility during the initial control period of the RGGI program;

V. Shall include provisions to ensure the continued market availability of allowances to entities regulated under a greenhouse gas emissions allowance trading program, taking into account the outcomes of auctions and monitoring of the allowance market, which may include the adoption of a flexible process that allows for ongoing modification of auction design and procedures in response to allowance market conditions and allowance market monitoring data, provided that the process allows for public comment and input; and

VI. May be open to all qualified participants, and all qualified participants may sell or otherwise agree to transfer any or all allowances to any eligible entity.

125-O:27 Review of the New Hampshire RGGI Program. At the time of the 2012 comprehensive review by the signatory states as required in the MOU, the commission and the department shall concurrently review New Hampshire specific elements of the RGGI program, in particular 125-O:23, III and 125-O:25 and include the results of such review in the agencies' annual report under RSA 125-O:21, VI.

125-O:28 Cost Recovery. If the owner of an affected CO₂ source is a public utility pursuant to RSA 362:2 that provides electric distribution service pursuant to RSA 374-F, the owner may recover

through the utility's default service charge all prudently incurred costs of complying with the requirements of this subdivision in a manner approved by the public utilities commission. In the event PSNH sells an affected CO₂ source, any cost recovery associated with this chapter shall be governed by RSA 369-B:3-a.

3 Carbon Dioxide Cap. Amend RSA 125-O:3, III(d) to read as follows:

(d) 5,425,866 tons annually applicable to total carbon dioxide (CO₂) emissions from the affected sources until December 31, ~~2010, and after December 31, 2010, a lower cap to be recommended by the department no later than March 31, 2004, with timely consideration by the legislature expected by July 1, 2005]~~ **2008.**

4 Emissions Trade and Banking. Amend RSA 125-O:6, I to read as follows:

I. Develop a trading and banking program to provide appropriate compliance flexibility in meeting the emission caps established under RSA 125-O:3, III **and allowance requirements of RSA 125-O:21 and RSA 125-O:22**, and to encourage earlier and greater emissions reductions and the development of new emission control technologies in order to maximize the cost-effectiveness with which the environmental benefits of this chapter are achieved.

5 Rulemaking Authority. Amend RSA 125-O:8 to read as follows:

125-O:8 Rulemaking Authority.

I. The commissioner shall adopt rules under RSA 541-A, commencing no later than 180 days after the effective date of this section, relative to:

~~[I.]~~ (a) The establishment of trading and banking programs as authorized by RSA 125-O:6, I.

~~[II.]~~ (b) The establishment of a method for allocating allowances and other emissions reduction units or mechanisms as authorized by RSA 125-O:3, II and III.

~~[III.]~~ (c) Emissions **and allowance** monitoring, **tracking**, recordkeeping, reporting, and other such actions as may be necessary to verify compliance with this chapter.

(d) **The method and requirements for auctioning budget allowances under RSA 125-O:21, which may use regional organizations.**

(e) **Defining eligible projects for early reduction allowances under RSA 125-O:21, IV, and establishing criteria to quantify and grant such allowances.**

(f) **Defining eligible projects for offset allowances under RSA 125-O:21, V, and establishing criteria to quantify and grant such allowances, including the accreditation of third-party verifiers.**

(g) **The forms and information required on applications for a temporary or operating permit required under RSA 125-O:22.**

II. The public utilities commission shall adopt rules, under RSA 541-A, to administer the greenhouse gas emissions reduction fund pursuant to RSA 125-O:23.

6 Compliance dates Amend RSA 125-O:9 to read as follows:

125-O:9 Compliance Dates. The owner or operator of each affected source shall comply with the provisions of this chapter, excluding the subdivision on mercury emissions, RSA 125-O:11 through 125-O:18, **and the subdivision for CO₂ emissions, RSA 125-O:19 through RSA 125-O:28**, by December 31, 2006.

7 Non-Severability. Amend RSA 125-O:10 to read as follows:

125-O:10 Non-Severability. No provision of this chapter shall be implemented in a manner inconsistent with the integrated, multi-pollutant strategy or this chapter ~~[in its entirety]~~, and to this end, the provisions of this chapter are not severable, **with the exception of RSA 125-O:19-28, which if found to be invalid by a court of law, such invalidity shall not affect the integrity of the multiple pollutant program provisions in RSA 125-O:1-18 that precede and predate RSA 125-O:19-28.**

8 New Subparagraph; Application of Receipts; State Treasurer. Amend RSA 6:12, I(b) by inserting after subparagraph (268) the following new subparagraph:

(269) Moneys deposited in the greenhouse gas emissions reduction fund established in RSA 125-O:23.

9 New Section; Energy Conservation and Efficiency Board. Amend RSA 125-O by inserting after section 5 the following new section:

125-O:5-a Energy Conservation and Efficiency Board.

I. An energy conservation and efficiency board is hereby created to seek opportunities to coordinate energy efficiency and demand response programs in the state. The board's duties shall include but not be limited to:

(a) Review available energy efficiency and conservation programs and incentives and compile a report of available efficiency and conservation resources in New Hampshire.

(b) Develop a plan to achieve the state's energy efficiency potential for all fuels, including setting goals and targets for energy efficiency that are meaningful and achievable.

(c) Provide written advice at least annually to the public utilities commission on the administration and allocation of energy efficiency funds under the commission's jurisdiction.

(d) Explore opportunities to coordinate programs targeted at saving more than one fuel resource, including coordination between the natural gas and other programs or projects which seek to reduce the use of other fuels.

(e) Develop tools to enhance outreach and education programs to increase knowledge about energy efficiency among New Hampshire residents and businesses.

(f) Expand upon the state government's efficiency programs to ensure that the state is providing leadership on energy efficiency, reducing its use of energy, and reducing the state's fuel costs.

(g) Encourage municipalities to increase investments in energy efficiency through financing tools, and to create municipal energy committees.

(h) Work with community action agencies and the office of energy and planning to explore ways to ensure that all customers participating in programs for low-income customers and the Low Income Home Energy Assistance Program (LIHEAP) have access to energy efficiency improvements in order to reduce their energy bills.

(i) Investigate potential sources of funding for energy efficiency and delivery mechanisms for such programs, coordinate efforts between funding sources to reduce duplication and enhance collaboration, and review investment strategies to increase access to energy efficiency.

II. The members of the board shall be as follows:

(a) The chairman of the public utilities commission, or designee.

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

(c) The consumer advocate, or designee.

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

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

(f) The president of the Business and Industry Association of New Hampshire, or designee.

(g) The executive director of the New Hampshire Municipal Association, or designee.

(h) A representative of energy services companies delivering energy efficiency services to residential and business customers, appointed by the chairman of the public utilities commission.

(i) The executive director of New Hampshire Legal Assistance, or designee.

(j) The president of the Homebuilders and Remodelers Association of New Hampshire, or designee.

(k) Two members of the house science, technology and energy committee appointed by the speaker of the house of representatives.

(l) One member of the senate energy, environment and economic development committee, appointed by the president of the senate.

(m) Three representatives from groups representing energy, environmental, consumer, and public health issues and knowledgeable in energy conservation policies and programs, appointed by the chairman of the public utilities commission.

(n) One representative from the investment community with expertise in efficiency investments and financing, appointed by the chairman of the public utilities commission.

(o) One representative from each of the utility-administered electric and natural energy efficiency programs, appointed by the chairman of the public utilities commission.

III. The chairman of the public utilities commission shall call the first meeting of the board. The board shall elect a chairperson from among its members. The board shall make an annual report on December 1 to the governor, the speaker of the house of representatives, the president of the senate, the house science, technology and energy committee, the senate energy, environment and economic development committee, and the public utilities commission, to provide an update on its activities and recommendations for action.

IV. No member of the board shall vote on a matter in which the member, or the organization or entity represented by or employing the member, has a direct financial interest.

10 Repeal. RSA 125-O:5, III, relative to emissions allowances to PSNH for energy efficiency, new renewable energy projects, or conservation and load management projects, is repealed.

11 Contingency. If HB 1561 of the 2008 legislative session becomes law, section 9 of this act shall not take effect. If HB 1561 does not become law, section 9 of this act shall take effect October 1, 2008.

12 Effective Date.

I. Section 9 of this act shall take effect as provided in section 11 of this act.

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

AMENDED ANALYSIS

This bill authorizes a cap-and-trade program for CO₂ emissions pursuant to the regional greenhouse gas initiative.

This bill also establishes an energy conservation and efficiency board.

2008-0682h

Amendment to HB 1436

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

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

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

VII. For collective bargaining agreements entered into after the effective date of this section, if the impasse is not resolved at the time of the expiration of the parties' agreement, the terms of the collective bargaining agreement shall continue in force and effect, including but not limited to the continuation of any pay plan included in the agreement, until a new agreement shall be executed.

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

AMENDED ANALYSIS

This bill requires the continuation of the terms of a collective bargaining agreement if an impasse between public employers and employees is not resolved.

2008-0809h

Amendment to HB 1448-FN

Proposed by the Committee on Ways and Means - C

Amend RSA 21-L:4-a as inserted by section 1 of the bill by replacing it with the following:

21-L:4-a Reports, Manuals, and Other Publications; Reimbursement Fees. The commissioner of transportation is authorized to prepare, publish, and distribute reports, manuals, plans, specifications, charts, surveys, or other documents consistent with the responsibilities of the department. The commissioner may charge fees to reimburse the department for costs incurred in copying such documents, and for applicable mailing costs. The commissioner shall publish a schedule of reimbursement fees to be approved by the fiscal committee of the general court. The schedule of reimbursement fees may be updated on a bi-annual basis.

2008-0986h

Floor Amendment to HB 1460

Proposed by Reps. J. Thomas and Fargo

Amend RSA 369-B:3-a as inserted by section 1 of the bill by replacing it with the following:

369-B:3-a Divestiture of PSNH Generation Assets.

I. The sale of PSNH fossil and hydro generation assets shall not take place before April 30, 2006. Notwithstanding RSA 374:30, subsequent to April 30, 2006, PSNH may divest its generation assets if the commission finds that it is in the economic interest of retail customers of PSNH to do so, and provides for the cost recovery of such divestiture. Prior to any divestiture of its generation assets, PSNH may **construct**, modify, or retire such generation assets if the commission finds that it is in the public interest of retail customers of PSNH to do so, and provides for the cost recovery of such **construction**, modification, or retirement.

II. In order to set conditions for PSNH to build one biomass-fueled generation facility within Coos, Grafton, or Carroll county, the commission shall require PSNH to assume a measure of risk in financing the construction of new renewable generation, following the model of its Northern Wood project in Portsmouth and shall consider how the following options are in the public good:

(a) Allowing PSNH to incrementally add generation assets to offset the loss of self-generation capacity due to growth in demand.

(b) Providing incentives to PSNH to replace coal-based generation capacity with a proportionally larger amount of renewable generation.

AMENDED ANALYSIS

This bill:

I. Requires the public utilities commission to provide cost recovery for construction of generation assets by Public Service Company of New Hampshire.

II. Permits the public utilities commission to consider certain options in order to set conditions for the construction of a generation facility.

2008-0711h

Amendment to HB 1472

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

Amend the bill by replacing section 2 with the following:

2 New Subdivision; Workforce Housing Opportunities. Amend RSA 674 by inserting after section 57 the following new subdivision:

Workforce Housing

674:58 Definitions. In this subdivision:

I. “Affordable” means housing with combined rental and utility costs or combined mortgage loan debt services, property taxes, and required insurance that do not exceed 30 percent of a household’s gross annual income.

II. “Multi-family housing” means a building or structure containing 5 or more dwelling units, each designed for occupancy by an individual household.

III. “Reasonable and realistic opportunities for the development of workforce housing” means opportunities to develop economically viable workforce housing within the framework of a municipality’s ordinances and regulations adopted pursuant to this chapter and consistent with RSA 672:1, III-e. The collective impact of all such ordinances and regulations on a proposal for the development of workforce housing shall be considered in determining whether opportunities for the development of workforce housing are reasonable and realistic. If the ordinances and regulations of a municipality make the development of workforce housing sufficient to satisfy the municipality’s obligation under RSA 674:59 feasible, and such development is not unduly inhibited by natural features, the municipality shall not be in violation of its obligation under RSA 674:59 by virtue of economic conditions beyond the control of the municipality that affect the economic viability of workforce housing development.

IV. “Workforce housing” means housing which is intended for sale and which is affordable to a household with an income of no more than 100 percent of the median income for a 4-person household for the metropolitan area or county in which the housing is located as published annually by the United States Department of Housing and Urban Development. “Workforce housing” also

means rental housing, which is affordable to a household with an income of no more than 60 percent of the median income for a 3-person household for the metropolitan area or county in which the housing is located as published annually by the United States Department of Housing and Urban Development. Housing developments that exclude minor children from more than 20 percent of the units, or in which more than 50 percent of the dwelling units have fewer than two bedrooms, shall not constitute workforce housing for the purposes of this subdivision.

674:59 Workforce Housing Opportunities.

I. In every municipality that exercises the power to adopt land use ordinances and regulations, such ordinances and regulations shall provide reasonable and realistic opportunities for the development of workforce housing, including multi-family workforce housing. In order to provide such realistic opportunities, lot size and overall density requirements for workforce housing shall be reasonable

II. A municipality shall not fulfill the requirements of this section by adopting voluntary inclusionary zoning provisions that rely on inducements that render workforce housing developments economically unviable.

III. A municipality that adopts land use ordinances and regulations shall allow, in its discretion, workforce housing to be located in a majority of, but not necessarily all, land areas in districts zoned to permit residential uses within the municipality.

IV. A municipality's existing housing stock shall be taken into consideration in determining its compliance with this section. If a municipality's existing housing stock is sufficient to accommodate its fair share of the current and reasonably foreseeable regional need for such housing, it shall be deemed to be compliant with paragraph I.

V. Paragraph I shall not be construed to require municipalities to allow workforce housing that does not meet reasonable standards or conditions of approval related to environmental protection, water supply, sanitary disposal, traffic safety, and fire and life safety protection.

674:60 Appeals.

I. Any person whose application to develop workforce housing is denied or is approved with conditions or restrictions which have a substantial adverse effect on the viability of the proposed workforce housing development may appeal the municipal action to the superior court under RSA 677:4 or RSA 677:15 seeking permission to develop the proposed workforce housing. The petition to the court shall set forth how the denial is due to the municipality's failure to comply with the workforce housing requirements of RSA 674:59 or how the conditions or restrictions of approval otherwise violate such requirements.

II. A hearing on the merits of the appeal shall be held within 6 months of the date on which the action was filed unless counsel for the parties agree to a later date, or the court so orders for good cause. If the court determines that it will be unable to meet this requirement, at the request of either party it shall promptly appoint a referee to hear the appeal within 6 months. Referees shall be impartial, and shall be chosen on the basis of qualifications and experience in planning and zoning law.

2008-0914h

Amendment to HB 1496-FN

Proposed by the Minority of the Committee on Ways and Means - R

Amend the bill by replacing section 3 with the following:

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, \$10.

2008-0829h

Amendment to HB 1509-FN-A

Proposed by the Committee on Ways and Means - R

Amend the bill by replacing section 3 with the following:

3 License Fees and Specifications. RSA 287-D:2-d, III is repealed and reenacted to read as follows:

III. An applicant for a game operator license under RSA 287-D:2-c shall apply to the pari-mutuel commission, and if the applicant meets all other requirements of this chapter and pays the fee established by the pari-mutuel commission in rules adopted pursuant to RSA 541-A, a license shall be issued. In the case of secondary game operators, the pari-mutuel commission shall not establish such a fee exceeding \$30 per year. Only one license shall be issued to each applicant per year. A license issued under RSA 287-D:2-c shall expire on December 31. The pari-mutuel commission shall notify the attorney general and police chief of any city or town where games of chance are held of any applications approved. RSA 7:28-c shall not apply to game operator licensees subject to this chapter.

2008-0981h

**Amendment to HB 1509-FN-A
Proposed by Rep. Hinkle**

Amend the bill by replacing section 5 with the following:

5 Submission of Bond. RSA 287-D:2-c, V is repealed and reenacted to read as follows:

V. A primary game operator shall, at the time of making application for a game operator license or renewal of a license, file with, and have approved by the pari-mutuel commissioner a bond, in which the primary game operator shall be the principal obligor in the sum of \$300,000 with one or more responsible sureties whose liability in the aggregate as such sureties shall at least equal that sum. The primary game operator shall maintain the bond in effect as long as the license is in effect.

Amend the bill by replacing section 6 with the following:

6 Revenue for Charity. Amend RSA 287-D:3, VIII to read as follows:

VIII. The charitable organization shall retain no less than ~~[35]~~ **12.5** percent of the gross revenues from any game of chance ~~[minus any prizes paid on any game date in which game operators licensed under RSA 287-D:2-c are involved in any capacity]~~ **where chips have no monetary value, or from any game of chance where chips have monetary value and no rake. In addition, the charitable organization shall retain no less than 50 percent of the gross revenues from any game of chance where chips have monetary value.** Such revenues shall be used by the organization to advance its charitable purpose.

2008-0910h

Amendment to HB 1526

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

Amend RSA 644:9-a, II as inserted by section 1 of the bill by replacing it with the following:

II. Any person who violates the provisions of this act shall be guilty of a violation.

2008-0797h

Amendment to HB 1537

Proposed by the Committee on Ways and Means - C

Amend RSA 184:111 as inserted by section 2 of the bill by deleting paragraph III.

2008-0790h

Floor Amendment to HB 1572-FN

Proposed by Rep. Kepner

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

2 Cancer Research Number Plates; Initial Costs; Authorization to Receive Gifts. The initial costs associated with designing cancer research number plates and implementing and administering the cancer research number plate program authorized by section 1 of this act shall be paid by donations of private funds to the state. The governor and council are authorized to accept gifts totaling \$75,000 for purposes of starting up the cancer research number plates program, and such gifts shall be credited to the department of safety exclusively for such purposes. The commissioner of

administrative services shall certify to the secretary of state and to the director of the office of legislative services the date upon which the state has received \$75,000 in gifts pursuant to this section. If the state has not received \$75,000 in gifts pursuant to this section by July 1, 2009, the commissioner of administrative services shall certify that fact to the secretary of state and to the director of the office of legislative services.

3 Contingency. If the commissioner of administrative services certifies that the state has received gifts totaling \$75,000 pursuant to section 2 of this act, section 1 of this act shall take effect upon the date of the certification and section 4 of this act shall not take effect. If the commissioner of administrative services certifies that the state did not receive gifts totaling \$75,000 by July 1, 2009 pursuant to section 2 of this act, section 4 of this act shall take effect upon the date of the certification and section 1 of this act shall be treated as having never taken effect.

4 Repeal. RSA 261:97-g, relative to cancer research number plates, is repealed.

5 Effective Date.

I. Sections 1 and 4 of this act shall take effect as provided in section 3 of this act.

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

2008-0704h

Amendment to HB 1581-FN-LOCAL

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

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

1 Construction. Amend RSA 149-I:1 to read as follows:

149-I:1 Construction. The mayor and aldermen of any city may construct and maintain all main drains or common sewers, ***stormwater treatment, conveyance, and discharge systems***, sewage and/or waste treatment, works which they adjudge necessary for the public convenience, health or welfare. Such drains ~~and~~, sewers, ***and systems*** shall be substantially constructed of brick, stone, cement, or other material adapted to the purpose, and shall be the property of the city.

2 Taking Land. Amend RSA 149-I:2 to read as follows:

149-I:2 Taking Land. Whenever it is necessary to construct such main drains or common sewers, ***stormwater treatment, conveyance, and discharge systems***, sewage and/or waste treatment facilities across or on the land of any person and the city cannot obtain for a reasonable price any land or easement in land required by it, the mayor and aldermen may lay out a sufficient quantity of such land for the purpose and assess the owner's damages in the same manner as in the case of taking land for highways pursuant to RSA 230 and the owner shall have the same right of appeal, with the same procedure.

3 Contracts; Treatment Facilities. Amend RSA 149-I:4 to read as follows:

149-I:4 Contracts; Sewage or Waste Treatment Facilities. The mayor and aldermen of any city may lease, enter into contracts to provide, sell, or purchase ***stormwater treatment, conveyance, and discharge systems***, and sewage or waste treatment facilities to or from any other city, town, village district or person whenever they judge the same necessary for the public convenience, health and welfare.

4 Bylaws and Ordinances. Amend RSA 149-I:6, I to read as follows:

I. In municipalities where the sewage ***or stormwater*** is pumped or treated, the mayor and aldermen may adopt such ordinances and bylaws relating to the system, pumping station, treatment plant or other appurtenant structure as are required for proper maintenance and operation ***and to promote the objectives of the sewage system or stormwater utility***.

5 New Subdivision; Stormwater Utilities. Amend RSA 149-I by inserting after section 6 the following new subdivision:

Stormwater Utilities

149-I:6-a Definitions. In this chapter:

I. "Equivalent residential unit" or "ERU" means the fee unit basis for all fees assessed by a stormwater utility.

II. "Stormwater" means stormwater runoff from precipitation, snow melt runoff, and street wash waters related to street cleaning or maintenance, infiltration, and drainage.

III. “Stormwater utility” means a special assessment district established to generate funding specifically for stormwater management.

IV. “Stormwater utility commission” means the governing body managing the activities of the stormwater utility. When the utility encompasses more than one municipality, representation on the commission shall be proportional to the number of fee units within each jurisdiction.

149-I:6-b Stormwater Utility Authorized. The formation of a stormwater utility is hereby authorized upon approval by a majority vote of the legislative body of a municipality. In the case where a stormwater utility encompasses land within more than one municipality, the utility may be authorized by majority vote of the legislative bodies within each affected jurisdiction. Inter-municipal stormwater utilities shall be governed by a stormwater utility commission.

149-I:6-c Criteria for Stormwater Utilities. The stormwater utility shall address flood and erosion control, water quality management, ecological preservation, and annual pollutant load contained in stormwater discharge.

I. Utilities may collect reasonable fees that are directly related to the cost of providing services.

II. Properties charged assessments shall have equal opportunity to receive proportional benefit from the utility.

III. The utility shall offer credits or fee abatements based on on-site management of water quality impairment or peak runoff storage, or both. The utility shall adopt design standards to determine the amount of abatement.

IV. In assessing fees, the stormwater utility district shall forecast the annual cost of each component in the district’s stormwater management program. This forecast shall be the basis for annual assessments distributed equally among the number of fee units within the district.

V. A minimum assessment may be established for fee units based on single family residences. This equivalent residential unit (ERU) can serve as the fee unit basis for all fees. Government property and non-profit organizations shall be subject to the fee structure.

VI. Boundaries of the district are not required to coincide with municipal boundaries.

149-I:6-d System for Fee Units. Each stormwater utility commission shall establish a system for fee units based on at least one of the following property-specific attributes:

I. Total impervious area.

II. Calculated lot runoff.

III. Total lot area.

IV. Land use classification developed for assessment of fees.

6 Levying. Amend RSA 149-I:7 to read as follows:

149-I:7 Levying. The mayor and aldermen may assess upon the persons whose drains enter such main drains, common sewers, ***stormwater treatment, conveyance, and discharge systems***, or treatment facilities, or whose lands receive special benefit therefrom in any way, their just share of the expense of constructing and maintaining the same or paying off any capital debt or interest incurred in constructing and/or maintaining the same.

7 Combined Billing Permitted. Amend RSA 149-I:9 to read as follows:

149-I:9 Combined Billing Permitted. In ~~[cities]~~ ***municipalities*** which assess sewer rents, ***or have established fees for a stormwater utility***, such assessments may be combined in a bill with assessments for other municipal services.

8 New Section; Stormwater Utility Funds. Amend RSA 149-I by inserting after section 10 the following new section:

149-I:10-a Stormwater Utility Funds.

I. The funds received from stormwater utility fees shall be kept as a separate and distinct fund to be known as the stormwater utility fund. Such fund shall be allowed to accumulate from year to year, shall not be commingled with town or city tax revenues, and shall not be deemed part of the municipality's general fund accumulated surplus. Such fund may be expended only for stormwater treatment, conveyance, and discharge systems.

II. Except when a capital reserve fund is established pursuant to paragraph III, all stormwater utility funds shall be held in the custody of the municipal treasurer. Estimates of

anticipated revenues and anticipated expenditures from the stormwater utility fund shall be submitted to the governing body as set forth in RSA 32:6 if applicable, and shall be included as part of the municipal budget submitted to the local legislative body for approval. If the municipality has a properly-established stormwater utility commission, then notwithstanding RSA 41:29 or RSA 48:16, the treasurer shall pay out amounts from the stormwater utility fund only upon order of the stormwater utility commission. Expenditures shall be within amounts appropriated by the local legislative body.

III. At the option of the local governing body, or of the stormwater utility commission if any, all or part of any surplus in the stormwater utility fund may be placed in one or more capital reserve funds and placed in the custody of the trustees of trust funds pursuant to RSA 35:7. If such a reserve fund is created, then the governing body, or stormwater utility commission if any, may expend such funds pursuant to RSA 35:15 without prior approval or appropriation by the local legislative body, but all such expenditures shall be reported to the municipality pursuant to RSA 149-I:25. This section shall not be construed to prohibit the establishment of other capital reserve funds for any lawful purpose relating to municipal water systems.

9 Liens and Collection of Sewer Charges. Amend RSA 149-I:11 to read as follows:

149-I:11 Liens and Collection of Sewer Charges. In the collection of sewer charges **or *underwater utility fees*** under RSA 149-I:7 and 149-I:8, municipalities shall have the same liens and use the same collection procedures as authorized by RSA 38:22. Interest on overdue charges shall be assessed in accordance with RSA 76:13.

10 Correction of Assessments. Amend RSA 149-I:14 to read as follows:

149-I:14 Correction of Assessments.

I. If any error is made in any assessment under RSA 149-I:7 or RSA 149-I:8, it may be corrected by the mayor and aldermen by making an abatement and a new assessment, or either, as the case may require. The same lien, rights, liabilities and remedies shall attach to the new assessment as to the original.

II. *If any error is made in any assessment under RSA 149-I:6-c or RSA 149-I:7, it may be corrected by the governing body by making an abatement or a new assessment, or both. The same lien, rights, liabilities, and remedies shall attach to the new assessment as to the original.*

11 Assessments Not Required. Amend RSA 149-I:17 to read as follows:

149-I:17 Assessment Not Required. Nothing herein contained shall be construed to prevent any city from providing, by ordinance or otherwise, that the whole or a part of the expense of constructing, maintaining and repairing main drains, common sewers, ***stormwater treatment, conveyance, and discharge system***, or sewage and waste treatment facilities shall be paid by such city.

12 Application of Chapter. Amend RSA 149-I:24 to read as follows:

149-I:24 Application of Chapter. The provisions of this chapter shall be in force in such town and village districts as may adopt the same ***by vote of the legislative body***; and the ~~[selectmen]~~ ***governing body*** shall perform all the duties and possess all the powers in the town or the district, as the case may be, conferred by this chapter upon the mayor and aldermen, and the rights of all parties interested shall be settled in the same way.

13 Entering Without Permit. Amend RSA 149-I:22 to read as follows:

149-I:22 Entering Without Permit. Any person who digs or breaks up the ground in any street, highway, lane or alley in any city, for the purpose of laying, altering, repairing or entering any main drain, ***stormwater treatment, conveyance, and discharge system***, or common sewer therein, without permission from the mayor and aldermen, shall be guilty of a violation.

14 Malicious Injury; Penalty. Amend RSA 149-I:23 to read as follows:

149-I:23 Malicious Injury; Penalty. Any person who shall wantonly or maliciously injure any part of any sewer system, ***stormwater treatment, conveyance, and discharge system***, or sewage disposal plant shall be liable to pay treble damages to the owner thereof, and shall be guilty of a misdemeanor if a natural person, or guilty of a felony if any other person.

15 Reports. Amend RSA 149-I:25 to read as follows:

149-I:25 Reports. In towns and village districts adopting this chapter, the selectmen or district commissioners, or board of sewer commissioners if any, ***or stormwater utility commission*** shall annually, at the time other town or district officers report, make a report to the municipality of the condition of the plant financially and otherwise, showing the funds of the department, the expenses and income thereof, and all other material facts. This report shall be published in the annual report of the municipality.

16 New Subparagraph; Application of Receipts; Stormwater Utility Fund. Amend RSA 6:12, I(b) by inserting after subparagraph (268) the following new subparagraph:

(269) Moneys deposited in the stormwater utility fund established under RSA 149-I:10-a.

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

2008-0772h

Amendment to HB 1583-FN

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

Amend RSA 106-H:2, V-a as inserted by section 1 of the bill by replacing it with the following:

V-a. "Emergency notification system" or "ENS" means a notification system that enables a public safety answering point to send a pre-recorded voice message to the wired telephone of every resident and business within a specific area in a short period of time for the purpose of alerting the public about an emergency situation.

Amend RSA 106-H:16, III as inserted by section 2 of the bill by replacing it with the following:

III. The bureau shall, to the greatest extent possible, ensure that the ENS is fully geographic information system (GIS) capable and able to define an emergency zone by address, by telephone exchange, or by geographic area. Wired telephone line numbers shall be linked to a GIS mapping database and able to perform a query based on address, telephone number, or a general geographic area.

Amend RSA 106-H:16, V(b) and (c) as inserted by section 2 of the bill by replacing them with the following:

(b) Provides for simultaneous delivery of emergency notifications to telephones and/or other communication devices.

(c) Incorporates a wide range of existing communication methods and devices to make emergency notifications, to land-based telephones, pagers, and land mobile radios.

Amend RSA 106-H:16, V as inserted by section 2 of the bill by inserting after subparagraph (i) the following:

(j) Is designed and configurable to allow the system to insure the network integrity of all service providers.

(k) Requires the emergency notification message to contain notice provided by the person or entity initiating the emergency notification message of where to receive further information, including sources such as television, radio, and websites.

(l) States that there is an opt-out provision for municipalities and individual subscribers.

Amend the bill by replacing section 3 with the following:

3 Funding. Amend RSA 106-H:9, II to read as follows:

II. Imposition of the enhanced 911 services surcharge shall begin not later than 4 months from the approval of the budget, in order to provide adequate funding for the development of the enhanced 911 database and other operations [~~necessary to the development~~] of the enhanced 911 system ***and emergency notification system***.

2008-0425h

Amendment to HB 1589-FN

Proposed by the Minority of the Committee on Judiciary - R

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

AN ACT prohibiting the lethal injection of potassium chloride as part of the abortion process.

Amend the bill by replacing section 1 with the following:

1 New Subdivision; Prohibiting the Use of Lethal Injections of Potassium Chloride in Abortions. Amend RSA 132 by inserting after section 28 the following new subdivision:
Prohibiting the Use of Lethal Injections of Potassium Chloride in Abortions

132:29 Use of Lethal Injections of Potassium Chloride in Abortions Prohibited. No person performing abortions shall use a lethal injection of potassium chloride into a fetus or umbilical cord as part of the abortion process. For the purposes of this section, "fetus" means a fetus of the species homo sapiens carried in the womb. Any person violating the provisions of this subdivision shall be guilty of a felony.

AMENDED ANALYSIS

This bill prohibits the lethal injection of potassium chloride as part of the abortion process.

2008-1025h

Amendment to HB 1594-FN

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

Amend RSA 154:35 as inserted by section 1 of the bill by inserting after paragraph VI the following new paragraph and renumbering original paragraphs VII and VIII to read as VIII and IX:

VII. "Reportable maximum daily amount" means an estimate of the average daily amount of the hazardous chemical or substance present at the facility during the preceding calendar year or, at the option of the facility, the capacity at the facility for storage of the hazardous chemical or substance during the preceding calendar year.

Amend RSA 154:36, II(a) as inserted by section 1 of the bill by replacing it with the following:

(a) Employers and facilities that are required to prepare or have available material safety data sheets for hazardous chemicals and substances under federal Occupational Safety and Health regulations and exceed the TPQ or 500 pounds, whichever is lower, except as otherwise provided by this section.

Amend RSA 154:36, IV(b) as inserted by section 1 of the bill by replacing it with the following:

(b) Storage facilities and distributors of petroleum products that submit a report under RSA 154:36, II(b) and (c) shall pay a \$50 annual registration fee to the department. Storage facilities and distributors of petroleum products with amounts over 10,000 pounds shall also pay a fee for the total reported petroleum product by pound in accordance with the fee schedule in subparagraph (a).

Amend the bill by replacing all after section 6 with the following:

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, 2009.

8 Hazardous Materials Emergency Response Program; Fiscal Year 2009 Grant. On July 1, 2008, the commissioner of the department of safety shall transfer up to \$1,200,000 from the fire standards and training and emergency medical services fund established in RSA 21-P:12-d to the hazardous materials emergency response program fund established in RSA 154:37 to fund grants awarded under RSA 154:37 for the fiscal year ending June 30, 2009.

9 Fire Standards and Training and Emergency Services Fund. Amend RSA 21-P:12-d to read as follows:

21-P:12-d Fire Standards and Training and Emergency Medical Services Fund. There is established in the office of the state treasurer a separate, nonlapsing fund to be known as the fire standards and training and emergency medical services fund from which the state treasurer shall pay expenses incurred in the administration of the division of fire standards and training and emergency medical services, under RSA 21-P:12-a, the division of fire safety, under RSA 21-P:12, ~~and~~ the bureau of emergency management in the division of emergency services, communications, and management under RSA 21-P:36, **and to provide grants for the hazardous materials emergency response program established in RSA 154:36.** If the expenditure of additional funds over budget estimates is necessary for the proper functioning of the division of fire standards and training and emergency medical services, the division of fire safety, or the bureau of emergency management in the division of emergency services, communications, and management, the

department of safety may request, with prior approval of the fiscal committee of the general court, the transfer of funds from the fire standards and training and emergency medical services funds to the department of safety for such purposes.

10 Fire Standards and Training and Emergency Services Fund; 2009 Changes. RSA 21-P:12-d is repealed and reenacted to read as follows:

21-P:12-d Fire Standards and Training and Emergency Medical Services Fund. There is established in the office of the state treasurer a separate, nonlapsing fund to be known as the fire standards and training and emergency medical services fund from which the state treasurer shall pay expenses incurred in the administration of the division of fire standards and training and emergency medical services, under RSA 21-P:12-a, the division of fire safety, under RSA 21-P:12, and the bureau of emergency management in the division of emergency services, communications, and management under RSA 21-P:36. If the expenditure of additional funds over budget estimates is necessary for the proper functioning of the division of fire standards and training and emergency medical services, the division of fire safety, or the bureau of emergency management in the division of emergency services, communications, and management, the department of safety may request, with prior approval of the fiscal committee of the general court, the transfer of funds from the fire standards and training and emergency medical services funds to the department of safety for such purposes.

11 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.

12 Effective Date.

I. Except as provided in paragraph II of this section, sections 1 and 2 of this act shall take effect July 1, 2008.

II. RSA 154:36, IV as inserted by section 1 of this bill shall take effect July 1, 2009.

III. Section 10 of this act shall take effect July 1, 2009.

IV. Section 11 of this act shall take effect July 1, 2013.

V. 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 effective until July 1, 2013.

This bill also establishes a study commission to study the current methods of funding the hazardous waste and hazardous materials programs in New Hampshire.

2008-0899h

Amendment to HB 1595-FN

Proposed by the Committee on Ways and Means - C

Amend the bill by replacing section 1 with the following:

1 New Section; License Expiration; Persons Engaged in Overseas Service. Amend RSA 263 by inserting after section 11 the following new section:

263:11-a License Expiration; Persons Engaged in Overseas Service. Any person who is engaged in overseas service for the government of the United States or the state of New Hampshire and who, at the time of the overseas assignment, was a resident of this state and was a holder of a valid New Hampshire license to drive motor vehicles in this state, may renew such license by application to the division. Said application shall be accompanied by a letter giving the date of expiration of the overseas assignment, signed by a supervising official. The privilege of this section remains in effect for 90 days after the expiration of the overseas assignment, except that no renewal under this section shall be valid for more than 5 years. Nothing in this section permits a person against whom a revocation or suspension of license is in force, or a person who has been refused a license by the director, to drive a motor vehicle.

2008-0841h

Amendment to HB 1596-FN-LOCAL

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

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

AN ACT relative to fees charged by the motor vehicle division and drivers' license suspension or revocation for failure to register as a sexual offender.

Amend the bill by replacing all after section 4 with the following:

5 Suspension or Revocation for Default or Nonpayment of Fine. Amend the section heading of RSA 263:56-a to read as follows:

263:56-a Suspension or Revocation for Default, ***Noncompliance***, or Nonpayment of Fine.

6 Suspension or Revocation for Default or Nonpayment of Fine. Amend RSA 263:56-a, I to read as follows:

I. **(a)** Whenever any defendant:

~~[(a)]~~ **(1)** Defaults on an arraignment or other scheduled court appearance in connection with a charge or conviction of any offense, or

~~[(b)]~~ **(2)** Fails to pay a fine or other penalty imposed in connection with a conviction of any offense which a court has determined he ***or she*** is able to pay, or issues a bad check in payment of a fine or other penalty; or

~~[(c)]~~ **(3)** Fails to comply with a similar order of the director or a court on any matter within the director's or court's jurisdiction~~[-, his driver's license or resident or nonresident driving privilege and in any motor vehicle case or related case the resident plates and motor vehicle registration shall be suspended or revoked only upon written consent of the director, effective 30 days after such default or failure, except as provided in subparagraph I(d) of this section.]; or~~

~~[(d)]~~ **(4)** ***Is a sexual offender as defined in RSA 651-B:1, III and fails to comply with the registration requirements under RSA 651-B, and where the failure to comply persists for more than 30 days;***

The defendant's driver's license or resident or nonresident driving privilege and in any motor vehicle case or related case the resident plates and motor vehicle registration shall be suspended or revoked only upon written consent of the director, effective 30 days after such default or failure, except as provided in subparagraph (b).

(b) If a defendant receives a summons in hand from a law enforcement officer, no further notification to such defendant is required before the suspension of his ***or her*** driving privileges occurs as provided in subparagraph ~~I(c)]~~ ***I(a)***. If a defendant receives a summons in any manner other than in hand by a law enforcement officer, the court or director, as applicable, shall notify such defendant by certified mail at his ***or her*** last known address that his ***or her*** driving privileges shall be suspended 30 days after the mailing of such notification.

7 Suspension or Revocation for Default or Nonpayment of Fine. Amend RSA 263:56-a, II(a) to read as follows:

(a) If such defendant fails to appear, pay the fine, or comply with an order within the applicable period, as provided in ~~[subparagraph I(c) or (d)]~~ ***subparagraphs I(a) or I(b)*** of this section, or fails to demonstrate that the defendant is financially unable to pay the fine or to comply with the order within the applicable period, the director shall suspend such defendant's driver's license or resident or nonresident driving privilege effective from the applicable date for an indefinite period and mark the defendant's files accordingly.

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

AMENDED ANALYSIS

This bill changes certain motor vehicle fees and permits the commissioner of safety to waive the fee for certified copies of registrations, licenses, and driving records under certain circumstances. The bill also permits suspension of the driver's license, driving privileges, plates, and motor vehicle registration for failure to register as a sex offender.

2008-0906h

Amendment to HB 1604-FN

Proposed by the Committee on Ways and Means - C

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

1 Order of Suspension. Amend RSA 263:56-f, I and II to read as follows:

I. Upon receiving a report from the commissioner of the department of transportation or designee, that the owner of a vehicle, as defined in RSA 236:31, has violated the terms of RSA 236:31, the director shall notify the owner in writing by first class mail that the owner's ~~driving privileges, registration, resident plates, or~~ motor vehicle registration **renewal** privileges may be suspended on the date which is 30 days from the date of notification unless the toll and any administrative fees assessed by the department of transportation are paid. The director shall also notify the owner that he or she may request an administrative hearing before the suspension takes effect. A request for a hearing shall be in writing. A request for a hearing received by the division more than 30 days from the date the notice is issued shall be denied as untimely.

II.(a) The director shall, pursuant to RSA 541-A, adopt by rule, a uniform administrative fine schedule for ~~[each separate violation that]~~ **violations. The fine for each suspension of registration renewal privileges requested by the commissioner of transportation** shall not exceed:

(1) \$250 for a first ~~[offense]~~ **requested suspension.**

(2) \$500 for a second offense within a 12-month period **from the time of the first requested suspension.**

(3) \$1,000 for a third or subsequent offense within a 12-month period **from the time of the first requested suspension.**

(b) ~~[No fine shall take effect unless approved by the commissioner.]~~ The commissioner ~~[shall have the authority to modify the amount of the fine assessed]~~ **of safety, in proven cases of hardship or for other good cause, may suspend all or part of any administrative fine so imposed.** Notwithstanding any other law to the contrary, all administrative fines collected under this section shall be deposited into the turnpike fund.

2 Reinstatement. RSA 263:56-f, V is repealed and reenacted to read as follows:

V. The registration renewal privileges of any vehicle, if applicable, of an owner shall be reinstated upon notice to the director from the department of transportation that all tolls, fees, and fines have been paid.

3 Certification. Sections 1 and 2 of this act shall take effect as soon after passage as the commissioner of safety certifies to the commissioner of transportation and the director of the office of legislative services that the data processing system has been programmed to accommodate this change and no later than January 1, 2009.

4 Effective Date.

I. Sections 1 and 2 of this act shall take effect as provided in section 3 of this act.

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

AMENDED ANALYSIS

This changes current procedures so that after the department of transportation has notified the department of safety of an unpaid E-Z Pass violation, the department of safety may suspend the owner's registration renewal privileges, but not the owner's driving privileges, registration, or resident plates.

This bill is a request of the department of transportation.

2008-0840h

Amendment to HB 1618-FN-A Proposed by the Committee on Finance - R

Amend the bill by replacing section 6 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~~ ***treasurer for deposit in the highway fund***, or to such department or agency of the state as the law provides, within 14 days of their receipt.

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.

2008-0907h

Amendment to HB 1622-FN-A

Proposed by the Committee on Ways and Means - C

Amend RSA 21-M:19, IV as inserted by section 1 of the bill by replacing it with the following:

- IV. No more than 8-1/2 percent of the money in the FAST program grant fund shall be used by the attorney general for the costs of administration of the fund.

2008-0625h

Amendment to HB 1623-FN

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

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

AN ACT relative to the penalty for possession of marijuana.

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

1 New Subparagraph; Controlled Drug Act; Penalties. Amend RSA 318-B:26, II by inserting after subparagraph (d) the following new subparagraph:

(e) In the case of marijuana in a quantity of less than .25 ounces including any adulterants or dilutants, the person shall be guilty of a violation, and notwithstanding paragraph XIII of this section, subject to a fine not to exceed \$200 for each offense.

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

AMENDED ANALYSIS

This bill makes the penalty for marijuana possession in a quantity of less than .25 ounces a violation.

2008-0651h

Amendment to HB 1628

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

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

1 New Section; Renewable Energy Incentive Payments. Amend RSA 362-A by inserting after section 6-a the following new section:

362-A:6-b Renewable Energy Incentive Payments.

I. The public utilities commission shall make and administer a one-time payment of \$3 per watt of nominal generation capacity up to a maximum payment of \$6,000, or 50 percent of system costs, whichever is less, per facility to any owner of a small renewable generation facility, as defined

in RSA 72:73, having a total peak generation capacity of less than 5 kilowatts, that is built on or after July 1, 2008 and is located on the owner's property.

II. Such payments shall be allocated from the renewable energy fund established in RSA 362-F:10, up to maximum aggregate payment 10 percent of the fund per year.

2 New Paragraph; Rulemaking. Amend RSA 362-F:13 by inserting after paragraph VII the following new paragraph:

VIII. Develop and implement an expedited application process to allow small energy users that install a customer sited source on their property after July 1, 2008, to be eligible to receive funding from the renewable energy fund established in RSA 362-F:10 to the extent such funding is available. The application process shall include verification of costs for parts and labor, certification that the equipment used meets the applicable safety standards of the American National Standards Institute (ANSI) or Underwriters Laboratory (UL) or similar safety rating agency, and that the facility meets local zoning regulations, and receives any required inspections.

3 New Paragraph; Commission Review and Report. Amend RSA 362-F:5 by inserting after paragraph VIII the following new paragraph:

IX. The distribution of the renewable energy fund established in RSA 362-F:10.

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

AMENDED ANALYSIS

I. Authorizes the public utilities commission to make a one-time payment from the renewable energy fund to certain owners of small renewable generation facilities.

II. Directs the public utilities commission to develop rules for creating an expedited process to allow certain energy users to be eligible to receive funding from the renewable energy fund.

2008-0777h

Amendment to HB 1637

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

Amend the bill by replacing section 1 with the following:

1 Cancer Registry; Reports. Amend RSA 141-B:7 to read as follows:

141-B:7 Reporting. All facilities shall provide a report to the cancer registry, including social security numbers if persons were given the option at the original point of collection to provide social security numbers voluntarily, containing information regarding a cancer diagnosed or being treated. ***Each report of cancer shall include items listed in rules adopted under RSA 541-A in accordance with the elements listed in the North American Association of Central Cancer Registries, Standards for Cancer Registries as amended from time to time and available. The department shall review any such amendment and if it determines that an amendment is not appropriate for New Hampshire, the amendment shall not be incorporated into the rules or be implemented by the department.***

2008-1030h

Floor Amendment to HB 1642

Proposed by Rep. Weyler

Amend 2007, 263:92, II-III as inserted by section 1 of the bill by replacing them with the following:

II. In addition to the provisions of paragraph I, and in addition to any funds distributed to charter schools pursuant to RSA 198:42, IV, the state treasurer shall distribute to the commissioner of the department of education, from the education trust fund established in RSA 198:39, the sum of \$1,500,000 for the fiscal year ending June 30, 2009 for disbursement to all charter schools in operation as of the beginning of the 2008-2009 school year. The amount shall be calculated on a per pupil basis, as set forth in paragraph III, based on charter school pupil enrollment, and shall be distributed pursuant to RSA 194-B:11, I(c).

III. The funds distributed to the commissioner of the department of education shall be allocated in the following manner:

(a) The Academy for Science and Design Charter School, Cocheco Arts and Technology Charter Academy, Franklin Career Charter Academy, New Hampshire Equestrian Academy Charter School, Seacoast Charter School, Strong Foundations Charter School and Surry Village Charter School shall each receive \$2,700 per pupil;
(b) CSI Charter School, Great Bay e-Learning Charter School, Ledyard Charter Academy, and North Country Charter Academy shall each receive \$500 per pupil; and
(c) The Virtual Learning Academy Charter School shall receive \$250 for each full-time equivalent pupil.

2008-0888h

Amendment to HB 1643-FN

Proposed by the Joint Committee on Executive Departments and Administration and Finance - R

Amend the bill by replacing section 1 with the following:

1 Retirement System; Medical Benefits; Group I Teachers and Political Subdivision Employees. Amend RSA 100-A:52-a, I(a)–(c) to read as follows:

(a) Any person, who ~~has~~ **was eligible to retire as of July 1, 2008 with** at least 20 years of creditable service as a group I member if age 60 or older, or **who was eligible to retire as of July 1, 2008 with** at least 30 years of creditable service as a group I member if age 55-59, **and** retired on or before July 1, ~~2008~~ **2009** as a group I teacher member or political subdivision employee member of the New Hampshire retirement system on service or ordinary disability retirement, provided that such person shall be entitled to retirement on the basis of group I creditable service, or any person retired on or before July 1, ~~2008~~ **2009**, as a group I member whose service retirement benefit is based upon the provisions of RSA 100-A:19-c and who ~~has~~ **as of July 1, 2008 was eligible to retire with** a minimum of 20 years of creditable service as a group I member.

(b) Any person who for reasons other than retirement or death ceases to be a group I teacher or political subdivision employee prior to attaining the age of 60, and who, as of July 1, 2008, receives a vested deferred retirement allowance and who has completed no less than 20 years of group I creditable service and subsequently attains the age of 60, or who has completed no less than 30 years of group I creditable service and subsequently attains the age of 55.

(c) Any person who ~~has completed~~ **was eligible to retire as of July 1, 2008 with** no less than 20 years of group I creditable service and who **as of July 1, 2009** retired as a group I teacher member or political subdivision employee member prior to age 60, and who subsequently attains the age of 60, or any person who ~~has completed~~ **was eligible to retire as of July 1, 2008 with** no less than 30 years of group I creditable service and who **as of July 1, 2009** retired as a group I teacher member or political subdivision employee member prior to age 55, and who subsequently attains the age of 55.

2008-1018h

Amendment to HB 1644-FN-A

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

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

1 Statement of Purpose. The general court recognizes that Coos county has recently endured significant job losses which severely impact the financial health of the county. While the current economy is a challenge across the entire state, the general court finds that Coos county has faced comparatively greater job losses and resulting downturn and higher unemployment than other counties in the state. Therefore, in an attempt to foster the creation of additional high quality jobs and to stimulate economic growth in Coos county, the general court hereby creates the Coos county job creation tax credit.

2 New Paragraph; Coos County Job Creation Tax Credit. Amend RSA 77-A:5 by inserting after paragraph XIII the following new paragraph:

XIV. The unused portion of any Coos county job creation tax credit awarded by the commissioner under RSA 77-E:3-c shall be available to apply to the business profits tax.

3 New Section; Business Enterprise Tax; Coos County Job Creation Tax Credit. Amend RSA 77-E by inserting after section 3-b the following new section:

77-E:3-c Coos County Job Creation Tax Credit.

I.(a) There shall be a tax credit allowed for each qualified tax credit employee, for up to 5 consecutive tax periods, as certified by the commissioner of resources and economic development under RSA 162-Q:1. The amount of the tax credit shall be as follows:

(1) \$750 for each qualified tax credit employee earning wages which are equal to or greater than 150 percent but less than 200 percent of the current state minimum wage.

(2) \$1000 for each qualified tax credit employee earning wages which are equal to or greater than 200 percent of the current state minimum wage.

(b) If the position held by a qualified tax credit employee ceases to exist at any time during the 5 consecutive tax periods, the employer may not claim the credit for the tax period in which the position ceased to exist or for future tax periods within the 5 consecutive tax periods.

II. The initial job creation tax credit allowed under this paragraph shall not apply to any tax period ending prior to the effective date of this section, or to any tax period ending after December 31, 2013. After being initially granted, the tax credit shall be renewable for 4 consecutive additional years, provided that no additional tax credit shall be granted for any tax period after December 31, 2017.

III. Unused portions of this credit shall be carried forward up to 5 years. Unused, carried forward credit under this section shall be applied before any other available carry-forward credit.

IV. For the purpose of the credit allowed under this section, the Coos county job creation tax credit shall be considered taxes paid under RSA 77-E.

4 New Chapter; Coos County Job Creation Tax Credit. Amend RSA by inserting after chapter 162-P the following new chapter:

CHAPTER 162-Q COOS COUNTY JOB CREATION TAX CREDIT

162-Q:1 Definition.

I. In this chapter “qualified tax credit employee” means a new, full-time, year-round employee hired in Coos county for work directly in one or more business activities for which actual wages paid are equal to or greater than 150 percent of the current state minimum wage. “Qualified tax credit employee” does not include an employee who is:

(a) Shifted to a new position because of a merger, acquisition, or restructuring; or

(b) Laid-off and rehired within 270 days to the same or similar position.

(c) Not on the employer’s payroll for at least 90 days prior to the date on which the employer claims the credit for the first tax period.

II. For the purposes of calculating wages paid to the employee under paragraph I, the amount paid by the employer for medical and dental health care benefits for the employee shall be included in the amount of actual wages paid.

162-Q:2 Approval and Certification. The commissioner of the department of resources and economic development, in consultation with the commissioner of the department of revenue administration, shall develop application forms with which taxpayers may apply for the job creation tax credit. The forms shall be submitted by taxpayers to the commissioner of the department of resources and economic development, and the commissioner shall approve or deny such application and certify to the commissioner of the department of revenue administration the total credit awarded to each business organization that hires qualified tax credit employees.

162-Q:3 Reports. The commissioner of the department of resources and economic development shall file a report detailing the implementation of the tax credit program under RSA 77-E:3-c and the results achieved. This report shall be filed with the president of the senate, the speaker of the house of representatives, and the governor on or before July 31 of each year, beginning with July 31, 2009. The report shall include the following:

I. Methods and activities used to implement the tax credit program.

- II. The number and type of jobs created in Coos county.
- III. The total amount of tax credits awarded.
- IV. Other information as deemed relevant.

5 Nonseverability. It is the intent of the legislature that this act be considered a unit and its provisions inseparable. If any provision of this act is declared unconstitutional or invalid, the entire act and all of its provisions shall be invalid.

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

2008-1031h

Amendment to HB 1645-FN-LOCAL

Proposed by the Joint Committee on Executive Departments and Administration and Finance - R

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

1 Definition of Earnable Compensation; Other Compensation. Amend RSA 100-A:1, XVII to read as follows:

XVII. "Earnable compensation" shall mean for all members the full base rate of compensation paid plus any overtime pay, holiday and vacation pay, sick pay, longevity or severance pay, cost of living bonus, additional pay for extracurricular and instructional activities or for other extra or special duty, ~~and other compensation paid to the member by the employer,~~ plus the fair market value of non-cash compensation ***paid to, or on behalf of, the member*** such as meals or living quarters if subject to federal income tax. However, earnable compensation in the final 12 months of creditable service prior to termination of employment shall be limited to 1-1/2 times the higher of the earnable compensation in the 12-month period preceding the final 12 months or the highest compensation year as determined for the purpose of calculating average final compensation, but excluding the final 12 months. Any compensation received in the final 12 months of employment in excess of such limit shall not be subject to member or employer contributions to the retirement system and shall not be considered in the computation of average final compensation. Provided that, the annual compensation limit for members of governmental defined benefit pension plans under section 401(a)(17) of the United States Internal Revenue Code of 1986, as amended, shall apply to earnable compensation for all employees, teachers, permanent firemen, and permanent policemen who first become eligible for membership in the system on or after July 1, 1996. Earnable compensation shall not include compensation in any form paid later than 120 days after the member's termination of employment from a retirement eligible position, with the limited exceptions of disability related severance pay paid to a member or retiree no later than 120 days after a decision by the board of trustees granting the member or retiree disability retirement benefits pursuant to RSA 100-A:6 and of severance pay which a member was entitled to be paid within 120 days after termination but which, without the consent of the member and not through any fault of the member, was paid more than 120 days after the member's termination. The member shall have the burden of proving to the board of trustees that any severance payment paid later than 120 days after the member's termination of employment is earnable compensation and meets the requirements of an asserted exception to the 120-day post-termination payment requirement.

2 Membership. Amend RSA 100-A:3, V to read as follows:

V. A member shall cease to be a member if (a) ~~he or she is absent from service for more than 2 years; (b)~~ he or she withdraws his or her accumulated contributions; or ~~(c)~~ **(b)** he or she becomes a beneficiary or dies. ~~[Notwithstanding the foregoing,]~~ The board of trustees shall continue the membership of a member while in the armed forces of the United States provided such member does not withdraw his or her accumulated contributions.

3 Return of Member Contributions; Group I. Amend RSA 100-A:11, I(a) to read as follows:

(a) If a group I member ceases to be an employee or teacher for reasons other than retirement or death and if he or she has not elected to receive a vested deferred retirement allowance under RSA 100-A:10, the amount of his or her accumulated contributions shall be paid within 3 months after his or her written request therefor, provided that the member may not file a written request for such payment until at least 30 days from the date the member ceases to be an employee

or a teacher and provided that the member may not again become a group I member during said 30-day period. If a group I member ceases to be a **an active** member because of absence from service for more than ~~[2 years, his or her accumulated contributions shall be paid within 3 months after the board is notified to that effect]~~ **180 days, without requesting return of the amount of his or her accumulated contributions, the retirement system shall retain his or her accumulated contributions. The annual return credited on inactive, vested members shall be paid pursuant to RSA 100-A:16, II(g). The board shall hold and invest such accumulated contributions on behalf of the inactive member, provided that the annual return credited on the inactive member's accumulated contributions shall be 2 percentage points less than either the assumed rate of return determined under RSA 100-A:16, II(h) or the actual rate of return, whichever is lower, for the immediately preceding fiscal year as reported in the comprehensive annual financial report (CAFR), provided the rate of return shall not be less than zero. The inactive member's total accumulated contributions shall be paid within 3 months after his or her written request therefor. In the event an inactive member who has not withdrawn his or her contributions under this section returns to become an active member in service, his or her previous service shall count toward that member's creditable service to the extent that his or her accumulated contributions have remained in the retirement system.**

4 Return of Member Contributions; Group II. Amend RSA 100-A:11, II(a) to read as follows:

(a) If a group II member ceases to be a permanent policeman or permanent fireman for reasons other than retirement or death and if he or she has not elected to receive a vested deferred retirement allowance under RSA 100-A:10, the amount of his or her accumulated contributions shall be paid within 3 months after his or her written request therefor. If a group II member ceases to be a **an active** member because of absence from service for more than ~~[2 years, his or her accumulated contributions shall be paid within 3 months after the board is notified to that effect]~~ **180 days, without requesting return of the amount of his or her accumulated contributions, the retirement system shall retain his or her accumulated contributions. The annual return credited on inactive, vested members shall be paid pursuant to RSA 100-A:16, II(g). The board shall hold and invest such accumulated contributions on behalf of the inactive member, provided that the annual return credited on the inactive member's accumulated contributions shall be 2 percentage points less than either the assumed rate of return determined under RSA 100-A:16, II(h) or the actual rate of return, whichever is lower, for the immediately preceding fiscal year as reported in the comprehensive annual financial report (CAFR), provided the rate of return shall not be less than zero. The inactive member's total accumulated contributions shall be paid within 3 months after his or her written request therefor. In the event an inactive member who has not withdrawn his or her contributions under this section returns to become an active member in service, his or her previous service shall count toward that member's creditable service to the extent that his or her accumulated contributions have remained in the retirement system.**

5 Medical Benefits; Group II; Payment by Retirement System; 8 Percent Increase. Amend RSA 100-A:52, II to read as follows:

II. However, for the fiscal year beginning July 1, 1990, the maximum amount payable by the retirement system under this subdivision on account of each person qualified under paragraph I who is not entitled to Medicare benefits, shall be \$101.50 per month, and on account of each person qualified under paragraph I who is entitled to Medicare benefits, shall be \$64 per month. As of July 1, 1991, and on each July 1 ~~[thereafter]~~ **until and including July 1, 2008**, the maximum amount payable by the retirement system as provided in this paragraph shall be increased by 8 percent, compounded on previous increases. **After July 1, 2008, the rate payable under this paragraph may be increased only by the passage of appropriate legislation.**

6 Medical Benefits; Group I Teachers and Political Subdivision Employees; Payment by Retirement System; 8 Percent Increase Removed. Amend RSA 100-A:52-a, II to read as follows:

II. ~~[However,]~~ For ~~[the]~~ **each** fiscal year beginning **on or after** July 1, ~~[2000]~~ **2008**, the maximum amount payable by the retirement system under this subdivision on account of each

person qualified under paragraph I who is not entitled to Medicare benefits, and on account of each person qualified under paragraph I who is entitled to Medicare benefits, shall be the same as the amount provided in RSA 100-A:52, II for group II retirees. ~~[As of July 1, 2000 and on each July 1 thereafter, the maximum amount payable by the retirement system as provided in this paragraph shall be increased by 8 percent, compounded on previous increases.]~~

7 Medical Benefits; Group I Employees; Payment by Retirement System; 8 Percent Increase Removed. Amend RSA 100-A:52-b, III to read as follows:

III. ~~[However,]~~ For ~~[the]~~ **each** fiscal year beginning **on or after** July 1, ~~[2000]~~ **2008**, the maximum amount payable by the retirement system under this subdivision on account of each person qualified under paragraph I who is not entitled to Medicare benefits, and on account of each person qualified under paragraph I who is entitled to Medicare benefits, shall be the same as the amount provided in RSA 100-A:52, II for group II retirees. ~~[As of July 1, 2000 and on each July 1 thereafter, the maximum amount payable by the retirement system as provided in this paragraph shall be increased by 8 percent, compounded on previous increases.]~~

8 New Paragraph; Board of Trustees; Administration; Review of Medical Benefit Subsidy Rates; Biennial Report. Amend RSA 100-A:14 by inserting after paragraph XV the following new paragraph:

XVI. The board of trustees shall review the medical benefit subsidy amount in effect under RSA 100-A:52, II, RSA 100-A:52-a, II, and RSA 100-A:52-b, III to make a prudent determination whether the amount may be increased, including consideration of different rates of growth to the medical subsidy for each subgroup, if those rates are actuarially supported. The board shall, on or before the December 1 preceding each biennial session of the legislature, commencing on or before December 1, 2010, report to the governor, the speaker of the house of representatives, the senate president, and the chairpersons of the house and senate finance and executive departments and administration committees on its review and determination under this paragraph.

9 New Subparagraph; Method of Financing; Transfer from Special Account. Amend RSA 100-A:16, II by inserting after subparagraph (i) the following new subparagraph:

(j) Notwithstanding RSA 100-A:16, II(h)(5) and (7), there shall be a one-time transfer of \$250,000,000 not later than June 30, 2008 from the special account to the state annuity accumulation fund, provided however that if the employers' obligation to fund the 401(h) subtrust under RSA 100-A:53, RSA 100-A:53-b, RSA 100-A:53-c, and RSA 100-A:53-d ceases as a result of a final court order, the transfer of \$250,000,000 plus any interest accrued shall be returned to the special account. The sum transferred shall be credited proportionally to each member subgroup based on the proportion of the funds transferred into each special account subgroup from the special medical account, as identified by the retirement system, on June 30, 2007.

10 Medical Benefits; Method of Financing; Group II. Amend RSA 100-A:53, I to read as follows:

I. The benefits provided under RSA 100-A:52 shall be provided by a 401(h) subtrust of the New Hampshire retirement system. ***Beginning July 1, 2009***, the 401(h) subtrust shall be funded by allocating ***to the subtrust the lesser of:***

(a) 25 percent of [future] group II employer contributions made for group II [in accordance with RSA 100-A:16 to the subtrust until such time as the benefits are fully funded. Thereafter the subtrust shall receive only that portion of each year's contribution as is necessary to keep the benefits fully funded.]; or

(b) The percentage of group II employer contributions made for group II determined by the actuary to be the minimum rate necessary to maintain the benefits provided under RSA 100-A:52.

11 Medical Benefits; Method of Financing; Group I Teachers. Amend RSA 100-A:53-b, I to read as follows:

I. The benefits provided under RSA 100-A:52-a shall be provided by a 401(h) subtrust of the New Hampshire retirement system. ***Beginning July 1, 2009***, the 401(h) subtrust shall be funded by allocating ***to the subtrust the lesser of:***

(a) 25 percent of [future] group I teacher employer contributions made for group I teachers [in accordance with RSA 100-A:16 to the subtrust until such time as the benefits are fully

~~funded. Thereafter the subtrust shall receive only that portion of each year's contribution as is necessary to keep the benefits fully funded.]; or~~

(b) The percentage of group I employer contributions made for group I teachers determined by the actuary to be the minimum rate necessary to maintain the benefits provided under RSA 100-A:52-a.

12 Medical Benefits; Method of Financing; Group I Political Subdivision Employees. Amend RSA 100-A:53-c, I to read as follows:

I. The benefits provided under RSA 100-A:52-a shall be provided by a 401(h) subtrust of the New Hampshire retirement system. **Beginning July 1, 2009**, the 401(h) subtrust shall be funded by allocating **to the subtrust the lesser of:**

~~(a) 25 percent of [future] group I employer contributions made for group I political subdivision employees [in accordance with RSA 100-A:16 to the subtrust until such time as the benefits are fully funded. Thereafter the subtrust shall receive only that portion of each year's contribution as is necessary to keep the benefits fully funded.]; or~~

(b) The percentage of group I employer contributions made for group I political subdivision employees determined by the actuary to be the minimum rate necessary to maintain the benefits provided under RSA 100-A:52-a.

13 Medical Benefits; Method of Financing; Group I State Employees. Amend RSA 100-A:53-d, I to read as follows:

I. The benefits provided under RSA 100-A:52-b shall be provided by a 401(h) subtrust of the New Hampshire retirement system. **Beginning July 1, 2009**, the 401(h) subtrust shall be funded by allocating **to the subtrust the lesser of:**

~~(a) 25 percent of [future] group I employer contributions made for group I state employees [in accordance with RSA 100-A:16 to the subtrust until such time as the benefits are fully funded. Thereafter the subtrust shall receive only that portion of each year's contribution as is necessary to keep the benefits fully funded.]; or~~

(b) The percentage of group I employer contributions made for group I state employees determined by the actuary to be the minimum rate necessary to maintain the benefits provided under RSA 100-A:52-b.

14 Commission on Retiree Health Care Benefits Funding Model. There is established a commission to propose a retiree health care benefits funding model.

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

(a) Three members of the house of representatives, one of whom shall be from the executive departments and administration committee and one of whom shall be from the finance committee, appointed by the speaker of the house of representatives.

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

(c) The chairperson of the New Hampshire retirement system board of trustees, or designee.

(d) Two representatives of group I of the retirement system, appointed by the governor.

(e) Two representatives of group II of the retirement system, appointed by the governor.

(f) Two representatives of municipal and school employers in the retirement system, appointed by the governor.

(g) Six public members with recognized expertise in finance, financial management, health care finance, health care delivery, or the governance and oversight of large endowments or public funds, appointed by the governor.

(h) One retired member of the retirement system currently receiving benefits, appointed jointly by the speaker of the house of representatives and the president of the senate.

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

III. The commission shall study and recommend to the general court by December 1, 2008, the detailed design for a preferential tax vehicle for employees who do not qualify for the existing medical subsidy, to make contributions that would provide funds for post-employment medical expenses. Among the duties, the commission shall:

(a) Analyze the models in use by other states.

(b) Collect information from experts in the field.

(c) Consider different vehicles for such a plan including governmental trusts, Voluntary Employee Benefit Associations (VEBAs), 401(h), trusts, and Health Savings Accounts.

(d) Consider the following principles, in designing a recommended plan that:

- (1) Allows for member and employer contributions.
- (2) Utilizes tax advantaged contributions, earnings, and benefit distributions.
- (3) Includes pre-funding for cost-effectiveness, security, and to satisfy the Governmental Accounting Standards Board and the Internal Revenue Service.
- (4) Permits employer contributions through negotiated matches for currently active members.
- (5) Permits additional voluntary member contributions.
- (6) Is administratively efficient.
- (7) Is available and integrated with other benefits.
- (8) Allows unused sick and vacation leave to be contributed toward the medical subsidy.
- (9) Is viable long term.

(e) Additionally, in designing a recommended plan, consider the following possibilities:

- (1) Bonding to assist in the establishment of the trust and/or the transfer of medical subsidy eligible active members and/or retirees to the new health care funding model.
- (2) Integrating the new trust with the existing subsidy-eligible state employees and the benefits provided by RSA 21-I:30.
- (3) Moving all subsidy-eligible retirees into the new plan, bringing the current 401(h) subtrust funding with them, if permitted.
- (4) Analyzing alternative retiree health care insurance programs for political subdivision retirees and Medicare retirees that would reduce the overall costs of medical care.

(f) Seek technical assistance as necessary from the New Hampshire retirement system and from other independent financial, investment, actuarial, and retirement experts.

IV. 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 30 days of the effective date of this section. Ten members of the commission shall constitute a quorum.

V. The commission shall report its findings and its initial recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the chairpersons of the house and senate executive departments and administration and finance committees, the governor, and the state library on or before December 1, 2008. The commission shall issue a final report of its findings and recommendations for additional legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the chairpersons of the house and senate executive departments and administration and finance committees, the governor, and the state library on or before December 1, 2009.

VI. The commission is authorized to accept and expend private sector grants, gifts, or donations of any kind for the purpose of the duties required in this section. Any moneys collected shall be continually appropriated to the commission for the purposes of this section.

15 Maximum Retirement Benefit. Amend RSA 100-A:6-a to read as follows:

100-A:6-a Maximum Retirement Benefit. Notwithstanding any other provision of this chapter to the contrary, ~~any~~ **for members who commenced service before July 1, 2009, a** member's initial calculation of the retirement benefit granted under the provisions of RSA 100-A:5 or RSA 100-A:6 shall not exceed 100 percent of the member's highest year of earnable compensation. **For members who commenced service on or after July 1, 2009 a member's initial calculation of the retirement benefit granted under the provisions of RSA 100-A:5 or RSA 100-A:6 shall not exceed 100 percent of the member's highest year full base rate of compensation.** This provision shall not limit the application of supplemental allowances under RSA 100-A:41-a.

16 Administration; Board Members. Amend RSA 100-A:14, I to read as follows:

I. The administration of this system is vested in a board of ~~[14]~~ **12** trustees. The state treasurer shall be an ex officio voting member of the board. The governor and council shall appoint ~~[2]~~ **4** trustees, to be known as non-member trustees, who shall be qualified persons with ~~[business]~~ **investment and/or financial** experience and not be members of the system, and who shall serve for a term of 2 years and until their successors are appointed and qualified~~[-except that]~~. The original appointment of one of the non-member trustees shall be for a term of one year. The remaining ~~[11]~~ **7** members of the board shall consist of ~~[2 employees, 2 teachers, 2 permanent policemen, 2 permanent firemen]~~ **one employee, one teacher, one permanent police member, one permanent firefighter**, one member of the senate who shall be appointed annually by the senate president, one member of the house of representatives who serves on the executive departments and administration committee and who shall be appointed annually by the speaker of the house, and one person representing management in local government. Whenever a vacancy occurs, the senate president or the speaker of the house shall fill the vacancy in the same manner by appointing a senate or a house member who shall serve for the unexpired term. The New Hampshire state employees' association, the New Hampshire education association, the New Hampshire police association, the New Hampshire state permanent firemen's association, and the New Hampshire Local Government Center shall each annually nominate from their members a panel of 5 persons, all of whom except for the panel of the Local Government Center shall be active members of the retirement system, or one of the 4 predecessor systems, no later than May 31 of each year, and the panels so named shall be filed with the secretary of state no later than June 10 of each year. From each of the above named panels the governor and council shall appoint one person ~~[annually]~~ **biennially** to the board~~[-except for the panel of the Local Government Center, which shall have one person appointed every 2 years]~~. Members appointed to the board in the manner aforesaid shall serve for a term of 2 years. Each member so appointed shall hold office until his or her successor shall be appointed and qualified. Whenever a vacancy occurs, the governor and council shall fill the vacancy by appointing a member who shall serve for the unexpired term from the same panel from which the former member was appointed. The governor shall designate one of the non-member trustees to serve as chairman of said board of trustees.

17 Application; Board of Trustees Membership. Members of the board of trustees for the retirement system on the effective date of this section shall serve for the remainder of their terms. In order to conform to RSA 100-A:14, I as amended by this act, the 4 employee, teacher, permanent policeman, and permanent fireman member positions whose trustees' terms are the first to expire after the effective date of this section shall not be appointed, and those positions shall be eliminated from the board of trustees.

18 Board of Trustees; Voting by Chairperson. Amend RSA 100-A:14, IV to read as follows:

IV. Each trustee shall be entitled to one vote in the board of trustees~~[-provided, however, that the chairman shall be non-voting except in the event of a tie vote]~~. Seven trustees shall constitute a quorum for the transaction of any business. Seven votes shall be necessary for any resolution or action by the board at any meeting.

19 New Section; Committees of the Board of Trustees. Amend RSA 100-A by inserting after section 14 the following new section:

100-A:14-a Committees of the Board of Trustees.

I. The board of trustees shall establish committees to include but not be limited to the following standing committees:

- (a) Investment.
- (b) Audit.
- (c) Benefits.
- (d) Legislative.
- (e) Personnel.

II. Each committee shall consist of members of the board of trustees. A majority of members of the investment committee shall have experience in the field of institutional investment or finance

other than their experience as trustees of the New Hampshire retirement system. At least one member of the audit committee shall be experienced in the field of public accounting.

III. Except as otherwise provided in this chapter, each committee shall make its recommendations to the full board for final approval.

IV. The investment committee shall recommend an investment policy and investment consultants to the full board for approval. The investment committee shall review investment performance, choose fund managers, and make investments and deposits on behalf of the board. The investment committee shall establish an advisory committee to advise the investment committee in its investment decisions. The advisory committee shall consist of non-board members who have experience as investment or finance professionals or those with experience in the oversight of pension funds similar to the retirement system funds.

V. The audit committee shall assist the board to undertake the audit and reporting requirements required by RSA 100-A:15, VI. The audit committee may establish an advisory committee to assist it in its auditing functions. The advisory committee shall consist of non-board members who are certified public accountants and others working in public accounting.

VI. The benefits committee shall be responsible for reviewing member and beneficiary recommendations from the hearings examiner.

VII. The legislative committee shall assess the impact on the retirement system of proposed legislation and assist in the development of proposed legislation involving the New Hampshire retirement system.

VIII. The personnel committee shall consider personnel and compensation issues and recommend policies to the board.

IX. Committee members shall be appointed by majority vote of the board of trustees. At all times, the investment committee shall have a majority of members who are qualified as having experience in investment or finance, other than their role as trustees of the New Hampshire retirement system.

20 Management of Funds. Amend RSA 100-A:15 to read as follows:

100-A:15 Management of Funds.

I. The members of the board of trustees shall be the trustees of the several funds created hereby and ***shall set all policies relative to investment of those funds. The trustees shall appoint and oversee an investment committee that shall*** have full power to invest and reinvest such funds ~~[-and] in accordance with the policies set by the board.~~ The board of trustees shall have the powers, privileges, and immunities of a corporation. ~~[The members of the board of trustees shall also have the power to invest and reinvest such funds in participation units in the public deposit investment pool established pursuant to RSA 383:22.]~~ Said ~~[trustees]~~ ***investment committee*** shall have full power to hold, purchase, sell, assign, transfer, and dispose of any of the securities and investments in which any of the funds created hereby have been invested, as well as the proceeds of such investments ***in accordance with the policies set by the board.*** All of the assets and proceeds, and income therefrom, of the New Hampshire retirement system, and all contributions and payments made thereto, shall be held, invested or disbursed in trust ~~[solely in the interest of the members and beneficiaries of the system for the exclusive purpose of providing those benefits and defraying those reasonable administrative expenses provided for under this chapter. In the management, investment, and reinvestment of system assets so held in trust hereunder, the system's board of trustees shall exercise the judgment and care under the circumstances then prevailing, which persons of prudence, discretion, and intelligence, acting in a like capacity and familiar with such matters, would use in the conduct of a pension plan of like character and with like aims as the system, and by diversifying investments of the system so as to minimize the risk of large losses to the trust fund].~~

I-a.(a) A trustee or other fiduciary shall discharge duties with respect to the retirement system:

- (1) Solely in the interest of the participants and beneficiaries;***
- (2) For the exclusive purpose of providing benefits to participants and beneficiaries and paying reasonable expenses of administering the system;***

(3) With the care, skill, and caution under the circumstances then prevailing which a prudent person acting in a like capacity and familiar with those matters would use in the conduct of an activity of like character and purpose;

(4) Impartially, taking into account any differing interests of participants and beneficiaries;

(5) Incurring only costs that are appropriate and reasonable; and

(6) In accordance with a good-faith interpretation of the law governing the retirement system.

(b) In investing and managing assets of the retirement system pursuant to subparagraph (a), a trustee with authority to invest and manage assets:

(1) Shall consider among other circumstances:

(A) General economic conditions;

(B) The possible effect of inflation or deflation;

(C) The role that each investment or course of action plays within the overall portfolio of the retirement system;

(D) The expected total return from income and the appreciation of capital;

(E) Needs for liquidity, regularity of income, and preservation or appreciation of capital; and

(F) The adequacy of funding for the system based on reasonable actuarial factors;

(2) Shall diversify the investments of the retirement system unless the trustee or investment committee member reasonably determines that, because of special circumstances, it is clearly prudent not to do so;

(3) Shall make a reasonable effort to verify facts relevant to the investment and management of assets of a retirement system; and

(4) May invest in any kind of property or type of investment consistent with this section.

(c) The board of trustees shall adopt a statement of investment objectives and policies for the retirement system as provided in subparagraph VII(c).

I-b. Paragraph I-a shall apply to all board members and other fiduciaries, as well as staff and vendors to the extent they exercise any discretionary authority or discretionary control respecting management of the retirement system or exercise any authority or control respecting management or disposition of its assets, or they render investment advice for a fee or other compensation, direct or indirect, with respect to any moneys or other property of the retirement system, or have any authority or responsibility to do so, or they have any discretionary authority or discretionary responsibility in the administration of the retirement system.

I-c. The fiduciary obligations of the members of the board of trustees are paramount to any other interest a trustee may have arising from another role or position that he or she holds, including the position which qualified the person for appointment to the board of trustees.

II. The board of trustees shall:

(a) ~~[Have the authority to empower an investment committee of its members to make investments and deposits between meetings of the board.] Have the authority to hire actuarial services. The compensation for actuarial services required by the board of trustees shall be a charge upon the funds of the New Hampshire retirement system.~~

(b) Have the full power and authority to delegate to any agent providing services to the New Hampshire retirement system, within or without the state, the power and discretion to make any necessary decisions and to take any action necessary to effect decisions with the same legal effect as if performed by the board of trustees. The payment for these services shall be a charge upon the funds of the New Hampshire retirement system.

(c) Have the ~~[further]~~ authority to hire investment ~~[counsel]~~ **consultants**. The compensation for investment ~~[counsel]~~ **consultant** services ~~[and the compensation for actuarial services required by the board of trustees in performing the duties required by RSA 100 A:14]~~ shall be a charge upon the funds of the New Hampshire retirement system.

II-a. The investment committee shall:

~~[(e)]~~ (a) Appoint and employ a custodian of the several funds of the retirement system, and such custodian, as an agent of the ~~[board]~~ **investment committee**, shall be compensated and such compensation shall be a charge upon the funds of the retirement system.

~~[(d)]~~ (b) Have the full power and authority to delegate to any agent, within or without the state, ~~[who may or may not be the custodian of stocks and securities,]~~ the power and discretion to make any necessary decisions with regard to the purchase or sale of any legal object of investment and to take any action necessary to effect decisions by or on behalf of the New Hampshire retirement system with the same legal effect as if performed by the ~~[board of trustees of the New Hampshire retirement system]~~ **investment committee**. The ~~[board of trustees]~~ **investment committee** shall have the power to authorize the payment of compensation to an agent or agents for **investment** management services.

(c) Report to the board of trustees at least quarterly on the management, investment, and reinvestment activities of the investment committee.

III. Except as otherwise provided in this section, no trustee, ***no advisory committee member***, and no employee of the board of trustees shall have any personal interest in the gains or profits of any investment made by the board; nor shall any trustee, ***advisory committee member***, or employee of the board, directly or indirectly, for himself ***or herself*** or as an agent, in any manner use the same except to make such current and necessary payments as are authorized by the board; nor shall any trustee, ***advisory committee member***, or employee of the board become an endorser or surety, or in any manner an obligor, for money loaned to or borrowed from the board.

IV. The board of trustees is authorized to engage the services of legal counsel ~~[for special investment, federal, and tax matters, and to engage outside counsel for other matters]~~. The payment for services provided in this paragraph shall be a charge upon the funds of the New Hampshire retirement system.

V. The board of trustees shall adopt rules pursuant to RSA 541-A relative to procedures to be followed in establishing and modifying investment objectives and guidelines~~[-, and in selecting investment managers, investment products and investment participations]~~. ***The investment policies shall not be subject to rulemaking under RSA 541-A.***

VI.(a) The funds of the New Hampshire retirement system shall be audited annually~~[-The board of trustees shall complete, not later than 120 days after the close of the fiscal year, unless the fiscal committee and the governor and council for good cause shall extend such period, a comprehensive annual financial report concerning the preceding fiscal year that details the financial condition and operation of the system during that period in a manner consistent with generally accepted accounting principles]~~ ***and said audit shall be conducted in accordance with prevailing standards and practices of governmental auditing specified by authoritative national standard setting bodies. The audit committee shall prepare for board review and approval a comprehensive annual financial report concerning the preceding fiscal year that details the financial condition and operation of the system during that period in a manner consistent with generally accepted accounting principles. The board shall approve the comprehensive annual financial report not later than 120 days after the close of the fiscal year. The fiscal committee and the governor and council for good cause may extend such period.*** Said report subsequently shall be audited by the legislative budget assistant who may designate a certified public accountant not employed in the state service to conduct the annual audit and may accept the findings and report of the certified public accountant as fulfilling the provisions of this paragraph, provided that in either case said audit shall be conducted in accordance with prevailing standards and practices of governmental auditing specified by authoritative national standard setting bodies. ~~[The cost of such audit shall be a charge upon the funds of the New Hampshire retirement system.]~~

(b) The audit committee shall cause a performance audit not less frequently than every 3 years.

(c) Copies of all audits and reports shall be forwarded to the governor, the senate president, and the speaker of the house of representatives. The cost of all audits and reports shall be a charge upon the funds of the New Hampshire retirement system.

VII. The ~~[board of trustees shall complete a comprehensive annual investment report at the same time that the annual financial report under paragraph VI is completed.]~~ ***investment committee shall prepare for board review and approval a comprehensive annual investment report. The board shall approve the comprehensive annual investment report at the same time that it approves the annual financial report under paragraph VI.*** The investment report shall be submitted to the president of the senate, the speaker of the house, and the governor. The report shall include, but shall not be limited to:

(a) A description of the ~~[board's]~~ ***investment committee's*** philosophy for investing the assets of the system, including an analysis of any significant changes in philosophy which have occurred from the prior annual report.

(b) An analysis of the return on investment, by investment category.

(c) ~~[Anticipated future uses of and approaches to the management, investment, and reinvestment of system assets under the principles of paragraph I.]~~ ***An annual investment policy statement which shall incorporate the following:***

(1) A clear statement of investment objectives including the adoption of a reasonable and sound average annual rate of return the retirement system is attempting to earn. The rate of return utilized for the statement of investment objectives shall be same as the assumed rate of return set by the trustees for the biennial actuarial calculation.

(2) A detailed breakdown of the asset structure most likely to enable the fund to reach its long range objective within appropriate risk parameters. The details should include all relevant subcategories among equities, debt, and alternative investments and identify the appropriate benchmarks for each performance analysis. The policy should establish an acceptable range for each allocation as well as a specific target allocation.

(3) Identification of how outcomes are measured and benchmarks are developed and who is responsible for the various decision levels in the investment process between the board of trustees, the investment committee, the retirement system's staff, investment consultants, and portfolio managers. The policy statement should specify the minimum frequency to review outcomes and responsibilities, in order to determine whether decisions as to asset mix and manager selection added value to the fund. Investment managers should be under constant review by the investment committee and the retirement system.

(d) Any suggested changes in legislation which the board may seek in order to better serve the members of the system. This is not intended to preclude the board of trustees from seeking additional legislation as needs arise between annual reports.

VIII. The management, investment, and reinvestment practices for the assets held in trust by the board pursuant to this section shall be subject to review by the legislature.

IX. Not later than January 1, 2010, the board of trustees shall report to the governor, the senate president, and the speaker of the house of representatives on the operation of the audit, investment, and other committees.

21 Supplemental Allowances. RSA 100-A:41-a is repealed and reenacted to read as follows:
100-A:41-a Supplemental Allowances.

I. Any retired member of the New Hampshire retirement system or any of its predecessor systems, who has been retired for at least 12 months, or any beneficiary of such member who is receiving an allowance, shall be entitled to receive supplemental allowances on the retired member's latest anniversary date.

II. No later than May 31 of each year, the board of trustees shall determine the amount of a supplemental allowance to be issued as a separate payment to eligible members or their beneficiaries

on or after the July 1 thereafter. Supplemental allowances under this paragraph shall not become a permanent addition to the base retirement allowance. The actuary shall certify the amount of the supplemental allowance which may be granted to each member classification subgroup based on the funds available in the special account for each member classification subgroup. No supplemental allowance shall be granted for any year for which the funds available in the special account are insufficient to pay for the cost of the supplemental allowance. The supplemental allowance shall be determined as follows:

(a) The minimum allowance shall be \$500 for the fiscal year ending June 30, 2009, and shall be adjusted each July 1 thereafter by the change in the Consumer Price Index-Urban for the year prior to the year in which the allowance is granted.

(b) The amount of the supplemental allowance shall be 2.5 percent of the member's or beneficiary's current base retirement allowance. The supplemental allowance shall not exceed 2.5 percent of the prior year's median retirement allowance for all members or their beneficiaries within each member classification subgroup as determined by the actuary.

III. No supplemental allowance shall be granted or increased if such grant or increase would reduce the funds in the respective component of the special account to an amount less than zero.

22 Commission Established. There is established a commission to study the feasibility of authorizing, and the depletion schedules for, future COLAs to be issued at different rates to or within each subgroup within the special account.

23 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 chairperson of the New Hampshire retirement system, or designee.

(d) Three persons with relevant knowledge, appointed by the governor.

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

24 Duties. The commission shall study the feasibility of authorizing, and the depletion schedules for, future COLAs to be issued at different rates to or within each subgroup within the special account. The commission shall consider proposals for defined benefit and defined contribution plans for COLAs. The study shall examine the possibility of issuing COLAs, funded from the special account, beginning 2012 with such COLAs becoming permanent additions to the beneficiary's base retirement allowance. The commission may request assistance from the retirement system and the actuary to aid in its study.

25 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.

26 Report. The commission shall report its findings and its initial recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the chairpersons of the house and senate finance and executive departments and administration committees, the governor, and the state library on or before December 1, 2008. The commission shall issue a final report of its findings and recommendations for additional legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the chairpersons of the house and senate finance and executive departments and administration committees, the governor, and the state library on or before December 1, 2009.

27 New Section; Temporary Contribution Amounts and Ratification. Amend RSA 100-A by inserting after section 53-d the following new section:

100-A:53-e Temporary Contribution Amounts and Ratification.

I. Notwithstanding the provisions of RSA 100-A:53, 100-A:53-b, 100-A:53-c, and 100-A:53-d, for the period beginning July 1, 2000, and ending June 30, 2007, 33 1/3 percent of group II employer contributions, group I teacher contributions, group I employer contributions, and group I state

employer contributions shall be allocated to the 401(h) subtrust of the New Hampshire retirement system in order to pay for the benefits provided under RSA 100-A:52, 100-A:52-a, and 100-A:52-b, subject to applicable limits under the Internal Revenue Code.

II. At the end of each fiscal year specified in paragraph I, the state annuity accumulation fund of the New Hampshire retirement system shall be reimbursed from the special account established in RSA 100-A:16, II(h) for the amount of funds allocated to the 401(h) subtrust for that year.

III. Actions taken by the New Hampshire retirement system in accordance with this section are hereby ratified.

28 Medical Benefits Financing; Group II. Amend RSA 100-A:53, II–IV to read as follows:

II. The special account established in RSA 100-A:16, II(h), for group II members, shall be augmented as of July 1, 1988, by \$23,700,000 resulting from a one-time write-up of the valuation assets as of June 30, 1987. At the end of each fiscal year beginning with the year ending June 30, 1989, **and ending with the fiscal year ending June 30, 2007**, the state annuity accumulation fund of the New Hampshire retirement system shall be reimbursed from the special account established in RSA 100-A:16, II(h) for the amount of funds allocated to the 401(h) subtrust for that year, and such reimbursement shall continue until the benefits provided through the subtrust are fully funded or until the total accumulated reimbursement equals the sum of:

- (a) The initial special account amount as of June 30, 1988, of \$52,800,000;
- (b) The additional special account amount as of June 30, 1993, which shall be determined by the actuary as an amount which shall be sufficient to provide benefits under RSA 100-A:52 for persons who meet the requirements of RSA 100-A:52, I(f);
- (c) The additional special account amount as of June 30, 1993, of \$1,200,000 to provide benefits under RSA 100-A:52 for persons who meet the requirements of RSA 100-A:52, I(g); and
- (d) Future accumulated interest per year on the balance of the reimbursement funds remaining in the special account.

III. Except as provided in RSA 100-A:54, II, all contributions made to the retirement system to provide medical benefits under RSA 100-A:52 shall be maintained in a separate account, the 401(h) subtrust, and such funds shall not be used for or diverted to any purpose other than to provide said medical benefits. Similarly, none of the funds accumulated to provide the retirement benefits set forth in this chapter, **including the special account established under RSA 100-A:16, II(h)**, may be used or diverted to provide medical benefits under RSA 100-A:52. The funds, if any, accumulated to provide medical benefits under RSA 100-A:52 may be invested pursuant to the provisions of RSA 100-A:15.

~~[IV. A separate account shall be established and maintained for each retired member who is a key employee, as defined under section 416(i) of the Internal Revenue Code, at any time during the plan year or any previous plan year during which contributions are made hereunder on behalf of such member for the purposes of RSA 100-A:52.]~~

29 Medical Benefits Financing; Group I Teachers. Amend RSA 100-A:53-b, II to read as follows:

II. All contributions made to the retirement system to provide medical benefits under RSA 100-A:52-a shall be maintained in a separate account, the 401(h) subtrust. All funds and accumulated interest shall not be used for or diverted to any purpose other than to provide said medical benefits. Similarly, none of the funds accumulated to provide the retirement benefits set forth in this chapter, **including the special account established under RSA 100-A:16, II(h)**, may be used or diverted to provide medical benefits under RSA 100-A:52-a. The funds, if any, providing medical benefits under RSA 100-A:52-a may be invested pursuant to the provisions of RSA 100-A:15.

30 Medical Benefits Financing; Group I Political Subdivision Employees. Amend RSA 100-A:53-c, II to read as follows:

II. All contributions made to the retirement system to provide medical benefits under RSA 100-A:52-a shall be maintained in a separate account, the 401(h) subtrust. All funds and accumulated interest shall not be used for or diverted to any purpose other than to provide said medical benefits. Similarly, none of the funds accumulated to provide the retirement benefits set

forth in this chapter, ***including the special account established under RSA 100-A:16, II(h)***, may be used or diverted to provide medical benefits under RSA 100-A:52-a. The funds, if any, providing medical benefits under RSA 100-A:52-a may be invested pursuant to the provisions of RSA 100-A:15.

31 Medical Benefits Financing; Group I State Employees. Amend RSA 100-A:53-d, II to read as follows:

II. All contributions made to the retirement system to provide medical benefits under RSA 100-A:52-b shall be maintained in a separate account, the 401(h) subtrust. All funds and accumulated interest shall not be used for or diverted to any purpose other than to provide said medical benefits. Similarly, none of the funds accumulated to provide the retirement benefits set forth in this chapter, ***including the special account established under RSA 100-A:16, II(h)***, may be used or diverted to provide medical benefits under RSA 100-A:52-a. The funds, if any, providing medical benefits under RSA 100-A:52-b may be invested pursuant to the provisions of RSA 100-A:15.

32 New Paragraph; Application; Transfers. Amend RSA 100-A:55 by inserting after paragraph II the following new paragraph:

III. No transfers shall be made from the special account established under RSA 100-A:16, II(h) to the 401(h) subtrust for the purpose of funding the provisions of RSA 100-A:52-b or for any other purpose.

33 Service Retirement; Group II. Amend RSA 100-A:5, II to read as follows:

II. Group II Members.

(a) Any group II member in service, ***who commenced service before July 1, 2009***, who has attained age 45 and completed 20 years of creditable service, or who has attained age 60 regardless of the number of years of creditable service, ***and a group II member who commenced service on or after July 1, 2009, who has attained age 50 and completed 25 years of creditable service, or who has attained age 60 regardless of the number of years of creditable service***, may retire on a service retirement allowance upon written application to the board of trustees setting forth at what time not less than 30 days nor more than 90 days subsequent to the filing thereof the member desires to be retired, notwithstanding that during such period of notification the member may have separated from service.

(b) Upon service retirement, a group II member shall receive a service retirement allowance which shall consist of:

(1) A member annuity which shall be the actuarial equivalent of his accumulated contributions at the time of retirement; and

(2) ***For members who commenced service before July 1, 2009***, a state annuity which, together with his ***or her*** member annuity, shall be equal to 2-1/2 percent of his ***or her*** average final compensation multiplied by the number of years of his ***or her*** creditable service not in excess of 40 years, ***or for members who commenced service on or after July 1, 2009, a state annuity which, together with his or her member annuity, shall be equal to 2 percent of his or her average final compensation multiplied by the number of years of his or her creditable service not in excess of 50 years.***

(c)(1) Notwithstanding any provision of RSA 100-A to the contrary, any group II member who ***commenced service before July 1, 2009 and*** has retired on or after the effective date of this subparagraph after attaining the age of 45 with at least 20 years of creditable service, ***and any group II member who commenced service on or after July 1, 2009 and has retired on or after the effective date of this subparagraph after attaining the age of 50 with at least 25 years of creditable service***, shall receive a minimum annual service retirement allowance of \$10,000. If such group II member has elected to convert the retirement allowance into an optional allowance for the surviving spouse under RSA 100-A:13, the surviving spouse shall be entitled to a proportional share of the \$10,000.

(2) [Repealed.]

(3) [Repealed.]

34 Ordinary Disability Retirement; Group II. Amend RSA 100-A:6, II(b) to read as follows:

(b) Upon ordinary disability retirement, the group II member shall receive an ordinary disability retirement allowance which shall consist of: a member annuity which shall be the actuarial equivalent of his accumulated contributions at the time of his **or her** ordinary disability retirement; and a state annuity which, together with his **or her** member annuity, **for members who commenced service before July 1, 2009**, shall be equal to 2-1/2 percent of his **or her** average final compensation at the time of ~~his~~ ordinary disability retirement multiplied by the number of years of his **or her** creditable service not in excess of 40 at the time of ~~his~~ ordinary disability retirement, **or for members who commenced service on or after July 1, 2009, shall be equal to 2 percent of his or her average final compensation at the time of ordinary disability retirement multiplied by the number of years of his or her creditable service not in excess of 50 at the time of ordinary disability retirement**, provided, however, that such allowance shall not be less than 25 percent of the member's final compensation at the time of his **or her** disability retirement.

35 Accidental Disability Retirement; Group II. Amend RSA 100-A:6, II(d) to read as follows:

(d) Upon accidental disability retirement, the group II member shall receive an accidental disability retirement allowance equal to 2/3 of his **or her** average final compensation at the time of ~~his~~ disability retirement.

(1) **For members who commenced service before July 1, 2009**, any group II member who has more than 26-2/3 years of service, a supplemental disability retirement allowance shall be paid. Such supplement shall be equal to 2-1/2 percent of his **or her** average final compensation multiplied by the number of years of his **or her** creditable service in excess of 26-2/3 but not in excess of 40 years.

(2) **For members who commenced service on or after July 1, 2009, any group II member who has more than 33-1/3 years of service, a supplemental disability retirement allowance shall be paid. Such supplement shall be equal to 2 percent of his or her average final compensation multiplied by the number of years of his or her creditable service in excess of 33-1/3 but not in excess of 50 years.**

(3) **An accidental disability retirement allowance together with a supplemental disability retirement allowance, as provided in this subparagraph, shall not exceed 100 percent of the disability retiree's average final compensation.**

36 Vested Deferred Retirement; Group II. Amend RSA 100-A:10, II(b) to read as follows:

(b) **For members who commenced service before July 1, 2009**, upon the member's attainment of age 45, provided the member would then have completed 20 years of creditable service, otherwise the subsequent date on which such 20 years would have been completed, **or for members who commenced service on or after July 1, 2009, upon the member's attainment of age 50, provided the member would then have completed 25 years of creditable service, otherwise the subsequent date on which such 25 years would have been completed**, or at any time after age 60, a group II member who meets the requirement of subparagraph (a) may make application on a form prescribed by the board of trustees and receive a vested deferred retirement allowance which shall consist of: (1) A member annuity which shall be the actuarial equivalent of accumulated contributions on the date the member's retirement allowance commences; and (2) A state annuity which, together with the member annuity, shall be equal to a service retirement allowance based on the member's average final compensation and creditable service at the time the member's service is terminated.

37 Split Benefits; Minimum Age. Amend RSA 100-A:19-b, II to read as follows:

II. For a member **who commenced service before July 1, 2009 and**, who has completed 20 or more years of combined creditable service, one year shall be deducted from age 60 for each year of creditable group II service, provided that the age shall not be less than 45 years. **For a member who commenced service on or after July 1, 2009 and, who has completed 25 or more years of combined creditable service, one year shall be deducted from age 60 for each year of creditable group II service, provided that the age shall not be less than 50 years.**

38 Split Benefits; Reduced Early Retirement; Minimum Age. Amend RSA 100-A:19-d to read as follows:

100-A:19-d Reduced Early Retirement. Notwithstanding any other provision of law, any retirement system member who has creditable service in both group I and group II with at least 10 years combined creditable service, and who has attained an age which is at least 45 ***for members who commenced group II service prior to July 1, 2009 or at least 50 for members who commenced group II service on or after July 1, 2009*** and is within 10 years of the minimum age set forth in RSA 100-A:19-b, may elect to retire and have benefits commence immediately as a reduced split-benefit service retirement allowance. Application shall be as provided in RSA 100-A:5, I(c). The allowance shall be determined as a split-benefit service retirement allowance in accordance with RSA 100-A:19-c, and the total combined split-benefit service allowance shall be reduced by the percentages shown in RSA 100-A:5, I(c), based on the total combined length of creditable service, for each month by which the date on which benefits commence precedes the month after which the member attains the minimum age set forth in RSA 100-A:19-b.

39 Financing; Group II Member Payroll Deduction. Amend RSA 100-A:16, I(a) to read as follows:

(a) The member annuity savings fund shall be a fund in which shall be accumulated the contributions deducted from the compensation of members to provide for their member annuities together with any amounts transferred thereto from a similar fund under one or more of the predecessor systems. Such contribution shall be, for each member, dependent upon the member's employment classification at the rate determined in accordance with the following table:

Employees	5.00
Teachers	5.00
Permanent Policemen	9.30
Permanent Firemen	9.30

The board of trustees shall certify to the proper authority or officer responsible for making up the payroll of each employer, and such authority or officer shall cause to be deducted from the compensation of each member, except group II members ***who commenced service before July 1, 2009*** with creditable service in excess of 40 years, ***or group II members who commenced service on or after July 1, 2009 with creditable service in excess of 50 years***, as provided in RSA 100-A:5, II(b) and RSA 100-A:6, II(b), on each and every payroll of such employer for each and every payroll period, the percentage of earnable compensation applicable to such member. No deduction from earnable compensation under this paragraph shall apply to any group II member ***who commenced service before July 1, 2009*** with creditable service in excess of 40 years, ***or group II member who commenced service on or after July 1, 2009 with creditable service in excess of 50 years***, as provided in RSA 100-A:5, II(b) and RSA 100-A:6, II(b), and this provision for such members shall not affect the method of determining average final compensation as provided in RSA 100-A:1, XVIII. ~~[In determining the amount earnable by a member in a payroll period, the board may consider the rate of compensation payable to such member on the first day of a payroll period as continuing throughout the payroll period and it may omit deduction from compensation for any period less than a full payroll period if such person was not a member on the first day of the payroll period, and to facilitate the making of deductions it may modify the deduction required of any member by such an amount as shall not exceed 1/10 of one percent of the annual earnable compensation upon the basis of which such deduction is made.]~~ The amounts deducted shall be reported to the board of trustees. Each of such amounts, when deducted, shall be paid to the retirement system at such times as may be designated by the board of trustees and credited to the individual account, in the member annuity savings fund, of the member from whose compensation the deduction was made.

40 New Section; Decennial Retirement Commission. Amend RSA 100-A by inserting after section 56 the following new section:

100-A:57 Decennial Retirement Commission.

I. There shall be established decennially on or about July 1, beginning in 2017, a commission to make recommendations to ensure the long-term viability of the New Hampshire retirement system.

II. 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 chairman of the New Hampshire retirement system board of trustees, or designee.
- (d) Two representatives of group I of the retirement system, appointed by the governor.
- (e) Two representatives of group II of the retirement system, appointed by the governor.
- (f) Two representatives of municipal and school employers in the retirement system, appointed by the governor.
- (g) Four public members with recognized expertise in finance, financial management, or the governance and oversight of large endowments or public funds, appointed by the governor.
- (h) One retired member of the retirement system receiving benefits at the time of appointment, appointed jointly by the speaker of the house of representatives and the president of the senate.

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

IV. The commission shall:

- (a) Study the previous decade's history of funding, benefits, and investment results of the New Hampshire retirement system.
- (b) Review the structure and governance of the New Hampshire retirement system.
- (c) Analyze the financial status of the retirement system, and the challenges facing the system in the upcoming decade.
- (d) Assess any changes to general accounting standards and their potential effect on the retirement system.
- (e) Make recommendations for ensuring the long-term viability of the retirement system, including an appropriate funding methodology.
- (f) Monitor the sustainability and affordability of cost of living increases for plan participants.
- (g) Study other matters deemed necessary by the commission.
- (h) Seek technical assistance as necessary from the New Hampshire retirement system and from other independent financial, investment, actuarial, and retirement experts. Subject to available appropriations, the commission may employ support staff for the purposes of its duties.

V. The governor, in consultation with the president of the senate and the speaker of the house of representatives, shall designate a chairperson from among the members. The first meeting of the commission shall be called by the chairperson. The first meeting of the commission shall be held within 45 days of the designation of the chairperson.

VI. 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 the December 1 next following.

41 New Paragraph; Employer Contributions; Funding of Retirement Allowance. Amend RSA 100-A:16 by inserting after paragraph III the following new paragraph:

III-a. Upon the retirement of a member, the retirement system shall:

- (a) Calculate for the member the retirement allowance which would result from the sum of the following amounts:
 - (1) The total of the employer contributions attributable to the member.
 - (2) The total of the member's contribution to the retirement system.
 - (3) The earnings on the contributions under subparagraphs (1) and (2), and anticipated post-retirement earnings.
- (b) Determine the difference from the allowance determined under subparagraph (a) compared to the actual retirement allowance payable to the member, and determine the cost of terminally funding the difference.

(c) Certify the cost determined in subparagraph (b) to the employer and assess upon the employer such cost for payment to the retirement system at such times and in such manner as the board of trustees may prescribe. Each such employer is hereby authorized to appropriate the sums necessary for the payment of such assessments.

42 Effective Date.

- I. Sections 8, 10-13, 15, 33-39 and 41 of this act shall take effect July 1, 2009.
- II. Sections 19, 20 and 40 of this act shall take effect 60 days after its passage.
- III. Sections 16 and 17 of this act shall take effect June 30, 2009.
- IV. The remainder of this act shall take effect upon its passage.

AMENDED ANALYSIS

This bill:

- I. Establishes a procedure for supplemental allowances paid from the special account.
- II. Eliminates the 8 percent annual increase on the medical subsidy.
- III. Makes various other changes to the administration of the retirement system, eligibility and funding of benefits, and investment of retirement system assets.
- IV. Implements various recommendations of the commission to make recommendations to ensure the long-term viability of the New Hampshire retirement system established in 2007, 355 (HB 876-FN-LOCAL).

2008-1017h

Amendment to HB 1646

Proposed by the Committee on Public Works and Highways - R

Amend paragraph II as inserted by section 1 of the bill by replacing it with the following:

II. The general court understands that ~~[the revenue projected for the plan period 2007-2016 2009-2018 is inadequate to fund all the projects in the plan. Without additional projects, it is estimated that with revenue increases at \$5 million per year, the plan will take approximately 14 years to complete, excluding consideration of inflation on the cost of the projects]~~ **this plan closely adheres to the estimated funding available for transportation projects for 2009-2018, returning New Hampshire to a realistic 10-year plan. The general court further understands that while the plan is reasonably financially constrained, the last 4 years of the plan are less certain in terms of scope, future funding, inflation, and priority.** In passing this plan, it is the general court's intent to review the plan every 2 years, pursuant to RSA 228:99 and RSA 240, ~~[but]~~ **and** not to add projects **before the review**, except for emergencies~~[- until the funding is adequate to bring the plan within a projected 10 year completion framework].~~

Amend the bill by inserting after section 2 the following and renumbering the original section 3 to read as 4:

3 State 10-Year Transportation Improvement Plan; Bedford Project; Reimbursement.

I. In the year in which the project is funded in the state 10-year transportation improvement plan, the town of Bedford shall receive 80 percent reimbursement of its cost of construction or improvements, or both, of route N.H. 101 from federal funds, provided the following conditions have been met:

(a) The town of Bedford shall demonstrate through an engineering study that the improvements benefit the safety and capacity of N.H. 101.

(b) The engineering design, environmental evaluation, purchase of right-of-way, and construction of any improvements is done in accordance with state and federal requirements that apply to federal aid projects.

II. Reimbursement under paragraph I is contingent on the availability of federal funding specific to the federal program which the project named Bedford, project number 13953, falls within.

III. Nothing in this section shall be construed as a guarantee of reimbursement by state or federal funds. This section allows for reimbursement for such construction or improvements, or both, based on the costs when such work is done.

2008-0779h

Amendment to HB 1647-FN-A
Proposed by the Committee on Ways and Means - C

Amend the bill by replacing section 3 with the following:

3 New Section; State Facility Energy Cost Reduction; Energy Efficiency Fund. Amend RSA 21-I by inserting after section 19-e the following new section:

21-I:19-f Energy Efficiency Fund. There is hereby established an energy efficiency fund into which shall only be deposited moneys received by the state for participating in demand response programs. The state treasurer may invest moneys in the fund as provided by law, with interest received on such investment credited to the fund. Moneys in the fund shall be nonlapsing and continually appropriated to the division of plant and property management to be used exclusively to fund energy efficiency projects and energy efficiency contracts and to reimburse state agencies for demand response program expenses.

AMENDED ANALYSIS

This bill establishes a fund for demand response program revenue to be used for energy efficiency projects, energy efficiency contracts, and demand response program expenses.

2008-0781h

Amendment to HB 1648-FN
Proposed by the Committee on Fish and Game - C

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

2 New Section; Search and Rescue Response Expenses; Recovery. Amend RSA 206 by inserting after section 26-b the following new section:

206:26-bb Search and Rescue Response Expenses; Recovery.

I. Notwithstanding RSA 153-A:24, any person determined by the department to have acted negligently in requiring a search and rescue response by the department shall be liable to the department for the reasonable cost of the department's expenses for such search and rescue response. The executive director shall bill the responsible person for such costs. Payment shall be made to the department within 30 days after the receipt of the bill, or by some other date determined by the executive director. If any person shall fail or refuse to pay the costs by the required date, the department may pursue payment by legal action, or by settlement or compromise, and the responsible person shall be liable for interest from the date that the bill is due and for legal fees and costs incurred by the department in obtaining and enforcing judgment under this paragraph. All amounts recovered, less the costs of collection and any percentage due pursuant to RSA 7:15-a, IV(b), shall be paid into the fish and game search and rescue fund established in RSA 206:42.

II. If any person fails to make payment under paragraph I, the executive director of the fish and game department may:

(a) Order any license, permit, or tag issued by the fish and game department to be suspended or revoked, after due hearing.

(b) Notify the commissioner of the department of health and human services of such nonpayment. The nonpayment shall constitute cause for revocation of any license or certification issued by the commissioner pursuant to RSA 126-A:20 and RSA 151:7.

(c) Notify the director of motor vehicles of such nonpayment and request suspension of the person's driver's license pursuant to RSA 263:56.

3 New Subparagraph; Residential Care and Health Facility Licensing; Suspension or Revocation of License. Amend RSA 151:7, II by inserting after subparagraph (e) the following new subparagraph:

(f) Nonpayment of search and rescue response expense reimbursement owing pursuant to RSA 206:26-bb.

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

2008-1024h

Amendment to HB 1651

Proposed by the Committee on Municipal and County Government - C

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

1 Statement of Intent. The general court finds that over 1,000 jobs have been lost in Coos county due to the closure of 4 mills and that this has worsened an economically depressed situation in Coos county which existed prior to these mill closures. It is the purpose of this act to foster the economic development of economically depressed Coos county by enabling municipalities to encourage new construction, rehabilitation, and improvement of property for commercial and industrial use through the adoption of tax exemptions. It is the further purpose of this act to ensure that, once adopted, such exemptions shall be administered uniformly within the taxing districts so as to avoid the risk of unconstitutional ad hoc or discriminatory tax benefits.

2 New Subdivision; Commercial and Industrial Construction Exemption. Amend RSA 72 by inserting after section 74 the following new subdivision:

Commercial and Industrial Construction Exemption

72:75 Definitions.

I. In this subdivision:

- (a) "Commercial uses" shall include all retail, wholesale, service, and similar uses.
- (b) "Eligible municipality" shall mean any city or town in Coos county.
- (c) "Industrial uses" shall include all manufacturing, production, assembling, warehousing, or processing of goods or materials for sale or distribution, research and development activities, or processing of waste materials.

II. An eligible municipality adopting a property tax exemption pursuant to RSA 72:76 may, in lieu of the definitions in this section, adopt by reference the definitions of similar terms as may be contained in that town's or city's zoning ordinances.

72:76 Property Tax Exemption. An eligible municipality may, by vote of the local legislative body pursuant to RSA 72:77, adopt a new construction property tax exemption for commercial or industrial uses, or both. The exemption shall apply only for municipal and local school property taxes assessed by the municipality which shall exclude state education property taxes under RSA 76:3 and county taxes assessed against the municipality under RSA 29:11, and shall be a specified percentage on an annual basis of the increase in assessed value attributable to construction of new structures, and additions, renovations, or improvements to existing structures. The exemption may run for a maximum period of 10 years following the new construction; provided, however, that the exemption for all years shall cumulatively not exceed 500 percent of the increased assessed value. Once adopted by the local legislative body, the percentage rate and duration of the exemption shall be granted uniformly within that municipality to all projects for which a proper application is filed.

72:77 Procedure for Adoption.

I. A municipality desiring to adopt the provisions of RSA 72:76 shall do so in accordance with the procedures set forth in RSA 72:27-a. The vote shall specify the percentage of new assessed value to be exempted, the number of years duration of the exemption following new construction, and a reference to zoning use category definitions, if applicable. The exemption shall take effect in the tax year beginning April 1 following its adoption.

II. A vote adopting RSA 72:76 shall remain in effect for a maximum of 5 tax years; provided, however, that for any application which has already been granted prior to expiration of such 5 tax year period, the exemption shall continue to apply at the rate and for the duration in effect at the time it was granted.

72:78 Application for Exemption.

I. On or before March 1 following the date of notice of tax under RSA 72:1-d for any year for which the exemption is claimed, a person qualified for an exemption under RSA 72:76 shall file an application with the selectmen or assessors, on an application form prepared by them, signed by the applicant under penalty of perjury, which contains adequate information to demonstrate that the applicant is qualified for the exemption.

II. The selectmen or assessors shall notify the applicant of their decision on or before July 1 following the date of notice of tax under RSA 72:1-d. The decision shall specify the amount of the

exemption, that it is effective beginning the prior April 1, and the number of years for which the exemption applies to qualified construction. The decision of the selectmen or assessors may be appealed in the manner set forth in RSA 72:34-a.

III. Alternatively, an owner may apply for the exemption prior to construction, but in no case more than 12 months before the beginning of the tax year for which the exemption is sought. In such cases the selectmen or assessors may anticipatorily grant the exemption, subject to adjustment when the actual increase in assessed value becomes known. If construction is partially complete on April 1 of any year, the exemption for that year shall be based on the increased assessed value attributable to the partial construction, but the duration of the exemption shall be adjusted such that the cumulative amount of exemptions received, based on the construction as completed, is proportional to that received by other eligible properties.

IV. The selectmen or assessors may request such additional or updated information as is necessary to determine eligibility. If they are satisfied that the applicant has willfully made any false statement, or has refused to provide information after such a request, they may refuse to grant the exemption.

V. If the municipality completes a revaluation during the period for which an exemption has been granted, the amount of the exemption shall be adjusted by the difference in equalization ratios applicable in the municipality before and after the revaluation.

3 Procedure for Adoption, Modification, or Rescission. Amend the introductory paragraph of RSA 72:27-a, I to read as follows:

I. Any town or city may adopt the provisions of RSA 72:28, RSA 72:29-a, RSA 72:35, RSA 72:37, RSA 72:37-b, RSA 72:38-b, RSA 72:39-a, RSA 72:62, RSA 72:66, ~~or~~ RSA 72:70, **or RSA 72:76** in the following manner:

4 Repeal. RSA 72:75 – RSA 72:78, relative to a program allowing economically depressed municipalities to offer tax exemptions to foster commercial and industrial construction, are repealed.

5 Effective Date.

I. Section 4 of this act shall take effect July 1, 2013.

II. The remainder of this act shall take effect July 1, 2008.

2008-1009h

Amendment to HB 1652-FN-A Proposed by the Committee on Finance - R

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

1 Appropriation; State Matching Funds for October 2005 Disaster Assistance. Amend 2006, 42:1 to read as follows:

42:1 Appropriation; State Matching Funds for Federal Emergency Management Agency Disaster Assistance Grants. In response to October 2005 flood damage sustained by communities in Cheshire, Sullivan, Grafton, Merrimack, and Belknap counties, a sum not to exceed \$2,911,000 is hereby appropriated to the department of safety, bureau of emergency management, for the fiscal year ending June 30, 2006, as the required state match for federal disaster assistance funds from the Federal Emergency Management Agency for flood damage sustained during the period from October 8, 2005 to October 17, 2005. With prior approval of the fiscal committee, the department of safety, bureau of emergency management shall distribute the funds appropriated by this act to any eligible municipality or state agency that completed a request for public assistance within the required 30-day period of the October 26, 2005 declaration date. The funds shall be distributed pursuant to the following funding formula: federal funds shall be used for 75 percent of eligible costs and state funds shall be used for the remaining costs, except that the local municipality first shall pay a portion of such remaining costs, not to exceed 12.5 percent of its total eligible costs or \$5,000, whichever is less. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated. ***The department of safety shall have the authority to transfer and expend funds appropriated under this section for the purpose of providing state matching funds for April 2007 disaster assistance grants.*** Any unexpended funds shall lapse to the general fund on June 30, ~~2008~~ 2010.

2 Appropriation; State Matching Funds for May 2006 Disaster Assistance. Amend 2007, 334:1 to read as follows:

334:1 Appropriation; State Matching Funds for May 2006 Disaster Assistance Grants. In response to flood damage sustained by communities in May 2006, a sum not to exceed \$2,200,000 is hereby appropriated to the department of safety, bureau of emergency management, for the fiscal year ending June 30, 2007, **and an additional sum of \$400,000 is hereby appropriated to the department for the fiscal year ending June 30, 2008**, as the required state match for federal disaster assistance funds from the Federal Emergency Management Agency (FEMA). With prior approval of the fiscal committee, the department of safety, bureau of emergency management shall distribute the funds appropriated by this act to any eligible FEMA applicant that submitted a timely request for such assistance based on the disaster area declaration date. The funds shall be distributed pursuant to the following funding formula: federal funds shall be used for 75 percent of eligible costs and state funds shall be used for the remaining costs, except that the local municipality first shall pay a portion of such remaining costs, not to exceed 12.5 percent of its total eligible costs. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated. Any unexpended funds shall lapse to the general fund on June 30, ~~2009~~ **2011**.

3 Appropriation; State Matching Funds for April 2007 Disaster Assistance Grants. In response to flood damage sustained by communities in April 2007, a sum not to exceed \$1,750,000 is hereby appropriated to the department of safety, bureau of emergency management, for the fiscal year ending June 30, 2008, as the required state match for federal disaster assistance funds from FEMA. With prior approval of the fiscal committee, the department of safety, bureau of emergency management shall distribute the funds appropriated by this act for payment of claims in the order in which they were filed, to any eligible FEMA applicant that submitted a timely request for such assistance based on the disaster area declaration date. The funds shall be distributed pursuant to the following funding formula: federal funds shall be used for 75 percent of eligible costs and state funds shall be used for the remaining costs, except that the local applicant first shall pay a portion of such remaining costs, not to exceed 12.5 percent of its total eligible costs. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated. Any unexpended funds shall lapse to the general fund on June 30, 2012. The appropriation in this section shall be in addition to any other funds appropriated for such purpose, including the appropriation in 2007, 334:2.

4 Commission to Determine the Appropriate Public Use of Flood-Damaged Property Purchased by the State; Members. Amend 2006, 256:4, I(c) to read as follows:

(c) ~~[One member]~~ **Three members** of the board of selectmen from ~~[each of the following towns, appointed by that town's board:]~~ **the town of Alstead, [Langdon, and Walpole] appointed by the town's board.**

5 Commission to Determine the Appropriate Public Use of Flood-Damaged Property Purchased by the State; Report. Amend 2006, 256:4, V as amended by 2007, 7:2 to read as follows:

V. 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 31, 2007]~~ **upon completion of the commission's study.**

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

AMENDED ANALYSIS

This bill makes an additional appropriation for payment of the non-federal share of FEMA public assistance received in response to flood damage sustained in April 2007. The bill also extends prior appropriations for disaster assistance and the commission to determine the appropriate use of flood-damaged property purchased by the state.

2008-0177h

Amendment to HR 21

Proposed by 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 Congress to oppose any attempt to remove the phrases “In God We Trust” and “E Pluribus Unum” from United States currency and coinage.

Amend the resolution by replacing all after the title with the following:

Whereas, “In God We Trust” has appeared on federal currency since the time of the Civil War; and

Whereas, by act of Congress in 1908 it became mandatory for “In God We Trust” to appear on certain currency minted by the United States Treasury; and

Whereas, “In God We Trust” was adopted as the national motto of the United States of America by the 84th Congress in 1956; and

Whereas, in 1970, the United States Court of Appeals for the Ninth Circuit ruled that the national motto was of a “patriotic or ceremonial character;” and

Whereas, the motto “E Pluribus Unum” has been used on federal currency since 1795; and

Whereas, the motto “E Pluribus Unum” means “Out of Many One” and appears on the Great Seal of the United States; and

Whereas, in 2007, the United States Mint placed into circulation the Thomas Jefferson \$1 coins; and

Whereas, these \$1 coins display “In God We Trust” and “E Pluribus Unum” in small print on the side edge of the coin; now, therefore, be it

Resolved by the House of Representatives:

That the New Hampshire house of representatives opposes the production and distribution of United States of America currency that does not clearly display the phrases “In God We Trust” and “E Pluribus Unum” in a manner equal to or greater than its display on past minted currency; and

That the New Hampshire house of representatives urges Congress to take action to preserve the display of the phrases “In God We trust” and “E Pluribus Unum” in a manner equal to or greater than its display on past minted currency; and

That copies of this resolution, signed by the speaker of the house of representatives, be forwarded by the house clerk to the United States Secretary of the Treasury and to each member of the New Hampshire congressional delegation.

AMENDED ANALYSIS

This bill urges Congress to oppose any attempt to remove the phrases “In God We Trust” and “E Pluribus Unum” from United States currency and coinage.

2008-0761h

Amendment to HR 28

Proposed by the Committee on Ways and Means

Amend the resolution by replacing all after the title with the following:

Whereas, the House Ways and Means Committee has considered what the unrestricted revenue estimates should be for fiscal years 2008 and 2009 and has presented those estimates to the House of Representatives; now, therefore, be it

Resolved by the House of Representatives:

That the House wishes to go on record as affirming the following revenue estimates for fiscal years 2008 and 2009.

Committee estimates are based on current rates.

GEN'L & EDUCATION TRUST FUND: (Dollars in Millions)	FY 2008		FY 2009	
	Official Estimate	Committee Estimate	Official Estimate	Committee Estimate
Business Profits Tax	\$365.600	\$365.600	\$388.600	\$365.600
Business Enterprise Tax	272.400	272.400	285.400	272.400
Subtotal	638.000	638.000	674.000	638.000
Meals & Rooms Tax	220.000	216.000	230.000	225.000
Tobacco Tax	183.400	173.000	175.900	168.000
Real Estate Transfer Tax	140.000	120.000	145.600	125.000

Liquor Sales	137.000	132.000	146.100	138.600
Interest & Dividends Tax	117.000	115.000	126.000	115.000
Insurance Tax	99.500	96.000	98.300	96.000
Communications Tax	79.900	79.900	82.900	82.900
Other	70.650	70.650	75.050	75.050
Tobacco Settlement Funds	47.700	47.700	49.300	49.300
Securities Revenue	33.000	33.500	34.000	34.000
Court Fines & Fees	32.100	30.800	32.900	31.200
Board & Care Revenue	16.000	17.700	16.400	18.000
Beer Tax	12.800	12.800	12.900	12.900
Utility Consumption Tax	6.400	6.400	6.600	6.600
Horse and Dog Racing	3.000	3.100	3.000	3.100
SUBTOTAL	\$1,836.450	\$1,792.550	\$1,908.95	\$1,818.650
Medicaid Enhancement Tax	91.000	91.700	91.800	91.800
Utility Property Tax	22.900	23.500	23.600	23.600
Statewide Property Tax	363.000	363.000	363.000	363.000
Lottery Transfers to Education	85.800	81.300	87.800	82.800
Bingo Lucky 7 Transfers to Education	1.500	1.500	1.500	1.500
Medicaid Recoveries	14.100	18.400	14.600	14.600
TOTAL GENERAL & EDUCATION				
TRUST FUNDS	\$2,414.750	\$2,371.950	\$2,491.250	\$2,395.950
HIGHWAY FUNDS:	Official	Committee	Official	Committee
(Dollars in Millions)	Estimate	Estimate	Estimate	Estimate
Road Toll	\$137.900	\$137.900	\$139.900	\$139.900
Motor Vehicle Fees	102.300	100.300	103.900	102.150
Miscellaneous	13.600	13.600	13.700	13.700
TOTAL HIGHWAY FUNDS	\$253.800	\$251.800	\$257.500	\$255.750
FISH & GAME FUNDS:				
(Dollars in Millions)				
Fish & Game Licenses	\$8.300	\$8.300	\$8.300	\$8.300
Fines & Miscellaneous	2.200	2.200	1.900	1.900
TOTAL FISH & GAME FUNDS	\$10.500	\$10.500	\$10.200	\$10.200

2008-0962h

Amendment to SB 94

Proposed by the Committee on Finance - C

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

1 New Chapter; Department of Information Technology. Amend RSA by inserting after chapter 21-Q the following new chapter:

CHAPTER 21-R

DEPARTMENT OF INFORMATION TECHNOLOGY

21-R:1 Definitions. In this chapter:

I. "Commissioner" means the commissioner of the department of information technology.

II. "Department" means the department of information technology.

21-R:2 Department of Information Technology Established. There is established the department of information technology, an agency of the state, under the executive direction of a commissioner of the department of information technology, who shall also be known as the chief information officer. The department of information technology, through its officials, shall be responsible for managing and coordinating all technology resources in the executive branch of government, developing and implementing strategies to enhance state services, and creating statewide efficiencies through the use of information and other technologies.

21-R:3 Commissioner; Directors; Compensation.

I. The commissioner of the department of information technology shall be appointed by the governor, with the advice and consent of the council, and shall serve for a term of 4 years. The commissioner shall be academically and technically qualified to hold the position, and shall be known as the chief information officer. A vacancy shall be filled for the remainder of the unexpired term in the same manner as the original appointment.

II.(a) The commissioner shall nominate the following division directors for appointment by the governor, with the consent of the council:

- (1) The director of operations.
- (2) The director of technical support services.
- (3) The director of web support.
- (4) The director of agency software.

(b) Division directors shall serve for a term of 4 years and shall be qualified by reason of professional competence, education, and experience.

III. The salaries of the commissioner and division directors shall be as specified in RSA 94:1-a.

21-R:4 Duties of the Commissioner. In addition to the powers, duties, and functions otherwise vested in the commissioner pursuant to RSA 21-G:9, the commissioner shall be responsible for the following:

I. Providing technical information technology consultation to all executive branch agencies and to any other agency that requests it, including technical advice during the development or acquisition of information systems.

II. Monitoring technological trends and informing all state employees and officials about state-of-the-art information systems and management techniques.

III. Developing a formal information technology planning process for approving agency information technology plans.

IV. Preparing and maintaining a statewide information technology plan based upon agency information technology plans.

V. Reviewing, assessing, and approving the feasibility of agency information technology plans, including cost estimates and effects on other agencies and political subdivisions of the state.

VI. Developing standards and processes for collaborative stakeholder involvement to assure that hardware, software, and telecommunications systems acquired or developed by the state are as compatible among themselves and with other systems of the state and political subdivisions as are necessary and practical.

VII. Providing training and educational programs to technicians and managers.

VIII. Monitoring and reporting to the governor and general court on the effectiveness of the use of information technology resources and on statewide progress in implementing information technology plans.

IX. Coordinating information technology development efforts that affect multiple agencies.

X. Developing a data center consideration plan, which establishes strategic data centers throughout the state for data processing operations and service responsibilities for all executive branch agencies.

XI. Developing, in concert with the commissioner of administrative services and the budget director as defined in RSA 21-I:1-a, the capital and operating budget requests for implementing each agency's information technology plan, including, but not limited to, appropriate standards for the uniform presentation of the general budget requests.

XII. Developing, in concert with the department of administrative services, director of plant and property management, specifications for the procurement of computer equipment and software.

XIII. Developing a strategy to increase efficiency and effectiveness in all areas of state government by using information technology to its fullest potential.

XIV. Developing and implementing a strategy to consolidate statewide shared information technology services.

XV. Developing an information technology satisfaction measurement program to ensure information technology resources and strategic plans are meeting the needs of each agency.

21-R:5 Divisions Established. The following divisions, each of which shall be under the supervision of a division director appointed pursuant to RSA 21-R:3, are established within the department of information technology:

- I. The division of operations.
- II. The division of technical support services.
- III. The division of web support.
- IV. The division of agency software.

21-R:6 Information Technology Council.

I. There is hereby established the information technology council. The council shall advise the commissioner on the following:

- (a) Statewide strategic technology plans.
- (b) Outsourcing relationships, including the purchase of technology equipment and contracts with technology vendors.
- (c) Computer systems consolidation.
- (d) Implementation of centralized services.
- (e) Information technology resource changes, including changes in quantity of resources allocated to executive branch agencies, location of information technology resources, and allocation of information technology personnel.

- (f) Statewide information technology policies and standards.
- (g) Information technology budgeting and resource allocation.

II. The information technology council shall consist of the following members:

- (a) The commissioner of administrative services, or designee.
- (b) The commissioner of transportation, or designee.
- (c) The commissioner of health and human services, or designee.
- (d) The commissioner of safety, or designee.
- (e) The commissioner of revenue administration, or designee.
- (f) Two heads of other departments, appointed by the governor.
- (g) One state senator, appointed by the president of the senate for the duration of his or her legislative term.
- (h) One state representative, appointed by the speaker of the house of representatives for the duration of his or her legislative term.
- (i) One representative of municipal government, appointed by the governor for a 3-year term.
- (j) One representative of county government, nominated by the New Hampshire Association of Counties and appointed by the governor for a 3-year term.
- (k) One person appointed by the governor for a 3-year term, who shall serve as the chairperson of the council.

III. Six members of the council shall constitute a quorum. Qualified members who have served one or more terms shall be eligible for reappointment to the council.

21-R:7 Technical Committees. The commissioner may establish technical committees to advise him or her on technical issues. Each technical committee shall include personnel from all 3 branches of government who have experience in the specific issue that is the focus of the committee. These issues may include but are not limited to:

- I. Hardware, software, and telecommunications standards.
- II. Information technology planning process.
- III. Development of statewide policies and procedures.
- IV. Emerging Internet and "intranet," or limited network, technologies.
- V. E-government strategy and deployment.
- VI. Wide area network efficiencies.

21-R:8 Agency Satisfaction Metrics. The commissioner shall use a system of agency satisfaction metrics, a measurement and communication system to track the satisfaction of delivery of information technology solutions. The department of information technology may use surveys, web tools, and special processes to ensure that vehicles exist for agency heads to get the quality of

information technology solutions they require to operate their agencies. The commissioner shall set satisfaction benchmarks to meet or exceed expectations.

21-R:9 Legislative Oversight Committee.

I. There is hereby established a joint legislative information technology oversight committee.

II. The committee shall consist of 6 members, 3 of whom shall be members of the house of representatives, with one such member from the house finance committee and one from the house executive departments and administration committee, appointed by the speaker of the house of representatives, and 3 of whom shall be senators, appointed by the president of the senate. Members shall be appointed for their term of office. All members shall be eligible for reappointment so long as they are qualified under this section. Members shall be appointed no later than December 30 of the year of their election to the general court, except that vacancies shall be filled for an unexpired term within 30 days of the creation of such vacancy, and the initial appointments under this section shall be made within 30 days of the effective date of this section. The members shall choose from their number a chairperson, provided that the chair shall rotate biennially between the house and senate members.

III. The commissioner shall report quarterly to the committee on the activities of the department, including the status of the state information technology plan, the organizational structure of information technology employees among state agencies, and financial budget tracking related to information technology.

IV. Members of the committee shall serve without compensation but shall receive mileage at the legislative rate when attending to the duties of the committee.

2 Transfer of Authority from Office of Information Technology to Department of Information Technology. The office of information technology within the office of the governor is hereby abolished and all of the functions, powers, duties, and responsibilities of the office and the officials within that office are transferred to and vested in the department of information technology pursuant to this act. The transfer provided in this section shall include all of the personnel, books, papers, records, equipment, unexpended appropriations or other funds, actions, and other property or obligations of any kind of the office of information technology.

3 Department of Information Technology Unclassified Positions and Salaries.

I. The salaries for the unclassified positions established in this act shall be determined in accordance with RSA 14:14-c.

II. The commissioner of the department of information technology shall abolish a position of comparable responsibility and compensation upon filling each of the division director positions established in RSA 21-R:3, II. The commissioner shall report to the commissioner of the department of administrative services the position numbers to be abolished. The funds budgeted to compensate the abolished positions shall not lapse and shall be used towards the compensation of the division director positions.

III. The commissioner of the department of information technology shall have the authority to fill the unclassified position of director of information technology, position number 9U345, if it becomes vacant prior to the commissioner filling the position of director of agency software, established by RSA 21-R:3, II(a).

4 New Subparagraph; Positions. Amend RSA 126-A:9, II by inserting after subparagraph (c) the following new subparagraph:

(d) Any positions that were established under this section and subsequently transferred to the department of information technology and become vacant may be filled by the commissioner of the department of information technology in the same manner as prescribed for the commissioner.

5 "Office of Information Technology" Renamed "Department of Information Technology." Amend the following RSA provisions by replacing "office of information technology" with "department of information technology": 5-C:16, 21-I:6, VIII, 21-L:5-a, II(g), and 106-K:5, I(e).

6 Administrative Services; Reference Change. Amend RSA 21-I:14-b to read as follows:

21-I:14-b Prohibition on Future Employment.

I. No commissioner, financial data manager, accounting director, **or** director of plant and property management of the department of administrative services~~[-or director of the office of~~

~~information technology management~~] shall accept any employment, including work as a consultant or lobbyist, with any vendor of goods or services holding a valid contract with the department, in excess of \$10,000 over the previous 2 years, until one year after he **or she** shall become separated from the department.

II. No vendor of goods or services holding a valid contract with the department, in excess of \$10,000 over the previous 2 years, shall employ any commissioner, financial data manager, accounting director, **or** director of plant and property management of the department~~[-or director of the office of information technology management]~~ until one year after such employee has become separated from the department. Any such vendor who violates the provisions of this paragraph shall be barred from bidding on any future contract with the department for 5 years after such violation.

7 Repeal. The following are repealed:

I. RSA 4-D, relative to the office of information technology.

II. RSA 21-P:12-f, relative to the department of safety, division of information technology.

III. RSA 21-R, relative to the department of information technology.

8 Effective Date.

I. Section 7, paragraph III of this act shall take effect July 1, 2014.

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

AMENDED ANALYSIS

This bill:

I. Eliminates the office of information technology and establishes the department of information technology as an independent agency, under the direction of a commissioner and division directors.

II. Authorizes the commissioner of the department of information technology to fill vacant positions that were transferred from the department of health and human services in the same manner as the commissioner of health and human services.

III. Adds an additional member, appointed by the governor, to the information technology council.

IV. Eliminates the division of information technology in the department of safety.

2008-0879h

Amendment to SB 173

Proposed by the Committee on Ways and Means - C

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

IX. One member to be appointed by the governor and council on recommendation by the New Hampshire Council for Professional Education, who shall be a resident of the state and a representative of a private postsecondary career school. The terms of appointed members, except as indicated above, shall be for 5 years and until a successor is appointed and qualified. Vacancies shall be filled for the unexpired term.

Amend the bill by replacing sections 10 and 11 with the following:

10 Private Postsecondary Career Schools; Fees for Licenses. The executive director, in consultation with the postsecondary education commission, shall develop a new fee schedule for licenses and license renewals for private postsecondary career schools as required under RSA 188-D:20, and shall submit such fee schedule to the house and senate education committees and the house and senate ways and means committees no later than September 1, 2008. Such fees shall be sufficient to produce estimated revenues at least equal to the direct operating expenses for the previous fiscal year.

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