

# State of New Hampshire

# HOUSE RECORD

## Second Year of the 160<sup>th</sup> General Court Calendar and Journal of the 2008 Session

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| <b>Vol. 30</b> | <b>Concord, NH</b> | <b>Friday, April 11, 2008</b> | <b>No. 28</b> |
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Contains: Hearings, Meetings, Notices, Proposed Amendments to Ethics Guidelines, Interim Study Committee Assignments, Reports and Amendments for April 16.

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### HOUSE CALENDAR

#### MEMBERS OF THE HOUSE:

The House will meet at 10:00 a.m. on Wednesday, **April 16<sup>th</sup>**, beginning with a celebration of Tartan Day.

Members should hold open Wednesdays through **May 14<sup>th</sup>** as likely session days.

Terie Norelli, Speaker

#### NOTICE

Chairs and Vice-Chairs will meet on Tuesday, **April 15<sup>th</sup>**, from 8:30-9:45 a.m. in Rooms 210-211 of the LOB.

Terie Norelli, Speaker

#### NOTICE

There will be a Democratic Caucus on Wednesday, **April 16** at **9:00 a.m.** in Representatives Hall.  
Rep. Mary Jane Wallner, Majority Leader

#### NOTICE

There will be a Republican Caucus on Wednesday, **April 16** at **9:00 a.m.** 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

**NOTICE**  
**LEGISLATIVE ETHICS COMMITTEE**  
**Proposed Amendments to Ethics Guidelines**

At its meeting on March 31, 2008, the Committee unanimously voted to amend the Ethics Guidelines, subject to approval by the General Court in accordance with RSA 14-B:3, II. The amendments, in their entirety, are printed below.

Representative Janet G. Wall, Vice Chairman  
Representative Eric Anderson

**NOTICE**  
**LEGISLATIVE ETHICS COMMITTEE**  
**Proposed Amendments to the Ethics Guidelines**

At its meeting on March 31, 2008, the Legislative Ethics Committee unanimously voted to propose the following amendments to the Ethics Guidelines. These proposed amendments are necessitated by the legislative changes made by Senate Bill 206, which was enacted as Chapter 21 of the New Hampshire Laws of 2006, and House Bill 828, which was enacted as Chapter 354 of the New Hampshire Laws of 2007. The two laws created in RSA 15-B new standards for the acceptance of gifts, honoraria, and expense reimbursements for members, officers, and employees. The amendment incorporates relevant provisions of RSA 15-B into the guidelines in order to make the guidelines consistent with that statute. The Committee respectfully requests favorable action on these proposed amendments to the Ethics Guidelines in order to create consistency between the guidelines and the law to provide guidance for the ethical conduct of members, officers, and employees.

**Legislative Ethics Committee**

Explanation: Matter added to the current guidelines appears in ***bold italics***.  
Matter removed from the current guidelines appears [~~in brackets and struckthrough~~]

**ETHICS GUIDELINES**

**2 DEFINITIONS.**

- I. "Anything Of Value" includes but is not limited to the following:
  - (a) A pecuniary item, including money, or a bank bill or note;
  - (b) A promissory note, bill of exchange, order, draft, warrant, check, or bond given for the payment of money;
  - (c) A contract, agreement, promise, or other obligation for an advance, conveyance, forgiveness of indebtedness, deposit, distribution, loan, payment, gift, pledge, or transfer of money;
  - (d) A stock, bond, note, or other investment interest in an entity;
  - (e) A receipt given for the payment of money or other property;
  - (f) A cause of action;
  - (g) A gift, tangible good, chattel, or an interest in a gift, tangible good, or chattel;
  - (h) A loan or forgiveness of indebtedness;
  - (i) A work of art, antique, or collectible;
  - (j) An automobile or other means of personal transportation;
  - (k) Real property or an interest in real property, including title to realty, a fee simple or partial interest, present or future, contingent or vested within realty, a leasehold interest, or other beneficial interest in realty;
  - (l) A promise of employment or continued employment;

- (m) A rebate or discount in the price of anything of value unless the rebate or discount is made in the ordinary course of business to a member of the public without regard to that person's status as a public official or public employee, or the sale or trade of something for reasonable compensation that would ordinarily not be available to a member of the public.
- II. "Conflict Of Interest" is the condition in which a legislator has a financial interest in any official activity.
- III. *"Expense Reimbursement" shall mean any price, charge, fee, expense, or other cost which is waived, forgiven, reduced, prepaid, or reimbursed in any form for the reasonable expenses of attendance, registration, travel, meals, or lodging related to a bona fide conference, meeting, seminar or educational or informational program, when the source of such reimbursement is other than the state, a county, or the United States of America.*
- IV. *"Family Member" shall mean any person related to and living in the same domicile as a legislator, legislative officer, or legislative employee who shares a common economic interest in the expenses of daily living, including, but not limited to, a spouse, child, or parents.*
- ~~III.]~~ V. "Financial Interest" is a reasonably foreseeable direct material financial effect ~~[- distinguished from its effect on the public generally, on the legislator or his or her spouse]~~ arising from a change in law, a change in administrative rule, a decision whether or not to award a contract, grant a license or permit, discipline a licensee or permittee, or other decision by government affecting a business, profession, occupation, group, or matter enumerated in RSA 15-A:5, I(d) that results in a greater financial effect on you or a family member than it would on the general public.
- VI. (a) "Gift" shall mean:
- (1) Money in any amount, whether in the form of cash, check or any other negotiable or non-negotiable instrumentality for the transfer of money.
  - (2) Any other tangible thing, intangible thing, service, or the use thereof having more than insignificant economic value. Any such item with a value of less than \$25 is presumed to be of insignificant economic value.
- (b) Notwithstanding subparagraph (a), "gift" shall not mean:
- (1) A political contribution as defined in RSA 664.
  - (2) A commercially reasonable loan, made in the ordinary course of business.
  - (3) Repayment to an elected official, public official, public employee, constitutional official, or legislative employee of a bona fide loan made by such a person.
  - (4) A ceremonial plaque, award, or other commemorative object, which is personally inscribed to the recipient and which has inconsequential economic value. A ceremonial object or award with a value of \$150 or less is presumed to be of inconsequential economic value.
  - (5) Objects which primarily serve an informational purpose provided in the ordinary course of business, such as reports, books, maps, or charts.
  - (6) Money in any form, an object, or any tangible or intangible thing of economic value, where the donor's act of giving is purely private and personal in nature and the money, object, or thing of economic value would have been given and received even if the person were not an elected official, public official, public employee, constitutional official, or legislative employee.

*(7) Wages, salary, benefits, mileage, or payment for expenses received by the person in his or her regular course of employment or business which is unrelated to the government position held.*

*(8) Wages, salary, benefits, mileage, or payment for expenses paid to the person by the state, a county, or the United States of America related to performance of official duties.*

*(9) Tickets or free admission to a charitable, ceremonial, or political event provided that:*

*(A) The proceeds of the event are subject to the political contributions and expenditure reporting law, RSA 664; or*

*(B) The event is sponsored by a charitable organization that is registered with the division of charitable trusts, department of justice, or which is a charitable organization pursuant to section 501(c)(3) of the federal tax code; or*

*(C) The event is published as an event open for attendance by any member of the general court in the calendar of the senate or the house.*

*(10) Meals, beverages, lodging, or transportation associated with attendance at:*

*(A) Any event for which the primary significance is ceremonial or celebratory, provided the event is public or, if by invitation only, is planned to have an attendance greater than 50 people; or*

*(B) Any event where the person is attending in an official capacity representing the state and/or the senate, house, or the agency of which the person is a member.*

*(11) Expense reimbursement or an honorarium.*

*(12) Meals and beverages consumed at a meeting or event, the purpose of which is official business.*

**VII. "Honorarium" means a payment in any form to a legislator, legislative officer, or legislative employee for an appearance, speech, written article or other document, service as a consultant or advisor, or participation in a discussion group or similar activities . Honorarium does not include a payment for such activities for which the person is being compensated by the state, a county, the United States of America, or by any other employer or client, where the activity giving rise to the honorarium is not related to or associated with any public office or government employment.**

~~[IV.]~~ **VIII. "Immediate Family" includes a spouse, guardian, parent, sibling, child or dependent.**

~~[V.]~~ **IX. "Legislation" is a bill, resolution or constitutional amendment.**

~~[VI.]~~ **X. "Official Activities" is the conduct of activities which relate to official responsibilities including the introduction of legislation, testifying before any legislative committee or state agency, voting in committee or in house or senate session or otherwise participating in, influencing, or attempting to influence any decision of the legislature, county delegation or any state agency.**

**XI. "Official Business" means, for legislators, legislative officers, and legislative employees, the discussion or transaction of legislative business, namely, any official action or non-action with regard to any potential pending or existing bill, resolution, amendment, report, or study, any other matter pending or proposed in a committee or in either house of the general court, or an issue of public policy which is or may be the subject of legislative attention, or any other matter which is within the official jurisdiction or cognizance of the general court.**

### **3 LEGISLATOR'S FINANCIAL DISCLOSURE FORM.**

Every representative, senator, and officer of the House and Senate, shall file with the Legislative

Ethics Committee the following financial disclosure form on or before January 31 of each year.

## FINANCIAL DISCLOSURE FORM

### FOR STATE SENATORS, STATE REPRESENTATIVES AND OFFICERS OF THE GENERAL COURT

Required by the Legislative Ethics Committee (RSA 14-B)

Name of Legislator/Officer \_\_\_\_\_  
(print name)

Address \_\_\_\_\_  
street town/city zip code

Office \_\_\_\_\_ County/District \_\_\_\_\_ Telephone Number \_\_\_\_\_

#### ***I. Sources of Income***

Identify below the name, address, and type of any professional, business, or other organization (including any unit of government) in which you ***or your spouse*** are or were an ***employee***, officer, director, associate, partner, proprietor, ~~employee,~~ or member, or served in any ***professional or*** advisory capacity, from which you ***or your spouse*** derived any income (including retirement benefits other than federal retirement and/or disability benefits) in excess of \$10,000 during the preceding calendar year.

- 1) a) Name of organization \_\_\_\_\_  
b) Address of organization \_\_\_\_\_  
c) Type of organization \_\_\_\_\_
  
- 2) a) Name of organization \_\_\_\_\_  
b) Address of organization \_\_\_\_\_  
c) Type of organization \_\_\_\_\_
  
- 3) a) Name of organization \_\_\_\_\_  
b) Address of organization \_\_\_\_\_  
c) Type of organization \_\_\_\_\_

(attach additional sheets if necessary)

~~[Please note: every State Senator, State Representative, and Officer of the General Court is required to file this form.]~~ If you feel that your income during the preceding calendar year does not qualify for disclosure according to the criteria stated above, signify by ~~[checking]~~ ***writing your initials*** on the line below.

My income does not qualify \_\_\_\_\_

~~[COMPLETION OF THIS SECTION IS OPTIONAL.]~~

~~[Disclosure and description below of your financial interest may eliminate the need to follow the conflict of interest procedure established in Section 5 of the Ethics Guidelines. If your participation in an official activity creates a conflict of interest not disclosed by the information on this form, you must complete and file a Declaration of Intent Form in accordance with Section 5 of the Ethics Guidelines. See Section 5 of the Ethics Guidelines for information regarding particular conflicts of interest that you may have.]~~

#### ***II. Disclosure of Financial Interests***

***IDENTIFY AND DESCRIBE BELOW ANY FINANCIAL INTEREST YOU OR YOUR SPOUSE MAY HAVE. FOR THIS SECTION, "FINANCIAL INTEREST" MEANS THAT A CHANGE IN [THE] LAW, A CHANGE IN ADMINISTRATIVE RULE, A DECISION WHETHER OR NOT TO AWARD A***

**CONTRACT, GRANT A LICENSE OR PERMIT, DISCIPLINE A LICENSEE OR PERMITTEE, OR OTHER DECISION BY GOVERNMENT AFFECTING THE BUSINESS, PROFESSION, OCCUPATION, GROUP, OR MATTER** ~~[DEALING WITH ANY OF THESE SUBJECTS]~~ LISTED BELOW WOULD POTENTIALLY HAVE A GREATER FINANCIAL EFFECT ON YOU OR YOUR SPOUSE THAN IT WOULD ON THE GENERAL PUBLIC.

Do you or your spouse have a financial interest, as defined above, in any of the following businesses, professions, occupations, groups, or matters? Check any of the following which apply and describe the nature of your or your spouse's financial interest:

- ☐ (a) any profession, occupation, or business licensed or certified by the State of New Hampshire  
\_\_\_\_\_
- ☐ (b) health care  
\_\_\_\_\_
- ☐ (c) insurance  
\_\_\_\_\_
- ☐ (d) real estate, including brokers, agents, developers, and landlords  
\_\_\_\_\_
- ☐ (e) banking or financial services  
\_\_\_\_\_
- ☐ (f) State of New Hampshire, county or municipal employment  
\_\_\_\_\_
- ☐ (g) the New Hampshire Retirement System  
\_\_\_\_\_
- ☐ (h) the current use land assessment program  
\_\_\_\_\_
- ☐ (i) restaurants and lodging  
\_\_\_\_\_
- ☐ (j) the sale and distribution of alcoholic beverages  
\_\_\_\_\_
- ☐ (k) the practice of law  
\_\_\_\_\_
- ☐ (l) any business regulated by the Public Utilities Commission  
\_\_\_\_\_
- ☐ (m) horse or dog racing, or other legal forms of gambling  
\_\_\_\_\_
- ☐ (n) education  
\_\_\_\_\_
- ☐ (o) water resources  
\_\_\_\_\_
- ☐ (p) agriculture  
\_\_\_\_\_
- ☐ (q) New Hampshire taxes: ☐ Business Profits Tax, ☐ Business Enterprise Tax,

☐ Interest and Dividends Tax

☐ (r) other

***I hereby swear or affirm that*** [T]the foregoing information is true ***and complete*** to the best of my knowledge and belief.

\_\_\_\_\_  
Signature of Legislator/Officer

***Complete and return to the Legislative Ethics Committee no later than January 31, \_\_\_\_.***

#### **4 PROHIBITED ACTIVITIES.**

- I. Legislators shall not solicit, accept, or agree to accept anything of value from another for themselves or other persons, if the legislator receives such thing of value:
- (a) Knowing or believing the other's purpose to be the influencing of an action, decision, opinion, recommendation, or other official activity.
  - (b) Knowing or believing that the giver is or is likely to become subject to or interested in any matter or action pending before or contemplated by the ~~[giver or another member of the legislature]~~ **legislator or the General Court.**
  - (c) In return for advice or other assistance relating to a legislator's official activities.
  - (d) In return for introducing legislation, testifying before any legislative committee or state agency, voting in committee or in House or Senate session, or otherwise participating in, influencing, or attempting to influence any decision of the legislature, county delegation or any state agency.
  - (e) In return for an endorsement, nomination, appointment, approval or disapproval of any person for a position as, or advancement of, a public servant.
  - (f) In return for having given a decision, opinion, recommendation, nomination, vote, or other official activity.
- (g) In violation of RSA 15-B.**
- II. Legislators shall not:
- (a) Reveal information which the legislator has obtained confidentially in the course of his official activities.
  - (b) Reveal information about state agency operations or decisions which the legislator would not reveal to any member of the general public requesting such information.
  - (c) Threaten reprisals or promise inducements of any kind to influence another so as to obtain special personal benefits for the legislator, the legislator's immediate family, or for certain constituents which would not be available to others under similar conditions.
  - (d) Conduct private negotiations with any governmental agency in an attempt to obtain a decision on a pending matter which would result in special personal benefit to the legislator, to the legislator's immediate family, or to certain constituents which would not be available to others under similar conditions.
- III. Legislators shall not use their public position or office to obtain anything of value for the private benefit of the legislator or the legislator's immediate family.
- IV. Legislators shall not use state-provided services or facilities for private gain.
- V. Legislators shall not become involved in any official activity without complying with the conflict of interest procedure set forth in this document.
- VI. Legislators shall not engage in conduct that constitutes sexual harassment as defined in RSA 14-B:1.
- VII. Nothing in this section on prohibited activities should be construed to prohibit the following:
- ~~[(a) The giving or receiving of campaign contributions made for the purpose of defraying the costs of a political campaign.]~~

- ~~[(b)]~~ **(a)** Assistance to constituents in their dealings with state agencies.
- ~~[(c)]~~ **(b)** Advocacy of a particular outcome on matters pending before a state agency when the legislator believes such a decision would benefit the general public or the legislator's constituents generally.
- ~~[(d)]~~ **(c)** Submission by a legislator of recommendations or references on behalf of a candidate for state employment when the legislator believes the candidate is qualified to be a suitable public employee.
- ~~[(e)]~~ ~~Acceptance of awards, prizes or other honors of a minimal value.~~
- ~~[(f)]~~ **(d)** Acceptance of anything of value the receipt of which would otherwise be a violation of this section where the value is less than \$250.00 in aggregate from any single source during any calendar year.
- ~~[(g)]~~ **(e)** Acceptance of *expense* reimbursement ~~[or underwriting of actual]~~ **for the reasonable** expenses for **attendance**, registration, travel, **meals, and** lodging~~[-and subsistence directly]~~ related to ~~[attendance at]~~ a bona fide **conference, meeting, seminar, or educational or** informational ~~[or educational conference, seminar, or meeting,]~~ **program related to the legislator's office** so long as disclosure of any such reimbursement ~~[or underwriting, including the identity of the primary sponsor or sponsors and including financial contributors,]~~ is made ~~[within 15 calendar days of the legislator's return from such conference (if expenses are underwritten) or, within 15 calendar days of reimbursement]~~ **no later than the last day of the month following the month during which the expense reimbursement was received.** This disclosure shall be filed in the Office of the Secretary of State and shall be in the form prescribed in RSA 15-B. ***This provision shall not be construed to require reporting of an expense reimbursement made by an organization to which the general court pays dues, when the prepayment, underwriting or reimbursement is provided because of the dues paid.***
- (f)** *Acceptance of honoraria so long as disclosure is made no later than the last day of the month following the month during which the expense reimbursement was received. This disclosure shall be filed in the Office of the Secretary of State and shall be in the form prescribed in RSA 15-B.*
- (g)** *Acceptance of meals or beverages with a value of greater than \$25 consumed at a meeting or event pertaining to official business so long as disclosure is made no later than ten (10) days following the meeting or event at which the meals or beverages were consumed. This disclosure shall be filed in a report in the Office of the Secretary of State and shall be in the form prescribed in RSA 15-B.*
- ~~[(h)]~~ ~~Acceptance of anything permitted under RSA 15-B.~~

## 5 CONFLICT OF INTEREST PROCEDURE.

- I. No declaration shall be required if no benefit or detriment could reasonably be expected to accrue to the legislator as a member of a business, profession, occupation, or other group, to any greater extent than to any other member of such business, profession, occupation, or other group, provided that disclosure of the legislator's membership is made in the Financial Disclosure Form pursuant to section 3 of the Ethics Guidelines. For purposes of these guidelines, groups shall be limited to ones generally recognized and of a substantial size.
- II. When a legislator becomes aware that a conflict of interest exists or may exist and the conditions set forth in paragraph I are not met, the legislator shall proceed in accordance with either subparagraph (a) or (b):
  - (a) Declare that the legislator will not participate in any official activity associated with the issue.
  - (b) Declare that the legislator intends to participate in the official activity and will provide a description the conflict of interest including:
    - \* names of all entities, both public and private, which might be affected;

- \* the nature of any benefit which may accrue to the legislator;
- \* the nature of any financial interest in the issue;
- \* the nature of any relationship which existed, exists or may exist between the legislator and any person or entity which might be affected;
- \* and understanding of the nature and extent of the conflict.

III. The declaration required in subparagraphs II (a) and (b) of this procedure shall be publicly announced prior to the legislator's initial participation in the official activity. The information required in subparagraph (b) shall be filed with the clerk of the member's respective body within 24 hours of the time of the official activity and be made available for public inspection during normal business hours.

## 6 LEGISLATIVE EMPLOYEE CODE OF CONDUCT.

### I. General Principles of Conduct.

- (a) A legislative employee or officer should view his or her work for the General Court as a public service and should strive to promote the common good of the citizens of the State of New Hampshire through the devotion of his or her professional talents and energies to the support of the General Court in its mission as the representative of the citizens of this state.
- (b) A legislative employee or officer should act in a way that makes him or her worthy of the trust the General Court places in staff members and officers.
- (c) A legislative employee or officer should provide objective advice, information, and alternatives to legislators, independent of the employee's or officer's personal beliefs or interests or the interests of third parties. A legislative employee or officer should avoid activities that conflict with this objectivity or give the appearance of conflict.
- (d) A legislative employee or officer should treat all legislators with dignity and respect, and provide services of equal quality to the employee's or officer's appropriate legislative clientele.

### II. Definitions.

- (a) "Legislative Employee" includes all house, senate, and joint staff whether employed on a part-time, full-time, permanent or temporary basis.
- (b) "Legislative Officer" includes those employees of the House and Senate who are elected by members of the General Court.

### III. Prohibited Activities.

**(a) A legislative employee or officer shall not violate the provisions of RSA 15-B.**

- ~~(a)~~ **(b)** A legislative employee or officer shall not accept any gift from givers who wish to influence the work activities of the employee or officer.
- (c)** A legislative employee or officer shall not accept any employment or serve in any position, in addition to legislative employment, which would impair the employee's or officer's independence of judgment.
- (d)** Except within the scope of employment, a legislative employee or officer shall not provide any service to a lobbyist or any other person with a direct personal interest in any matter or action pending before the General Court.
- (e)** Nothing in this paragraph should be construed to prohibit the following:
  - (1) Acceptance of awards, prizes, honors, or gifts of a minimal value.
  - (2) Acceptance of informational material relevant to the employee's or officer's official function, such as books, pamphlets, reports, documents, periodicals, or other information that is recorded in a written, audio, or visual format.
  - (3) Acceptance of **expense** reimbursement ~~[or underwriting of actual]~~ **for the reasonable** expenses for **attendance**, registration, travel, **meals, and** lodging, ~~and subsistence directly~~ related to ~~[attendance at]~~ a bona fide **conference, meeting, seminar, or educational or** informational ~~[or educational conference, seminar, or meeting.]~~ **program related to the legislative employee's or**

*officer's employment* so long as disclosure of any such reimbursement [~~or underwriting, including the identity of the primary sponsor or sponsors and including financial contributors,~~] is made [~~to the joint committee on legislative facilities or the fiscal committee of the general court as appropriate within 15 calendar days of the employee's or officer's return from such conference (if expenses are underwritten) or within 15 calendar days of reimbursement~~] ***no later than the last day of the month following the month during which the expense reimbursement was received.*** This disclosure shall be ***filed in the Office of the Secretary of State and shall be*** in a form prescribed [~~by the above cited committees and shall be made available to the public upon request~~] ***in RSA 15-B. This provision shall not be construed to require reporting of an expense reimbursement made by an organization to which the general court pays dues, when the prepayment, underwriting or reimbursement is provided because of the dues paid.***

(4) ***Acceptance of honoraria so long as disclosure is made no later than the last day of the month following the month during which the expense reimbursement was received. This disclosure shall be filed in the Office of the Secretary of State and shall be in the form prescribed in RSA 15-B.***

(5) ***Acceptance of meals or beverages with a value of greater than \$25 consumed at a meeting or event pertaining to official business so long as disclosure is made no later than ten (10) days following the meeting or event at which the meals or beverages were consumed. This disclosure shall be filed in a report in the Office of the Secretary of State and shall be in the form prescribed in RSA 15-B.***

~~***(6) Acceptance of anything permitted under RSA 15-B.***~~

~~(b)~~ (f) A legislative employee or officer shall not use or attempt to use the employee's or officer's official position to (a) personally obtain any privilege, exemption, special treatment or any other thing of value, or (b) obtain any such benefit for others except as required to perform duties within the scope of employment.

~~(e)~~ (g) A legislative employee or officer shall not accept or solicit anything of value for the private benefit of the employee or officer or the employee's or officer's immediate family under circumstances in which it can be reasonably inferred that the legislative employee's or officer's independence of judgment is impaired or is intended as a reward for any official action.

~~(d)~~ (h) A legislative employee or officer shall not use state-provided services or facilities for private gain.

~~(e)~~ (i) A legislative employee or officer shall not disclose confidential information acquired by reason of the employee's or officer's official position to any person or group not entitled to receive such information, nor shall the employee or officer use such information for personal gain or benefit or for the benefit of others.

~~(f)~~ (j) A legislative employee or officer shall not enter into any contract with a state agency involving services or property, unless the contract is made after public notice and competitive bidding; except in cases where public notice and competitive bidding are not required, the contract or agreement shall be filed with the employee's or officer's supervisory officer.

IV. Disclosure Procedure. When a legislative employee or officer becomes aware that his or her participation in a particular activity presents a conflict of interest or conflicts with his or her objectivity or gives the appearance of a conflict, the employee or officer shall immediately make disclosure of this fact to his or her supervisory officer. All such reports shall be forwarded to the Chief of Staff of the House, the Chief of Staff of the Senate, the Director of the Office of Legislative Services, or Legislative Budget Assistant, as appropriate.

## WEDNESDAY, APRIL 16

### CONSENT CALENDAR

#### COMMERCE

**SB 315**, preventing the fraudulent use of the names of financial institutions. **OUGHT TO PASS.**

Rep. Stephen T DeStefano for Commerce: This bill allows the bank commissioner to serve a cease and desist order to certain violators, gives the bank commission authority to enforce cease and desist orders and prohibits the unauthorized use of the name of a financial institution. This bill only applies to financial institutions. **Vote 15-0.**

**SB 439**, relative to money transmitters and mortgage servicing companies. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Paul McEachern for Commerce: This bill gives the banking department oversight of the transmission of money - an outgrowth of the Western Union money order concept. The bill, as amended, requires a demonstration by the transmitting company that it has provided education to the agents who actually transmit the money. **Vote 14-1.**

**SB 465**, relative to the laws regulating trusts and trust companies in New Hampshire. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Matthew S Houde for Commerce: This bill continues the initiative of the 2006 Trust Modernization and Competitiveness Act, which seeks to establish New Hampshire as a leading jurisdiction in the national market for financial, trust and fiduciary services and to attract the financial services jobs of that marketplace to New Hampshire. SB 465 makes changes to the Uniform Trust Code and the Uniform Principal and Income Act, and adds other innovative and progressive trust law improvements. These provisions will continue to maintain New Hampshire's competitiveness among states in this growing economic sector. The amendment, in addition to making several minor editing and technical corrections, removes a section of the bill concerning liability of trustees to creditors of beneficiaries. **Vote 14-1.**

**SB 500-FN**, relative to certain insurance fraud, relative to workers' compensation for employee leasing companies, and establishing a task force on employee misclassification. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Paul McEachern for Commerce: The bill, as amended, deletes three sections of the original bill which would require an employee leasing company to be limited to a single workers' compensation insurance carrier. The testimony at the hearing indicated that this restriction would severely impact an employee leasing company which leases employees to many small businesses, some of whom also do business in adjoining states as well as in New Hampshire. The original bill would prevent the innovation now taking place with employee leasing companies and the enhanced services they provide. The committee plans to continue its work on the issue of a single workers' compensation carrier. **Vote 14-1.**

#### CRIMINAL JUSTICE AND PUBLIC SAFETY

**SB 90-FN**, relative to the penalty for impersonating a law enforcement officer. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Stanley E Stevens for Criminal Justice and Public Safety: This bill, as it came to the committee, did not have a mens rea (state of mind). The mens rea that was contained in the existing statute had been removed. The only change made by the committee was to add two words, "knowingly and." The word "knowingly" creates the state of mind necessary to commit the crime. Without a mens rea, a person attending a costume party wearing a police type uniform would be guilty of impersonating a police officer. This is not what the intent of the original statute considered. The other changes made were written so as to provide clarification to the original statute. This bill also raises the penalty to a Class B felony, which our committee agreed was appropriate given the

serious consequences that can arise when someone misrepresents themselves as a law enforcement officer. **Vote 16-0.**

**SB 356-FN**, prohibiting offenders against children from participating in or being a spectator at certain activities or events. **INEXPEDIENT TO LEGISLATE.**

Rep. John E Tholl for Criminal Justice and Public Safety: This bill would have prohibited registered sex offenders who were required to register for violations of RSA 643-A:3, III Felonious Sexual Assault involving sexual contact with a person, not his legal spouse who is under the age of 13 years of age, or RSA 632-A:2, II Aggravated Felonious Sexual Assault without penetration, from participating, or attending certain activities, or events. The bill did not address those acts which involved penetration, which is a much more serious offense. Additionally, the possibility that an offender who was required to register for other offenses could be mistakenly subject to the prohibitions in the bill and reported to law enforcement, resulting in a response that was a waste of resources and potentially exposing the offender to embarrassment and harassment. When a classification system is in effect, then and only then, would a bill of this type be justified in order to prohibit those offenders against children that are truly dangerous from attending this type of activity. Laws that are too restrictive often have unintended consequences, such as the offenders not registering and going under ground. **Vote 18-0.**

**SB 513-FN**, relative to fighting animals. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Lori A Movsesian for Criminal Justice and Public Safety: This bill allows, at the discretion of the court, for the state to confiscate animals, equipment, paraphernalia and money involved in illegal fights. The proceeds shall be used to reimburse local government and state agencies for the costs of prosecution of animal fighting cases. Proceeds which are not needed for such reimbursement shall be deposited in the companion animal neutering fund. The committee amended the bill to make it consistent with existing statute. **Vote 18-0.**

## **ENVIRONMENT AND AGRICULTURE**

**SB 368**, relative to exemptions for toxics reduction in packaging. **OUGHT TO PASS.**

Rep. James F Powers for Environment and Agriculture: Labels for some glass or ceramic containers are produced by vitrification. This is a process whereby extreme heat is applied to chemicals to lock the chemical into the glass. If the chemicals are toxic, this prevents them from being released into landfills or elsewhere at a later date. Current New Hampshire law limits the amounts of cadmium, lead, and chromium which may be used for these labels. This bill strengthens the law by spelling out that no amount of mercury may be used in vitrified labels. It is another step in keeping mercury out of our environment. **Vote 13-0.**

## **EXECUTIVE DEPARTMENTS AND ADMINISTRATION**

**SB 142**, relative to the regulation of real estate brokers and salespersons by the real estate commission. **OUGHT TO PASS.**

Rep. Ken Hawkins for Executive Departments and Administration: This is a housekeeping bill for the realtor board that changes some titles of brokers from business broker to firm broker, clarifies the language on advertising, increases the number of continuing education to 12 hours from 9 hours, and requires new applicants to submit a criminal record report prior to being licensed. **Vote 17-0.**

**SB 322**, relative to lists of professional bondsmen. **OUGHT TO PASS.**

Rep. Russell C Day for Executive Departments and Administration: This bill requires the secretary of state to provide all superior court clerks, district courts (having authority to accept bail), jails and police stations with an alphabetical list of persons registered as bondsmen. The secretary of state is also required to update the list at least once a year or more often as necessary. The bill also requires that such lists be posted for all defendants to see. The committee agreed with the need and practicality of passing this bill. **Vote 16-0.**

**SB 327-FN**, relative to compensation for state employees injured in the line of duty. **OUGHT TO PASS WITH AMENDMENT.**

Rep. John Reagan for Executive Departments and Administration: This bill specifies that if a state employee is injured in the line of duty and is permanently disabled, the employee shall not be

terminated from state service until he or she has applied for disability retirement and a final decision on the application is made and all appeals are finalized. **Vote 13-0.**

**SB 346-FN**, relative to the regulation of fuel gas fitters by the state fire marshal. **OUGHT TO PASS.**

Rep. Daniel J Sullivan for Executive Departments and Administration: The fire marshal's office supports this bill which modifies Amelia's Law, passed in 2007, to regulate fuel gas fitters. This bill allows a fuel gas fitter license to be granted to a business entity, without examination or continuing education requirements, provided one or more officers of the corporation or partnership holds an active and current license as a liquefied propane service technician or natural gas service technician. The bill also requires a business entity to be licensed when employing fuel gas fitters, much like electricians and plumbers. **Vote 17-0.**

**SB 366**, relative to the operation of the state suggestion and extraordinary service award program. **OUGHT TO PASS.**

Rep. Russell C Day for Executive Departments and Administration: This bill seeks to amend the existing law providing for recognition of suggestions and extraordinary service to the State of New Hampshire by New Hampshire state employees. The amendment merely increases the number of state employees serving on the evaluation committee from two to three. It also specifies that the state employee will cease to be a member of the commission if he/she ceases to be an active state employee. **Vote 18-0.**

**SB 372**, relative to membership of the heating system certification advisory committee. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Alida I Millham for Executive Departments and Administration: This bill updates the membership on the advisory committee on heating system certification. Currently there are 14 members on this committee. The bill streamlines the membership of the committee to make it more effective. The result is a committee of 10 members: one representative from the New Hampshire natural gas utility companies; one representative of the oil heat industry; one representative of the propane industry; one individual experienced in the training and education of heating system installers; one representative of the New Hampshire Association of fire chiefs; two individuals from the public at large; one representative from the New Hampshire plumbing and mechanical contractors association; one person experienced in the training and education of hearth system installers; and one licensed fuel gas fitter. The last is an addition. The advisory group advises the fire marshal regarding rules in the fire marshal's purview. **Vote 16-0.**

**SB 404**, allowing dental school graduates to practice in an approved dental residency program. **OUGHT TO PASS.**

Rep. A Laurie Harding for Executive Departments and Administration: This bill allows graduates of accredited dental schools who are enrolled in an accredited dental residency program to do rotations in New Hampshire under the supervision of active licensed dentists. The residencies will occur in facilities such as nursing homes, prisons and schools, not in private offices. **Vote 16-0.**

**SB 410**, relative to the conditions for issuance of a cremation certificate and relative to the medical examiner's statute. **OUGHT TO PASS.**

Rep. Carl G Robertson for Executive Departments and Administration: This bill clarifies when a medical examiner's certificate maybe issued for a death which has occurred within the state but is being transferred out of state for cremation. This bill would not allow the transfer of the body until the medical examiner has viewed the body and has issued a certificate of release. There are also technical corrections regarding the fees for examining a body during a death investigation. Telephone conversations would be twenty five dollars and an external examination of the body would be one hundred forty dollars, plus the mileage at the state rate. This part of the bill would put into statute what is now common practice. This change is consistent with the fiscal note attached to last year's bill which made change to RSA 611-B. **Vote 18-0.**

**SB 430**, relative to cemeteries and mausoleums. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Suzanne E Beauchesne for Executive Departments and Administration: This bill relates to the definitions of cemeteries, burial grounds and burial spaces, both private and religious. The bill also defines who can operate cemeteries, mausoleums and columbariums. The committee amendment

further clarifies the definition to include mausoleums and columbariums that are intended for the interment of human bodies and or remains, but are not presently used for such purpose. **Vote 17-0. SB 440**, relative to requiring occupational boards and commissions to include relevant military experience or training in satisfying requirements for engaging in a regulated profession. **OUGHT TO PASS WITH AMENDMENT.**

Rep. James F Headd for Executive Departments and Administration: The training, education and experience learned in the military are unparalleled in the civilian world. When recruits are enlisted, they select a career field of interest and are assigned a job classification code known as an MOS (Military Occupation Specialist) or AFSC (Air Force Specialty Code). These codes identify the career group and the 2nd and 3rd digit identify the specific career field of subdivision. The 4th digit identifies the individual skill level. There are five skill levels identified by numbers: 1. a helper, awaiting school; 3. Apprentice, technical school graduate; 5. Journeyman, experienced and functioning as a front line technician; 7. Craftsman, many years of experience in the specialty – responsibilities include supervision and training and 9. Superintendent responsible for broad supervision, very experienced. These job description codes are made available on discharge papers (DD214) and use translatable by human resource personnel. The bill authorizes credit for military training for pay and responsibility level and applicants must take the necessary exams to qualify for civilian jobs. **Vote 17-0.**

**SB 461**, relative to accessibility of genealogical records to the public. **OUGHT TO PASS.**

Rep. A Laurie Harding for Executive Departments and Administration: This bill modifies the length of time that vital records must be kept out of the public domain. This change is in keeping with the 1992 revisions of the Model State Vital Statistics Act. With passage of SB 461, birth records may become part of the public domain after 100 years and death, marriage and divorce records after 50 years. **Vote 18-0.**

**SB 536-FN**, reclassifying certain positions in the insurance department. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Ken Hawkins for Executive Departments and Administration: The bill changes positions within the Insurance Department from classified to unclassified. The positions were evaluated per RSA 14:14-c, and then approved by the employee pay classification committee **Vote 18-0.**

## **FINANCE**

**SB 325-FN-A**, relative to child care provider reimbursement rates. **OUGHT TO PASS.**

Rep. Martha McLeod for Finance: This bill is the result of a finding by Centers for Medicare Services (CMS) that the state agency may not establish different payment rates for childcare providers based on a family's eligibility status or circumstances. The committee was offered a solution for this situation that did not increase spending. The solution restructures the childcare rating structure while maintaining the 5% rate increase for FY09 for licensed childcare providers. **Vote 25-0.**

**SB 498**, relative to state guarantees of certain municipal debt issues. **OUGHT TO PASS.**

Rep. Bernard L Benn for Finance: By statute, the state guarantees bonds for seven programs and thereby assumes a contingent liability on these bonds. The state treasurer has analyzed the amount actually needed to be guaranteed and has proposed in this bill to reduce the current guarantee limit for four programs: water pollution, school construction, solid waste management, and super fund site cleanup. The limits of the other three programs remain unchanged: business finance authority, water resource council, and housing finance authority child care loans. This bill reduces the total debt guarantee from \$450,300.00 to \$210,300.00. This measure better reflects the state's anticipated needs, enhances our debt management program, and will be looked upon favorably by bond rating agencies. **Vote 25-0.**

## **HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS**

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

Rep. Robert G Bridgham for Health, Human Services and Elderly Affairs: This bill, as amended, does two things. It directs the commissioner of the department of health and human services to study the most effective organization of the department's units involved with substance abuse and to report results to the oversight committee on health and human services. Testimony before the committee indicated concerns about the effectiveness of the existing organization. The bill also specifies meeting and reporting requirements of the governor's commission on alcohol and drug abuse prevention, intervention, and treatment and the assistance to be provided to the commission by executive branch departments. **Vote 16-0.**

**SB 365**, relative to the commission to study childhood lead poisoning prevention laws, policies, and standards in New Hampshire. **INEXPEDIENT TO LEGISLATE.**

Rep. James R MacKay for Health, Human Services and Elderly Affairs: This bill modifies a duty in the existing commission to study childhood lead poisoning prevention, laws, policies and standards. This modification would include "statewide universal screening" among other protocols already outlined. The commission already has the authority to consider this screening process. The committee felt that legislative authorization is not needed. **Vote 18-0.**

**SB 390**, establishing a suicide prevention council. **OUGHT TO PASS WITH AMENDMENT.**

Rep. James R MacKay for Health, Human Services and Elderly Affairs: This bill puts into statute a suicide prevention council that would implement the suicide prevention plan. The council would have a representative membership of various stakeholders who will address this serious public health issue. Suicide is the leading cause of death for persons ages 10 to 24 in New Hampshire. Suicide attempts are also a significant problem. There are serious financial and emotional consequences following suicide. **Vote 18-1.**

**SB 529**, changing certain references in the mental health laws. **OUGHT TO PASS.**

Rep. James R MacKay for Health, Human Services and Elderly Affairs: This bill removes statutory references to mental retardation and replaces them with the words "intellectual disability." Over time, certain diagnostic medical terms take on a negative connotation and are used to ridicule individuals and in other disparaging ways. The committee hopes that the term "intellectual disability" will replace in state statutes a term that has become negative. The committee was unanimous in support. **Vote 17-0.**

## **LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES**

**SB 502-FN**, relative to unemployment compensation. **OUGHT TO PASS.**

Rep. John K Knowles for Labor, Industrial and Rehabilitative Services: This bill makes unemployment compensation available to people who are only able to accept part-time employment. This is already true for people in certain circumstances; this bill applies to all workers who are otherwise eligible. Workers who wish to change from full-time to part-time will not receive benefits, since benefits will be based only on previous part-time employment. **Vote 15-2.**

## **LEGISLATIVE ADMINISTRATION**

**SB 499-FN**, relative to penalties for unauthorized disclosure of confidential matters in legislative ethics proceedings. **OUGHT TO PASS.**

Rep. Elizabeth S Hager for Legislative Administration: The committee requested this bill because of a problem last year with confidential information leaked to the press. Our committee unanimously agrees this is an important law which should be enacted. **Vote 9-0.**

## **MUNICIPAL AND COUNTY GOVERNMENT**

**SB 48**, relative to removal of appointed highway agents from office. **INEXPEDIENT TO LEGISLATE.**

Rep. Betsey L Patten for Municipal and County Government: The Board of Selectmen is charged to "manage the prudential affairs of the town" as stated in RSA 41:8. They are also given the authority to remove elected town clerks, town treasurers, or tax collectors for intentional misstatement of financial statements, theft of assets or gross negligence. They may remove an elected or appointed police chief for just cause and may remove land use members for inefficiency, neglect of duty or malfeasance in office. Elected highway agents, under the direction of the selectmen, are charged with

the management of town highways and may be removed from office by the selectmen just as the other elected officers may be removed. The committee unanimously agreed that this bill, if passed, would allow elected road agents to “intentionally or deliberately refuse or neglect to comply with lawful instructions of the selectmen, or duties prescribed by law for highway agents” without fear of removal from office. **Vote 14-0.**

**SB 360**, relative to local enforcement of the state building code. **OUGHT TO PASS.**

Rep. Eric G Stohl for Municipal and County Government: This bill clarifies the authority of towns and cities to enforce the state building code, whether or not they have adopted local amendments by ordinance. There were questions within municipalities as to whether or not the individual municipalities had to adopt their own ordinances in order to enforce the state building code. This bill simply and clearly spells out that the state building code shall be effective in all towns, as RSA 155-A:2 states, and that municipalities have the authority to enforce the state building code, as stated in RSA 155-A:7. This bill could be looked upon as a housekeeping measure. **Vote 14-0.**

**SB 367**, relative to the date of the final property tax bill in municipalities that bill quarterly. **OUGHT TO PASS.**

Rep. Suzanne S Laliberte for Municipal and County Government: This bill is a request from the board of tax and land appeals. This bill is simply a housekeeping request. It corrects conflicting provisions relative to the “date of the final tax bill” definition in RSA 76:1-a, I(d) and specific provisions of the “date of the final tax bill” in RSA 76:15-aa which provides for municipalities to bill quarterly. The existing language in RSA 76:1a, I(d) states the “date of the final tax bill” for municipalities billing quarterly pursuant to RSA 76:15-aa is the date the municipality mails the final tax bill. However, RSA 76:15-aa, II(c) states the third billing that is due on January 2nd establishes the “notice of tax date.”(RSA 76:15-aa provides for four quarterly payment due dates: July 1, October 1, January 2 and March 31.) It is logical for the date the tax bill that is due on January 2 to be the “date of the final tax bill” because it is subsequent to the department of revenue administration’s determination of the tax rate in the fall of each year. This amendment will correct the general statute (RSA 76:1-a, I(d) to be consistent with the provisions of the more specific statute of RSA 76:15-aa. **Vote 14-0.**

**SB 375-L**, allowing veterinarians to inform town and city clerks about dogs that have been euthanized or died during treatment. **OUGHT TO PASS.**

Rep. Bennett F Moore for Municipal and County Government: This bill would assist town and city clerks in maintaining up to date records for dog licensing. The bill allows, but does not require, veterinarians to report to clerks the death of any dog, with the permission of the dog's owner. Follow-up by clerks for non renewal of dog licenses could decrease with the passage of this bill. **Vote 14-0.**

**SB 377**, relative to the application of the prudent investor rule to town trust funds. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Eric G Stohl for Municipal and County Government: This bill seeks to extend the application of the prudent investor rule to town trust funds. The trustees of trust funds presently are required by RSA 31:25 to invest their funds in only specific types of investments, known as the Prudent Man Rule. The Prudent Man Rule is an old and extremely conservative investment standard mandating the purchase of the highest rated stocks, bonds, and other financial instruments and if the rating on any single security drops below a certain level, the trustees are required to sell it. The Prudent Investor standard focuses on the portfolio in its entirety rather than on single investments. This would allow the trustees of trust funds to be in a better position to increase the value of their portfolio in the long term if given the option of adopting this less stringent standard. The attorney general supports this bill because it requires the trustees of trust funds to notify the attorney general in writing of their decision to invest according to the Prudent Investor Rule and that they hire or employ the trust department of a bank or a brokerage firm to provide investment advice and assistance under RSA 31:38-a,III. **Vote 15-0.**

## **PUBLIC WORKS AND HIGHWAYS**

**SB 338**, relative to the Hampton Beach capital improvement fund. **OUGHT TO PASS WITH AMENDMENT.**

Rep. James B Webber for Public Works and Highways: This bill, as amended, expands the scope of the Hampton Beach Capital Improvement Fund from funding capital improvements for only parking facilities to funding capital improvements and capital equipment for parking and beach facilities at the Hampton Beach-area state parks. The amended bill does not authorize operating expenses from the Fund. **Vote 13-0.**

**SB 361**, relative to the widening of Interstate 93. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Alfred C Lerandeau for Public Works and Highways: This bill, as amended, adds to existing chapter law, which states that the widening of Interstate 93 shall be “a very high priority”, by adding a new paragraph which clarifies that the entire 18 mile corridor shall be a priority until completion of the entire project. **Vote 12-1.**

**SB 431**, naming a small impoundment in Goffstown as Namaske Lake. **OUGHT TO PASS.**

Rep. Gene G Chandler for Public Works and Highways: This bill names an impoundment area along the Piscataquog River in Goffstown as Namaske Lake. This naming is a result of requests by residents in the area and has the blessing of municipal and state officials. Any costs related to the design, construction, maintenance, or installation of any signage, markers, etc. related to this act shall not be a charge to the state. **Vote 13-0.**

## **RESOURCES, RECREATION AND DEVELOPMENT**

**SB 328**, relative to civil forfeitures for certain waste disposal violations. **OUGHT TO PASS.**

Rep. Susan R Kepner for Resources, Recreation and Development: This bill was brought forward by the Attorney General’s Office. It raises fines for septic systems found to be out of compliance. Current fines are so low that the Attorney General’s Office cannot recover the costs of prosecuting. The proposed fines are consistent with similar regimes of fine in the state law. It also allows the court to take into consideration circumstances such as the severity of the problem and ability of the owner to pay. **Vote 17-2.**

**SB 409**, relative to conservation and preservation restrictions. **OUGHT TO PASS.**

Rep. Donald A Brueggemann for Resources, Recreation and Development: When a conservation easement is granted, there is often a partnering contingent grantee in addition to the primary grantee (the holder of the easement). The purpose of a 1993 revision to the conservation easement statute was to prevent the creation of a conservation easement without the consent of the parties involved. A recent reading of this revision revealed two technical flaws: 1) amendments to easements are not covered and 2) the approval of all parties is not specified. SB 409 corrects these flaws so that the amendment of a conservation easement must be approved by the grantee and all other grantees who are part of the original easement. **Vote 14-0.**

**SB 413**, authorizing the department of resources and economic development to retain the administrative fee for certain disposals of state lands. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Suzanne H Gottling for Resources, Recreation and Development: This housekeeping bill assures that the administrative fees involved with the disposal of the department of resources and economic development (DRED) owned lands will be returned to that department in compensation for its administrative efforts. The amendment clarifies that the fees can be either lowered or raised to make them appropriate to the actual expenses incurred. **Vote 15-0.**

## **STATE FEDERAL RELATIONS AND VETERANS AFFAIRS**

**SB 520-FN-A**, requiring the state veterans council to issue a state veterans handbook biennially and making an appropriation therefor. **OUGHT TO PASS.**

Rep. Connie M Soucy for State-Federal Relations and Veterans Affairs: A California study showed that over 40% of veterans never applied for benefits because they were either unaware of any benefits that they may have been entitled to or that they did not know how to apply for such benefits. The purpose of the handbook would be to provide an easy guide to which benefits a veteran may be eligible for and where to apply for such benefits. For example, there are still New Hampshire citizens who have not applied for the Gulf War bonus because they either don’t know about it and or don’t know how to apply. The cost of the first edition of the handbook of which has a strong possibility of being funded by non-state dollars is far outweighed by the benefits both to New Hampshire’s veterans and their families. It is in the State of New Hampshire’s best interest to help

veterans get the benefits they deserve. Again, the California study showed that due to the lack of information its state's veterans were losing out on over \$300,000,000 annually in disability and pension benefits. While the hand-book will not result in a \$300,000,000 recovery for New Hampshire it could mean millions of dollars in our veteran's pockets and much more to the state's economy.

**Vote 11-0.**

**SB 521-FN**, increasing the maximum scholarship amount available from the national guard scholarship fund. **OUGHT TO PASS.**

Rep. Patrick F Garrity for State-Federal Relations and Veterans Affairs: The scholarship fund is for active National Guardsmen and Air Guard to attend college level courses. The scholarship program does not receive any funds from the state; it is funded by monies raised from rental income from the National Guard facilities. Over the years the cost of a three credit course at the state college or community college level has exceeded the \$500 amount. The \$750 would cover the cost of a three credit courses. The \$750 would be the maximum amount given each year. The final amount would depend on the total number of people applying, the year rental income and principle balance left in the account. The goal of the scholarship program is to provide as many people possible with an equal amount rather than have to pick a lesser number in order to award the \$750 amount. **Vote 11-0.**

**SCR 5**, urging that federal, state, and local governments work with broadcasters and consumer groups to inform New Hampshire residents of the 2009 digital broadcast conversion. **OUGHT TO PASS.**

Rep. Eleanor Glynn Kjellman for State-Federal Relations and Veterans Affairs: This bill urges federal, state and local government to work with the broadcasting industry and consumer groups to educate consumers about the federally mandated switch to digital signal which takes effect February 17, 2009. This is especially important to those consumers who have no cable or satellite TV service, and in cases of emergencies where communication via TV would help consumers be aware of dangers and possible evacuation plans. There is no cost to the state. Many constituents however, will appreciate knowing how to get their \$80 worth of coupons for the converter boxes, and may look to the state representatives for information. **Vote 10-1.**

**SCR 8**, urging the United States Department of Defense to restore the designations of Prisoner of War and Missing in Action to those servicemen and servicewomen who are missing in operations in Afghanistan and Iraq. **OUGHT TO PASS.**

Rep. Alfred P Baldasaro for State-Federal Relations and Veterans Affairs: The current system of designating someone missing or captured is very confusing to the average person. The initial designation of duty-status-whereabouts unknown is cold and impersonal. People understand KIA, MIA and POW but very few understand DUSTWUN. While the initial designation of DUSTWUN has always been changed to KIA, WIA, POW, recovered, missing or captured the average person would not know this unless they followed all the DOD news releases from the office of the Assistant Secretary of Defense for Public Affairs. In all cases of service members in Iraq whose status was changed from DUSTWUN to POW they were awarded the POW medal. There are no cases of missing, captured or POWs in Afghanistan. This new system is not just limited to operations in Afghanistan and Iraq. It is the standard for all DOD operations worldwide. SCR8 is asking that DOD return to the simpler system of reporting a service member as MIA or POW as the situation warrants. **Vote 11-0.**

**SCR 9**, urging Congress to fund a community-based outpatient clinic for veterans in Keene. **OUGHT TO PASS.**

Rep. Kris E Roberts for State-Federal Relations and Veterans Affairs: New Hampshire veterans residing in Cheshire and Sullivan counties are some of the lowest income veterans in the state but have some of the highest medical needs. These veterans, often with no private medical coverage, find themselves in no-man's land when it comes to receiving health care through the VA health care system, their safety net. Despite being located within 60 miles of three VA medical centers, New Hampshire veterans who have limited access due to being out-of-state, poor weather and lack of transportation are often faced with the unpredictability of receiving regular health care. Many of these veterans have only one choice when it comes to health care. Find a ride or go without. Currently in the Keene area approximately 105 veterans have received rides to make almost 600

medical appointments over an eight month period. The total number of missed appointment, including important cancer treatments, due to lack of volunteer drivers, bad weather, non-handicapped accessible vans, and capability limits would have been greatly reduced if there was a community based clinic in the Keene area. Currently there are three retirees who volunteer in the Keene area who sometimes spend up to 10-12 hours a day transporting veterans for something as simple as blood tests which could very easily be done in a clinic in the Keene area. A clinic in the Keene area would not only provide greater access to more veterans in need, but it would allow families members who can't afford to miss work the opportunity to take an active role in the health care delivery to the veteran. It comes down to a quality of life issue. The funding of the VA outreach clinic in Keene which was approved by Congress in 2004 would help to reduce and prevent the number of strokes, heart attacks and amputations. **Vote 12-0.**

## **TRANSPORTATION**

**SB 103-FN-L**, establishing a committee to generate and evaluate solutions for maintaining emergency access on class VI and private roads. **INEXPEDIENT TO LEGISLATE.**

Rep. Brenda L Ferland for Transportation: Local governing bodies now have complete authority over local roads regardless of classification. This is what a committee will learn. Therefore, the majority felt there was no need to establish a committee to study what is a known fact. **Vote 14-1.**

**SB 336-FN**, relative to special number plates for veterans who are former prisoners of war. **OUGHT TO PASS.**

Rep. Sherman A Packard for Transportation: This bill includes any veteran from Afghanistan or Iraq who was or might become a prisoner of war to be entitled to a N.H. prisoner of war license plate. **Vote 16-0.**

**SB 363**, requiring youth operators and passengers of OHRVs and snowmobiles to wear approved protective headgear. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Howard N Cunningham for Transportation: Testimony was supportive with some concern expressed for size/age protective gear being available. The committee supported an amendment that specified "size appropriate" protective head gear. The fish and game commission was supportive. **Vote 12-3.**

**SB 364**, relative to vehicle weight tolerance. **OUGHT TO PASS.**

Rep. Peter F Bergin for Transportation: The intent of this bill is to allow a 5% overweight allowance on specified weight limitations for vehicles on the non-interstate and general highway system. This practice has been an effort by the department of safety for the last twenty years. The bill brings into code the current practices. **Vote 15-0.**

**SB 379**, relative to boating while intoxicated and transporting alcoholic beverages by a minor. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Stephen H Nedeau for Transportation: This bill clarifies certain laws relating to boating while intoxicated. A boater who refuses to submit to a blood alcohol test shall lose his or her boating privileges in addition to losing his or her driving privileges to operate on any ways of this state, and in order to make things consistent, that loss of driving privileges shall be for 90 days. **Vote 16-0.**

**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. **OUGHT TO PASS.**

Rep. Peter F Bergin for Transportation: The intent of this bill is to recognize the service that veterans, disabled veterans and former prisoners of war have given to our country. It eliminates the one-time fee for special number plates for veterans. It also clarifies the disabled veteran exemption from state vehicle registration fees and exempts former prisoners of war from state vehicle registration fees. **Vote 15-0.**

**SB 503-FN**, relative to authorizing temporary registrations of off-highway recreational vehicles for nonresidents. **INEXPEDIENT TO LEGISLATE.**

Rep. Michael B O'Brien for Transportation: The intention of this bill as presented to the committee was to allow the use of off-highway recreational vehicles (OHRVs) by out-of-state residents on a temporary permit. Although this bill may increase tourism of these OHRV users, many questions did arise. As presented, this bill may cause more of a drain to the funds of the fish and game

department, present a conflict to existing temporary boating permits, as well as a conflict to existing gas tax laws. **Vote 16-0.**

**SB 533**, establishing a committee to study age-based driver's license renewal testing. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Robert W Williams for Transportation: Many questions are being asked about age-based driver's renewal testing and its affect on seniors. This issue is one which is on the minds and concerns of seniors and some see it as age discrimination. The bill simply calls for a commission to study the issue and then report its findings and recommendations. It is time to take a thorough look at the need, if any, for age-based driver's license renewal testing. Studies show that seniors are not the age group which is the most responsible for accidents. **Vote 15-0.**

## **WAYS AND MEANS**

**SB 423**, relative to cashing of bingo winnings checks. **OUGHT TO PASS.**

Rep. William A Hatch for Ways and Means: Currently under RSA 287-E:9 IV, operators of bingo and lucky seven games are required to pay any prizes of more than \$500 by check, but are not allowed to cash those checks. According to testimony, patrons had problems accessing these winnings in a timely manner when paid by this method, thus causing concern by operators that they would lose business. The committee did not see problems with changing the check-cashing policy to allow operators the ability to cash the checks. **Vote 15-0.**

**SB 493**, allowing certain tax exempt organizations to be defined as charitable organizations for purposes of games of chance operations. **INEXPEDIENT TO LEGISLATE.**

Rep. Steve Vaillancourt for Ways and Means: This bill would allow chambers of commerce to be defined as charitable organizations for the purpose of gambling (bingo). This is similar to HB 1529 that went through the Executive Departments and Administration Committee and was voted ITL out of the House just this past February. Chambers of commerce are organized for the purpose of promoting and lobbying for their business members, and are designated as 501(c)6 organizations. Charities are designated as 501(c)3 organizations based on the description of their activities, which does not match the description of chambers of commerce. If this bill were to pass, it would open up the possibility that many other organizations would also seek 501(c)3 designation to allow them to engage in gambling, resulting in a mushrooming of gambling activities throughout the state. Gambling operators who actively recruit new charities to run gambling venues would be eager to add new charities to their seven days a week operations. Each such new gambling event would attract money from truly charitable organizations already in existence. Expansion of gambling would bring with it the need to regulate and supervise gambling venues to avoid illegal and fraudulent activities, yet no funding is provided for such regulation. Chambers have a number of other ways to raise money besides their members' dues, and it is the opinion of the committee members that SB 493 can be found Inexpedient to Legislate without adversely limiting the ability of chambers of commerce to fund their activities. **Vote 14-2.**

**SB 534-FN**, eliminating the processing fee on court credit card transactions. **OUGHT TO PASS.**

Rep. Christine C Hamm for Ways and Means: This bill was filed in an effort to redress an unworkable directive, a \$3 credit card fee added to court credit card charges, passed in earlier legislation. In implementing that legislation, the courts learned that adding a fee to these transactions violated credit card rules against discriminatory surcharges. Since this fee is not also charged on cash or check transactions, the credit companies have threatened to sue the state. In response to that possibility, the attorney general's office has issued a cease and desist order to the courts. SB 534-FN provides legislation consistent with that ruling. **Vote 16-1.**

**WEDNESDAY, APRIL 16**

## REGULAR CALENDAR

### COMMERCE

**SB 532**, relative to administrative fines under the indoor smoking act. **OUGHT TO PASS WITH AMENDMENT.**

Rep. John B Hunt for Commerce: Under the current law, the enforcement of the smoking law could only be done by bringing a civil case in the criminal courts. The department of health and human services was denied the ability for enforcement by the Joint legislative Committee on Administrative Rules because the statute did not allow them to enforce the smoking law administratively. The attorney general's office has limited resources and has been reluctant to pursue any cases. This bill will allow the department of health and human services to enforce the law administratively. The amendment changes the fine from "not less than \$100" to "no more than \$100." **Vote 13-2.**

### CRIMINAL JUSTICE AND PUBLIC SAFETY

**SB 507-FN**, relative to extended terms of imprisonment for criminal street gang members. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Laura C Pantelakos for Criminal Justice and Public Safety: This bill originally created an enhanced penalty for members of a "criminal street gang." The definition of a gang member was judged by the committee as overly broad. The leaders and organizers of these criminal street gangs were not specifically included. There was no testimony on the extent of gang activity in the state of New Hampshire, or of the types of gang objectives. The amendment replaces the entire bill and targets the leaders, organizers, or supervisors of a group of three or more persons whose primary purpose is to engage in, or promote, criminal conduct. The extended term of imprisonment is fixed by RSA 651:6, III. The recently concluded governor's commission on crime received no information on criminal street gangs during its deliberations. The committee feels it is important to target the ringleaders of these gangs with tougher penalties than those who may be coerced to belong to such a criminal street gang. **Vote 17-1.**

### EDUCATION

**SB 530-FN-A-L**, relative to kindergarten aid. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Judith T Reeve for the **Majority** of Education: This bill gives communities who do not currently offer kindergarten an additional year, until September 2009, to comply with the requirement that kindergarten be offered as part of an adequate education. The bill also provides and extends per pupil grants and classroom construction aid grants from the department of education, through July 15, 2013, to school districts that do not currently offer kindergarten. The provision for transitional grants allows districts which begin a kindergarten program by September '08 or September '09 to receive additional assistance for implementation. Districts can choose to receive state funding for either 75% of actual construction costs or 100% of the cost of constructing a basic code compliant kindergarten building/classrooms. The bill also provides for 100% of lease and set up costs for portable classrooms for three years as a transition to permanent construction, and 100% of initial furniture, fixtures, and equipment. The current per pupil grant of \$1,200 will continue until new adequacy grants begin in 2010. The Joint Legislative Committee on Costing an Adequate Education considered but rejected the use of private kindergartens because they have lower certification and licensing standards and inconsistent results. Districts can choose to tuition to other public districts. The exemption from RSA 32:8 and 32:11 allows districts to use state aid without requiring a warrant article because there is no local burden. Even though the NH Constitution Part II Article 28-a may not apply to requiring kindergarten as part of adequacy because the constitutional basis for providing adequacy predates the adoption of 28-a, the bill eliminates any possible 28-a concern by providing a 100% state funding option for the creation of kindergarten programs in those districts that currently do not offer kindergarten. By December 1, 2008, districts unable to open kindergarten by September '08 will submit a plan for providing public kindergarten to the Commissioner of Education. For every year of delay, approximately 2,000

children do not have the opportunity for a free, public kindergarten. This bill, as amended, will for the first time in New Hampshire history, provide the opportunity for free public kindergarten for all five year olds in our state. **Vote 13-5.**

Rep. David W Hess for the **Minority** of Education: This bill is a heavy-handed. “Big Brother” approach to implement mandated public kindergarten in twelve of our communities. The committee minority believes full state funding for kindergarten is necessary, both because it is a new mandate under Article 28-a and because it is now part of the definition of an adequate education. However, this bill only funds 75% of the construction costs for new standard classrooms and less than the full operating costs of the estimated 51 new classrooms needed to satisfy the mandate. (A department of education representative testified that the alternative “basic code compliant kindergarten facility” inserted into the bill by a Senate amendment is not a good permanent building solution.) The bill also implements the politically and practically impossible timeline to comply with this mandate, and usurps the Municipal Budget Act by specifying that school boards must accept state transition grants for temporary classrooms in either 2008 or 2009 without needing the affirmative vote of local taxpayers. In that regard, the bill specifically negates the “no means no” statutes—RSA 32:8 and 32:11. Further, the bill requires that these twelve local school boards submit detailed plans for implementing a public kindergarten by September 2009 regardless of whether the school district voters have authorized it or agree to do it. In fact, only two of the twelve school districts are taking steps to provide kindergarten in 2008, while the overwhelming majority have done nothing to date, and have defiantly stated that they will not implement public kindergarten without taxpayer approval. In addition, the bill does not allow school districts to contract with private kindergartens that meet state standards to satisfy this mandate. This method is probably the most effective way to transition into a permanent program and may well be the least expensive way for a community to provide kindergarten permanently. Yet the committee majority refused to consider this option. Finally, the committee received uncontested testimony that the same percentage of kindergarten-aged children in these towns attend private programs as attend in those towns with public kindergartens. Thus, this bill would increase education spending by more than \$20 million with no anticipated increase in kindergarten attendance in either these towns or across the state.

**SB 539-FN-L**, relative to the cost of an adequate education and provision of fiscal capacity disparity aid. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Judith T Reeve for the **Majority** of Education In fulfillment of the state’s constitutional obligation to cost an adequate education, SB 539 applies the recommendations of the Joint Legislative Committee on Costing an Adequate Education’s final report to arrive at a costing methodology. Using the school approval standards referenced in HB 927 (RSA 193—E:2-a-d, Chapter 270, 2007) to define an adequate education, the bill establishes a universal cost of \$3,450 per pupil per year, plus differential aid for special education students, English language learners, and students in schools with higher concentrations of low income students. The universal cost is based on a thorough analysis of the costs of delivering instruction in nine subject areas, including an average student-teacher ratio of about 22 students; teachers with a BA at level 3 (the end of the probationary period), principal, guidance counselor, librarian, technology and coordinator, custodian (to provide a clean, safe school), curriculum materials, professional development, facilities operation and maintenance, and transportation (K-8, as required). The Education Committee recommends substituting a reading specialist at the K-8 level for the administrative assistant recommended in the report.

Because different students need different resources to receive the opportunity for an adequate education, differential aid includes \$1,856 per special education student and \$675 per English language learner, both based on average student loads per teacher. Based on a large body of research indicating that students from low income backgrounds (as identified by the federal free and reduced lunch, FRL, program) face greater educational challenges, that schools with higher concentrations of low income students have fewer resources to meet those challenges, and that these impacts affect all students in the school, the bill allots an additional \$431 per FRL student at concentrations below 12%, \$863 more per every student at 12%-23.9% concentrations, \$1,725 at 24%-

35.9%, \$2,588 at 36%-47.9%, and \$3,450 at 48% and above. The average per student total adequacy grant is \$4,685.

As unanimously endorsed by the Joint Committee, the bill includes a provision that FRL funds be used for evidenced-based enhancement programs such as pre- and full-day kindergarten, extended learning time, class size reduction, parental involvement, principal incentive programs, or curriculum enrichment, and that schools report on the use of these funds. Applying recommendations of educators and economists, the bill states that districts will direct differentiated aid to the schools for which it is allocated.

In addition to adequacy aid, which constitutionally is based only on educational need, Section 7 of the bill addresses a district's fiscal capacity to raise local education money and allots \$2,000 per pupil (ADMR) in municipalities (including state-approved charter schools) ranked in the bottom 1/8th of equalized valuation per pupil and below the state average median family income, and \$1,250 per pupil in the next lowest 1/8th. Section 9 of the bill allots transition money for two years to municipalities which meet certain property value and income levels and receive 85% or less of their 2009 adequacy grants. Legislative Budget Assistant's Office estimates the total cost of adequacy plus fiscal disparity and transition aid to be \$82 million more than current spending. Section 8 applies the northeast consumer price index for "services less medical care." In fulfillment of the final stage of the "define, cost, fund, and establish accountability" process, Section 13 establishes a Joint Legislative Oversight Committee on Accountability for an Adequate Education. The bill thoroughly addresses the constitutional responsibility to cost an adequate education and was supported by a strong, bipartisan majority of the Education Committee. **Vote 13-4.**

Rep. David W Hess for the **Minority** of Education: Last year in HB 927 (Chapter 270, 2007), this legislature defined an adequate education by reference to nine specific curriculum subjects within the minimum Standards for Public School Approval. In doing so, the law adopted, in their entirety, more than 30 pages of those Standards. This bill, as reported out of the Education Committee, ignored that legislative intent and, in many critical areas, substitutes subjective opinions for the Standards, universally resulting in increasing and inflating the cost of an adequate education.

The committee minority believes that continuity in public policy and past definitions are extremely important in this effort to cost an adequate education. This education funding plan costs nearly \$1 billion. It calls for the creation of new donor towns, reduces grants to many working class towns such as Derry, Londonderry and Keene, and unrealistically raises expectations in school districts across the state with education spending \$100 million higher than the current biennium. That is \$100 million more than the state has in its coffers. The committee ignored the definition of a "highly qualified" teacher embraced by both our state and the federal departments of education, and arbitrarily elected to use a higher level of experience which adds approximately \$6,000 per position to the cost of adequacy—unnecessarily increasing total education expenditures by more than \$60 million. The committee also inflated costs by sending "differentiated aid," – additional aid intended to benefit students from lower social economic backgrounds—by an arbitrary, discredited "step" formula in unsupportable large amounts to children who come from both average income and even wealthy families. The committee also decided to adopt inflated funding levels for other elements of the costing formula, including per pupil allocations for educational materials, technology, transportation, and targeted aid for special education students.

Finally this bill in its current form is a patchwork—first, costing an adequate education, then targeting fiscal disparity aid to correct the original bill's effect of sending far less aid to our poorer school districts than they currently receive, and then again amending the bill to send a half-hearted, short term, inadequate "transition aid" to those working class towns that unreasonably lose money under this bill. In conclusion, by this bill, communities that cannot afford to lose money are still losing money, 37 donor towns are created at a cost of almost \$16 million to their taxpayers, wealthier communities get far more money than they currently receive, and the disparate treatment of our towns and the inconsistencies between the bill and HB 927 (Chapter 270, 2007) invite repeated, interminable future litigation.

## ENVIRONMENT AND AGRICULTURE

**SB 528-FN**, relative to a mercury-added thermostat collection program. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: OUGHT TO PASS.**

Rep. Derek Owen for the **Majority** of Environment and Agriculture: This bill includes a financial incentive, which has been proven to increase thermostat recycling rates in three pilot programs around the country and in practice in the state of Maine. A study of three pilot programs determined that education alone is not as effective as education in tandem with financial incentives. There exists a window of opportunity to capture these now illegal-to-dispose-of thermostats, and we can't afford to wait a number of years to see how it goes elsewhere before instituting an effective program.

**Vote 10-4.**

Rep. Robert H Haefner for the **Minority** of Environment and Agriculture: The Majority of E&A took a pretty good bill from the Senate, rejected an amendment that cleaned up some language and ensured that there would be no incentive and then passed an amendment adding a bounty of \$5 per recycled mercury thermostat to increase recycling rates. The Minority is opposed to the incentive / bounty for several reasons. First, it is our opinion that if it is illegal to dump mercury thermostats and that contractors and homeowners know that recycling is mandatory, that folks are educated about the program and it is convenient, they will do the right thing and recycle without a \$5 incentive. Secondly, the incentive will be paid by the Manufacturers. That \$5 cost will ultimately be borne by the consumers of new thermostats. It may be that on less expensive thermostats the bounty is more than the profit. Third, there will be administrative cost that the Manufacturers and the retailers will have to bear to manage the bounty program. Lastly there are administrative costs that DES will now encounter that are going to cause an increase in the fiscal note. They are working on that cost as this is written. DES is in opposition to incentives as well until they see the data after some experience in NH.

## **EXECUTIVE DEPARTMENTS AND ADMINISTRATION**

**SB 212-FN**, relative to the regulation of home inspectors. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Peter B Schmidt for Executive Departments and Administration: This bill establishes licensure for home inspectors, an issue which has occupied this committee's attention and effort for an extended period of time and has been the object of some contention in the trade. Ultimately, the committee believed that, beyond the basic adoption of licensure, some protection of current New Hampshire home inspectors who have been practicing their trade as the source of their livelihood for a minimum of one year was worthy of inclusion and the committee endorses this grandfathering for New Hampshire residents. The bill sets up an oversight board to determine testing requirements and standards of practice in line with nationally recognized norms in order to promote and protect quality services for New Hampshire citizens and to enhance the trade for its practitioners. **Vote 10-4.**

**SB 300-FN-A**, relative to death benefits for corrections officers killed in the line of duty. **REFER FOR INTERIM STUDY.**

Rep. Patricia M McMahon for Executive Departments and Administration: This bill is similar to the 2007 Chapter 291, SB 169-FN passed for police officers and fire fighters killed in the line of duty. This bill proposes to provide an additional death benefit of \$100,000 to the family of state and county corrections officers in New Hampshire. Most of these officers are already covered by the federal benefit of \$300,000 for public safety officers. Additional clarity is needed in considering all officers with the power of arrest as well as other New Hampshire safety officers employed by institutions of higher education. The committee would like the opportunity to review eligibility, various employment circumstances as well as the benefit award process. **Vote 11-6.**

**SB 310-FN**, relative to changes to games of chance. **OUGHT TO PASS WITH AMENDMENT.**

Rep. A Laurie Harding for Executive Departments and Administration: This bill was requested by the pari-mutual commission to update needed changes in RSA 287 (games of chance) to reflect the change from the lottery commission to pari-mutual commission. This bill enhances the ability of the pari-mutuel commission to regulate games of chance. Games of chance are run solely for the benefit of a charity. SB 310 provides for an internal auditor position that will be funded through fees that will be paid by secondary game operators (card dealers). This fee will be determined through the

rule making process. The bill also requires game operators to submit a bond up to \$300,000 for each game location in order to protect the interest of the charity. If there is more than one location, unless a \$300,000 bond will not cover the liability owed the charity. Then the pari-mutuel commission will require bond for each location up to the maximum of \$300,000. **Vote 15-0.**

**SB 316-FN**, expanding a death benefit for police officers and firefighters to emergency medical technicians. **REFER FOR INTERIM STUDY.**

Rep. Patricia M McMahon for Executive Departments and Administration: This bill is similar to 2007 Chapter 291, SB 169-FN passed for police officers and fire fighters killed in the line of duty. This bill proposes an expansion of an additional death benefit of \$100,000 to the family of emergency medical technicians in New Hampshire. Additional clarity is needed in considering private as well public ambulance services. The committee would like the opportunity to review eligibility, various employment circumstances as well as the benefit award process. **Vote 18-0.**

**SB 317-FN**, relative to the retail sale of tobacco products. **OUGHT TO PASS WITH AMENDMENT.**

Rep. A Laurie Harding for Executive Departments and Administration: This bill transfers licensing for tobacco sales from the department of revenue administration to the liquor commission. It also decreases the current fees for a tobacco license from \$10 to \$6 and increases the licensing fees for vending machine operators from \$70 to \$120. This bill is supported by the American Heart Association and Breathe New Hampshire because it will improve enforcement of New Hampshire tobacco laws, particularly the New Hampshire smoking ban and the ban on sales of tobacco to minors. **Vote 15-2.**

## **HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS**

**SB 332-FN**, relative to resomation of human remains. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Ruth Z Bleyler for Health, Human Services and Elderly Affairs: This bill, as amended, prohibits the disposal of human remains resulting from an alkaline hydrolysis or resomation and establishes a study committee to examine the process of resomation and, if appropriate, determine licensing and regulation. A determination will be made whether the practice of resomation should continue to be prohibited, or permitted, in New Hampshire. One funeral director has obtained permits from the city of Concord on the basis that the process is a form of cremation. In fact, it is quite different from cremation and has not been thoroughly studied. The information provided to the committee was confusing and controversial, issues concerning human health and the environment were not adequately addressed, and a licensing process with authorization from the New Hampshire legislature is necessary. Therefore, the process should be prohibited pending results of the study. **Vote 18-0.**

## **JUDICIARY**

**SB 329**, relative to payment of members of screening panels for medical injury claims. **INEXPEDIENT TO LEGISLATE.**

Rep. Maureen C Mooney for Judiciary: This bill attempts to generously pay the three panelists on the newly created medical malpractice screening panel. The rate of payment in the bill is approximately \$556 per day for the panel chairman and \$475 per day for the remaining two panelists. The medical malpractice screening panel was established in 2005 with mostly volunteer panelists and endorsed by the N.H. Medical Society, among other advocates. Additionally, testimony in committee was that there was no shortage of attorney or medical volunteers to serve on medical malpractice panels. **Vote 14-2.**

**SB 531**, relative to the capital appropriation for the Hillsborough north superior court and relative to the venue for criminal cases in Hillsborough county. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Lucy McV Weber for Judiciary: When asbestos abatement was originally scheduled for the Hillsborough north courthouse, it was hoped that the work could be done one section at a time and that cases could continue to be heard in the building while the abatement proceeded. It now appears that the needed work is more extensive than expected and the building cannot be safely occupied during construction. The present bill adds no additional funds to those already appropriated. It does allow funds already allocated to be used for relocation and reconstruction as well as for abatement. It

also provides enabling language so cases may be heard in other locations in Hillsborough County during construction. **Vote 15-0.**

## **PUBLIC WORKS AND HIGHWAYS**

**SB 506**, naming the Elm Street bridge in Newport after Specialist Justin A. Rollins. **OUGHT TO PASS.**

Rep. David B Campbell for Public Works and Highways: Specialist Justin A. Rollins, a soldier attached to the 82nd Airborne Division, and a son of Newport, was killed in a bomb attack during combat operations in the Iraqi province of Salahuddin on March 5, 2007. He was 22 years old. Justin Rollins told his father “there is no greater honor than to be buried at Arlington National Cemetery,” which is where Specialist Rollins has been laid to rest. Justin Rollins is proudly and fondly remembered by his family and friends, his Town, his State and his Country. It is a fitting tribute that the Elm Street Bridge on Routes 103 & 11, one of the oldest and most traveled bridges in Newport, will forever bear his name. **Vote 15-0.**

**SB 516-FN-L**, relative to aid for county bridges. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Franklin T Tilton for Public Works and Highways: This bill, as amended, authorizes a county to apply for municipal bridge aid for a county owned bridge in the current manner in which all New Hampshire municipalities apply for municipally owned bridges. Currently there exists only one county owned bridge in the state, that being a bridge on the access road into Gunstock Recreational Area in Gilford. If deemed eligible by the department of transportation (DOT), the bridge which is currently on the red list would be placed on the list for municipal bridge aid. **Vote 14-0.**

**SB 522-FN**, relative to licensing requirements for small quantity biodiesel producers and distributors and prohibiting the sale or delivery of biodiesel not meeting the state ASTM standard. **OUGHT TO PASS WITH AMENDMENT.**

Rep. John A Graham for Public Works and Highways: This bill sets up licensing procedures for the producers of small quantities of bio-diesel. Currently, even small producers of this fuel are required to be licensed and post a \$10,000 bond. Adoption of this bill will allow small producers (less than 10,000 gallons/year) to be licensed without the bond. The committee supports this provision in order to encourage the growth of this industry in the state. The committee amendment allows for a refund of the road toll collected on this bio-diesel to be refunded if it is used for off road purposes, and allows the collection of purity testing fees from producers whose product fails to meet established standards. **Vote 13-1.**

## **RESOURCES, RECREATION AND DEVELOPMENT**

**SB 519-FN**, imposing a per diem fine on dam owners and operators for failure to repair damage. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Suzanne H Gottling for the **Majority** of Resources, Recreation and Development: Private dam owners sometimes ignore deficiency notices from the department of environmental services (DES). Previously, these areas of deficiency included just repair and reconstruction of a dam. In order to minimize the cost and extent of repairs, maintenance is now included as a deficiency. To promote compliance under this bill, DES is required to begin punitive procedures if there is no response to a written notice of deficiency within 45 days. Administrative fines, civil and criminal penalties are also brought into line with fines already in statute for other environmental breaches. Finally, all fines collected were previously placed into the state dam maintenance fund. Now 25% will be placed into a new private dam maintenance fund that will provide a low interest loan to qualified applicants who are unable to meet the costs of dam maintenance, repair, or reconstruction. **Vote 15-4.**

Rep. Andrew Renzullo for the **Minority** of Resources, Recreation and Development: This bill imposes a fine on dam owners for failure to repair or maintain a dam. The present law allows for an administrative fine of \$2,000/day. This bill increases the fine to \$5,000/day. Since the department of environmental services (DES) admits that it has only enforced the \$2,000/day fine once, it is problematic that their behavior will change with a \$5,000 fine even though “shall” will replace “may” in the statute. What is more surprising is the draconian increase in a civil forfeiture fine from \$100/day to \$20,000/day! The most bizarre portion of this bill is the creation of a low interest

revolving loan fund for dam owners to be funded by 25% of the above collected fines. Based on the costs of dam repair and the history of fine collection, it is estimated that it may take from 10 to 50 years to accrue enough money to fund just one loan. It should also be noted that, at present, 100% of the fine proceeds go to the repair of state-owned dams. Thus 25% of that money would be diverted to the repair of private dams. This means the taxpayer eventually picks up the tab. Finally, is it good public policy to provide state-funded low interest loans to land rich dam owners who have the obvious resources to obtain loans on the open market? Obviously not.

## **SCIENCE, TECHNOLOGY AND ENERGY**

**SB 434**, relative to providers of electronic communication services and an extension for compliance with the REAL ID Act of 2005. **INEXPEDIENT TO LEGISLATE.**

Rep. John H Thomas for Science, Technology and Energy: The bill was introduced to speed up the process of obtaining information by “administrative subpoenas” when using electronic communications in the commission of unlawful purposes. The bill, however, expanded the types of information to be obtained beyond the realm of location and apprehension of violators and thereby raised privacy issues. Members of the committee who didn’t vote to ITL did so primarily because they wanted to amend this bill to repeal or limit the existing authority, established by RSA 7:6-b, for the attorney general to issue administrative subpoenas absent probable cause or an emergency situation. With the recent decision by the federal government to extend the exemption to New Hampshire from compliance with the Real ID Act, that portion of the bill became moot. **Vote 8-5.**

## **WEDNESDAY, APRIL 16**

### **SPECIAL ORDER**

## **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 troops' 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.**

## HOUSE DEADLINES

|                          |                                                             |
|--------------------------|-------------------------------------------------------------|
| Thursday, April 17, 2008 | Last day to act on Senate bills going to a second committee |
| Thursday, May 8, 2008    | Last day to report all Senate bills                         |
| Thursday, May 15, 2008   | Last day to act on Senate bills                             |
| Wednesday, May 21, 2008  | Last day to form Committees of Conference                   |
| Friday, May 30, 2008     | Last day to sign Committee of Conference reports            |
| Thursday, June 5, 2008   | Last day to act on Committee of Conference reports          |

## 2008 INTERIM STUDY COMMITTEE ASSIGNMENTS

### CHILDREN AND FAMILY LAW

**HB 1188**, relative to grounds for modification of parental rights and responsibilities.

**HB 1217**, relative to violations of conditional release by delinquent children.

**HB 1323**, relative to certification of out-of-state placements in juvenile proceedings.

**HB 1490**, adopting the uniform child custody jurisdiction and enforcement act.

## **COMMERCE**

**HB 116**, limiting access to certain business records.

**HB 442-FN**, prohibiting unconscionable prices for essential commodities during a declared state of emergency.

**HB 894-FN**, requiring insurance coverage for bariatric surgery for diabetics.

**HB 1198**, limiting the annual interest that may be charged on small loans.

**HB 1337**, relative to private actions under the consumer protection act.

**HB 1356-FN**, prohibiting the use of certain information to underwrite motor vehicle insurance coverage.

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

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

**HB 1605-FN**, making certain technical changes in the insurance laws.

## **CRIMINAL JUSTICE AND PUBLIC SAFETY**

**HB 214**, relative to discovery in criminal matters.

**HB 260-FN**, relative to bail agents and recovery agents.

**HB 842**, establishing safety requirements and procedures for firefighters.

**HB 1238**, relative to "course of conduct" in the stalking statute.

**HB 1379**, relative to the authority of state agencies to prohibit state employees from lawfully carrying a firearm.

**HB 1383**, adopting the uniform child abduction prevention act.

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

**HB 1609-FN**, relative to misrepresentation as an owner of a service dog.

## **EDUCATION**

**HB 1164**, relative to the counting of charter school pupils in the definition of average daily membership in residence.

**HB 1489**, prohibiting the start of public school until after Labor Day.

**HB 1639-FN-A-LOCAL**, relative to charter school funding and enabling charter schools to receive school building aid.

## **ENVIRONMENT AND AGRICULTURE**

**HB 1401-FN**, adopting the uniform environmental covenants act.

## **EXECUTIVE DEPARTMENTS AND ADMINISTRATION**

**HB 776-FN**, establishing the licensure and regulation of private investigators.

**HB 908-FN**, relative to the licensure and regulation of massage therapists and registration of somatic and bodywork practitioners.

**HB 1459-FN-A**, relative to modular building standards and fees.

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

**HB 1548-FN**, relative to benefits for state employees who serve with a national guard unit or army reserve unit in Iraq or Afghanistan.

**HB 1552-FN**, relative to establishing a single liquor commissioner.

**SB 251**, allowing the board of medicine to issue licenses for physicians to engage in a correctional institution medical practice.

## **FINANCE**

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

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

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

## **FISH AND GAME**

*HB 527-FN-A*, establishing a recreational saltwater license for fishing of marine species in coastal and estuarine waters.

## **HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS**

*HB 265-FN-A*, relative to the waiting list for services to persons with developmental disabilities and acquired brain disorders and making an appropriation therefor.

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

*HB 1586-FN*, relative to housing assistance for recipients of Temporary Assistance to Needy Families

*HB 1587-FN*, relative to patient health care information.

*HB 1611-FN*, relative to physical restraints used for involuntary commitments.

## **JUDICIARY**

*HB 455*, repealing the law relative to screening panels for medical injury claims.

*HB 1176*, relative to jury duty.

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

*HB 1531*, relative to allowing a cause of action for identity theft.

*HB 1534*, relative to the misuse of social security numbers.

*HB 1624-FN*, relative to a one day/one trial jury duty pilot program.

## **LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES**

*HB 1364-FN*, relative to public employee collective bargaining negotiations under the public employee labor relations act.

*HB 1469*, relative to public employee terms of employment, bargaining units, and dispute resolution.

## **LEGISLATIVE ADMINISTRATION**

*HB 1464*, relative to the availability of proposed amendments to bills and resolutions.

## **MUNICIPAL AND COUNTY GOVERNMENT**

*HB 335*, defining “unnecessary hardship” for purposes of zoning variances.

*HB 445-FN-LOCAL*, relative to the assessment of open space land.

*HB 617-FN-LOCAL*, establishing a property tax relief program and fund and making an appropriation therefor.

*HB 1283-LOCAL*, relative to temporary deferrals of property tax based on income.

## **PUBLIC WORKS AND HIGHWAYS**

*HB 1365-FN*, relative to changes in the rates of highway tolls.

*HB 1428*, naming a portion of the Franconia Notch Parkway after Corporal Bruce McKay.

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

## **STATE FEDERAL RELATIONS AND VETERANS AFFAIRS**

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

*HR 26*, expressing regret that New Hampshire’s United States Senators voted to deny the District of Columbia the right to be represented in the Congress.

## **TRANSPORTATION**

*HB 1358-FN*, relative to custom vehicles.

**HB 1461**, relative to penalties for vehicle overload.

## **WAYS AND MEANS**

**HB 886-FN-A**, relative to funding an adequate education.

**HB 912-FN-A-LOCAL**, establishing the New Hampshire homestead plan.

**HB 1308-FN-A**, relative to the business profits tax deduction for reasonable compensation.

**HB 1372-FN**, relative to allowing driveway construction permit fees.

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

**HB 1528-FN**, relative to suspension of a driver's license for gasoline theft.

## **LAID 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)

**HB 1151**, relative to reporting dates for the instream flow pilot program. (SJ 3/27/08)

**HB 1295**, establishing a commission to study issues relating to stormwater. (SJ 3/27/08)

## COMMITTEE MEETINGS

### SUNDAY, APRIL 13

#### LEGISLATIVE YOUTH ADVISORY COUNCIL (RSA 19-K), NH Technical Institute, Concord

3:00 p.m. Meeting to review the results of the public forums and to make plans for presenting this information to the legislature. The public is welcome.

### MONDAY, APRIL 14

#### COMMISSION TO STUDY ISSUES RELATIVE TO GROUNDWATER WITHDRAWALS (SB 155, Chapter 305:1, Laws of 2003), Room 100, State House

10:00 a.m. Rescheduled regular meeting.

### TUESDAY, APRIL 15

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

9:00 a.m. Subcommittee work session on **SB 389**, relative to privileged communications between health care providers and minor children.  
10:00 a.m. Informational meeting with the Division of Children, Youth and Families (DCYF).

#### COMMERCE, Room 302, LOB

10:00 a.m. Continued public hearing on **SB 312-FN**, relative to insurance coverage for obesity and morbid obesity.  
11:00 a.m. Continued public hearing on **SB 301-FN**, requiring insurers to cover prescriptions for durable medical equipment filled near the patient's residence.

#### COMMITTEE TO STUDY EXOTIC AQUATIC WEEDS AND SPECIES (RSA 487:30), Room 308, LOB

10:00 a.m. Regular meeting.

#### CRIMINAL JUSTICE AND PUBLIC SAFETY, Room 204, LOB

9:00 a.m. Subcommittee work session on **SB 495-FN**, prohibiting Internet solicitation and exploitation of children.  
10:00 a.m. Subcommittee work session on **SB 484**, establishing a commission to investigate alternatives to incarceration for nonviolent offenders and cost savings related to such alternatives.  
11:00 a.m. Subcommittee work session on **SB 433**, relative to confidential communications between a physician and a patient.

#### EDUCATION, Representatives Hall

10:00 a.m. Continued public hearing on **SB 337-FN**, relative to home education of children.

#### ELECTION LAW, Room 308, LOB

1:00 p.m. Executive session on **SB 436**, enabling certain persons to vote in primaries prior to turning 18 years of age, **SB 478**, relative to processing absentee ballots, **SB 492**, relative to persons designated to fill vacancies on the ballot.

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

9:00 a.m. Subcommittee work session on **SB 210-FN**, relative to making various changes to the regulation of plumbers and water treatment technicians by the board of licensing and regulation of plumbers.  
10:00 a.m. Subcommittee work session on **SB 348-FN**, relative to the certification of forensic counselors by the board of forensic counselors and **SB 453**, relative to the terms of

- members of the electricians' board,
- 10:15 a.m. Subcommittee work session on **SB 309-FN**, relative to the regulation of amateur and professional fighting sports by the boxing and wrestling commission.
- 11:00 a.m. Continued public hearing on **SB 335**, allowing certain judges to terminate membership in the judicial retirement plan and elect senior active status.
- 1:00 p.m. Executive session on **SB 347**, establishing a commission to study making changes to the New Hampshire accountancy act, **SB 349**, allowing continuation of judicial retirement plan benefits for judges called to full-time active military duty, **SB 371**, making various changes to the city of Manchester employees' contributory retirement system, **SB 318-FN**, establishing a commission to study the creation of a large animal care worker classification, **SB 449**, relative to the status of emergency services volunteers, **SB 526**, relative to the death benefit for police officers and firefighters killed in the line of duty, **SB 373**, relative to definitions for and the application of the civil unions law to the retirement system, **SB 326-FN**, relative to salaries for certain unclassified positions.

#### **FINANCE, Rooms 210-211, LOB**

- 10:00 a.m. Full committee work session on **CACR 34**, relating to funding of public education. Providing that the general court shall define an adequate education and distribute state funds for public education in a manner that alleviates local disparities.
- 1:00 p.m. Public hearing on proposed amendments to **SB 321**, relative to construction or renovation of regional vocational centers, transferring certain positions from the pari-mutuel commission to the department of safety, and requiring certain operating budget reductions. The proposed amendments are relative to funding for indigent defense and relative to county liability for certain public assistance costs. Copies of the proposed amendments are available from the Sergeant-at-Arms Office.
- 1:15 p.m. Or immediately following the public hearing, full committee work session on **SB 321**, relative to construction or renovation of regional vocational centers, transferring certain positions from the pari-mutuel commission to the department of safety, and requiring certain operating budget reductions.

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

- 9:00 a.m. Subcommittee work session on **SB509-FN**, requiring tobacco cessation therapy under the state Medicaid program.
- 2:00 p.m. Subcommittee work session on **SB 425**, relative to the data collection practices of health care providers and relative to the development of a comprehensive uninsured health care database.

#### **JUDICIARY, Room 208, LOB**

- 9:45 a.m. Subcommittee work session on **SB 487**, clarifying the law regarding bail pending appeal.
- 10:00 a.m. Executive session on **SB 446**, allowing probate court judges and district court justices to sit on either court in certain circumstances, **SB466**, relative to probate court jurisdiction over special needs trust, **SB 488**, relative to jurisdiction of the probate courts and superior courts, **SB 543**, establishing a commission to study court security, **SB 311-FN**, extending the statute of limitations for civil actions based upon a sexual assault case, **SB 445**, changing the procedure for recommending persons for initial appointment as marital masters.
- 1:15 p.m. Full committee work session on **SB 460**, relative to the definition of surviving issue.

#### **MUNICIPAL AND COUNTY GOVERNMENT, Room 301, LOB**

- 10:00 a.m. Executive session on **SB 414**, authorizing special elections to fill vacancies in elective town offices, **SB 462**, limiting liability for overseers of public welfare when acting in the course of their official duties, **SB 416**, relative to subdivision and site plan regulation waivers, **SB 474**, relative to registers of deeds and reports of county

- officers, **SB 524**, relative to eligibility for persons to receive the elderly property tax exemption, **SB 542**, relative to a mediated settlement dispute in the town of Rye, and continued executive session on **SB 473**, naming the Prisoners of War/Missing in Action Memorial in Hesky Park in the town of Meredith.
- 1:00 p.m. Continued public hearing on **SB 199**, relative to the assessment of property subject to a housing subsidy restriction.
- 1:10 p.m. **SB 342-FN-L**, establishing a mechanism for expediting relief from municipal actions which deny, impede, or delay qualified proposals for workforce housing.
- 1:20 p.m. **SB 421-L**, relative to workforce housing.

#### **RESOURCES, RECREATION AND DEVELOPMENT, Room 305, LOB**

- 11:00 a.m. Subcommittee work session on **SB 358**, relative to mooring permits.
- 1:00 p.m. Public hearing on proposed amendment to **SB 352-FN**, relative to shoreland protection. The proposed amendment makes changes to the Shoreland Protection Act relative to impervious surfaces and undisturbed areas. Copies of the amendment are available from the Sergeant-at-Arms Office.

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

- 10:00 a.m. Full committee work session on **SB 259**, establishing state appliance and equipment energy efficiency standards.
- 11:00 a.m. Full committee work session on **SB 386**, relative to service territories served by several telephone utilities.

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

- 10:30 a.m. Full committee work session on **HR28**, affirming revenue estimates for fiscal years 2008 and 2009.
- 11:00 a.m. Full committee work session on Fish and Game Department 2008 Performance Audit Report.

### **WEDNESDAY, APRIL 16**

#### **STATE FEDERAL RELATIONS AND VETERANS AFFAIRS, Room 303, LOB**

- 12:30 p.m. Or during the lunch break from session, executive session on **SB525**, establishing the first Saturday in May as Emergency Medical Services Provider Recognition Day.

#### **TRANSPORTATION, Room 203, LOB**

- 8:00 a.m. Subcommittee work session on **SB429**, relative to driver education courses in other states.
- 12:45 p.m. Or during the lunch break from session, executive session on **SB429**, relative to driver education courses in other states.

### **THURSDAY, APRIL 17**

#### **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, Concord (Please note date change.)**

- 10:00 a.m. Regular meeting.

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

- 9:00 a.m. Subcommittee work session on **SB331-FN**, establishing new positions and realigning functions at the department of corrections.
- 11:00 a.m. Executive session on **SB 210-FN**, relative to making various changes to the regulation of plumbers and water treatment technicians by the board of licensing and regulation of plumbers, **SB 309-FN**, relative to the regulation of amateur and professional fighting sports by the boxing and wrestling commission, **SB 331-FN**, establishing new positions and realigning functions at the department of corrections,

**SB 348-FN**, relative to the certification of forensic counselors by the board of forensic counselors, **SB 420**, relative to criminal background checks of health care facilities and certain nurse applicants, **SB 334-FN**, relative to undue influence on real estate appraisals and relative to the quorum of the real estate appraiser's board, **SB 335**, allowing certain judges to terminate membership in the judicial retirement plan and elect senior active status, **SB 453**, relative to the terms of members of the electricians' board. Also, continued executive session on pending legislation, if needed.

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

9:30 a.m. Subcommittee work session on **SB512-FN**, relative to emergency management powers.

**MUNICIPAL AND COUNTY GOVERNMENT, Room 301, LOB**

10:00 a.m. Executive session on **SB 508-FN-L**, relative to municipal deposits, **SB 479**, relative to the vote required for passage of school bonds, **SB 407**, establishing a committee to study the right of entry upon lands for the purpose of conducting a land survey, **SB 398**, establishing a committee to study municipal boundaries and the laws pertaining to these boundaries and continued executive session on **SB 381**, relative to conservation commissions.

**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.

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

1:00 p.m. Full committee work session on **SB412**, establishing the office of technology development and telecommunications planning and the position of director of telecommunications in the department of resources and economic development.

## **FRIDAY, APRIL 18**

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

9:00 a.m. Regular meeting.

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

1:00 p.m. Public rule hearing.

2:30 p.m. Regular meeting.

**GOVERNOR'S COMMISSION ON ALCOHOL AND DRUG ABUSE PREVENTION, INTERVENTION, AND TREATMENT (RSA 12-J), Webster Place Recovery Center, 9 Holy Cross Road, Franklin**

9:30 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, APRIL 21**

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

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

**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, APRIL 22**

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

10:00 a.m. Executive session on **SB 464**, relative to the number of children in a licensed foster home, **SB 483**, establishing a committee to study in-home intervention and counseling services for families and children charged with a crime or designated in need of services by the juvenile court, **SB 389**, relative to privileged communications between health care providers and minor children.

**COMMERCE, Room 302, LOB**

10:00 a.m. Subcommittee work session on **SB 468**, relative to the reinsurance pool and the New Hampshire vaccine association.

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

1:00 p.m. Regular meeting.

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

10:00 a.m. Subcommittee work session on solid waste and recycling.

**HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS, Bureau of Elderly and Adult Services, Department of Health and Human Services Concord District Office, 40 Terrill Park Drive, Concord**

12:30 p.m. Tour of the Bureau of Elderly and Adult Services.

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

3:00 p.m. Regular meeting.

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

10:15 a.m. **SB 341**, prohibiting digital advertising devices on certain highways.

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

1:00 p.m. Continued executive session on **SB 412**, establishing the office of technology development and telecommunications planning and the position of director of telecommunications in the department of resources and economic development.

**THURSDAY, APRIL 24**

**FISH AND GAME, Room 303, LOB (Please note room change.)**

10:00 a.m. Executive session on **SB 467**, relative to taking lobsters and crabs, **SB 480**, repealing a requirement that the fish and game department publish certain hunting season information in newspapers in each county.

**FRIDAY, APRIL 25**

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

9:30 a.m. Regular meeting.

**JOINT COMMITTEE ON ADDRESS, Rooms 206-208, LOB**

9:00 a.m. Public hearing on **HA 1**, for the removal of Patricia C. Coffey, superior court justice, from office.

**OSTEOPOROSIS ADVISORY COUNCIL (RSA 126-I:3), Room 205, LOB**

9:00 a.m. Rescheduled regular meeting.

## **MONDAY, APRIL 28**

**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.

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

9:00 a.m. Regular meeting.

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

9:00 a.m. Regular meeting.

## **TUESDAY, APRIL 29**

**COMMISSION TO STUDY ISSUES RELATIVE TO THE PRACTICE OF LEASING STATE-OWNED REAL ESTATE ON THE SHORES OF PUBLIC WATERS (HB 710, Chapter 254:1, Laws of 2007), Room 203, LOB**

1:00 p.m. Regular meeting.

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

9:00 a.m. Regular business.

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

9:30 a.m. Subcommittee work session on ***SB 496***, establishing a commission to study incentives for providers of home and community-based care.

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

10:15 a.m. Executive session on ***SB 341***, prohibiting digital advertising devices on certain highways.

## **FRIDAY, MAY 2**

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

9:00 a.m. Continued regular meeting.

## **MONDAY, MAY 5**

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

10:00 a.m. Regular meeting.

**STATE COMMITTEE ON AGING (RSA 161-F:7, I), Department of Health and Human Services, Brown Building Room 232, 129 Pleasant Street, Concord**

10:00 a.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.

**WELLNESS AND PRIMARY PREVENTION COUNCIL (RSA 126-M:3), Room 201, LOB**

10:00 a.m. Subcommittee work session.

## **FRIDAY, MAY 9**

**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.

**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.

**MONDAY, MAY 12**

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

1:00 p.m. Complaint hearings.

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

1:00 p.m. Regular meeting.

**WORKERS' COMPENSATION ADVISORY COUNCIL (RSA 281-A:62), Room 307, LOB**

9:00 a.m. Regular meeting.

**THURSDAY, MAY 15**

**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, MAY 16**

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

9:00 a.m. Regular meeting.

**MONDAY, MAY 19**

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

9:00 a.m. Regular meeting.

**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, MAY 20**

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

2:00 p.m. Regular meeting.

**FRIDAY, MAY 23**

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

9:30 a.m. Regular meeting.

## OFFICIAL NOTICES

### COUNTY DELEGATION NOTICE

**Rockingham** County Executive Committee will meet on Friday, **April 18** at 9:30 a.m. in the Hilton Auditorium at the Rockingham County Nursing Home in Brentwood for the first quarter budget review.

Rep. David A. Welch, Clerk  
Rockingham County Executive Committee

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

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

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

Karen O. Wadsworth, Clerk of the House

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### REVISED FISCAL NOTES

The following House and Senate Bills have revised fiscal notes: **HBs.** 91, 172, 173, 185, 211, 285, 315, 352, 359, 369, 399, 415, 432, 436, 502, 523, 563, 584, 594, 666, 678, 679, 690, 692, 754, 765, 766, 794, 837, 841, 877, 901, 1152, 1168, 1293, 1298, 1307, 1341, 1343, 1348, 1394, 1396, 1405, 1436, 1457, 1459, 1472, 1502, 1505, 1508, 1509, 1545, 1579, 1580, 1584, 1587, 1590, 1594, 1598, 1599, 1601, 1602, 1603, 1604, 1605, 1607, 1608, 1614, 1615, 1616, 1619, 1620, 1621, 1622, 1623, 1624, 1626, 1631, 1633, 1635, 1639, 1640, 1642, 1645, 1647, 1648, 1649, 1652. **SBs** 94, 146, 173, 212, 301, 303, 312, 317, 318, 321, 324, 325, 329, 331, 337, 356, 376, 378, 410, 437, 439, 490, 500, 501, 507, 508, 509, 515, 516, 522, 530.

Karen O. Wadsworth, Clerk of the House

## MEMBERS' NOTICES

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

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Governor Lynch has declared **April 12** as New Hampshire Literacy Day. You and your families are invited to celebrate the day from 9:00 a.m. to 12:00 noon at the Southwick School, 50 Zion Hill Road, Northfield. There will be free healthy snacks and activities for children of all ages, as well as the opportunity for children to extend their experience by taking home a free book.

Rep. Stephen J. Shurtleff

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The Legislative Youth Advisory Council will meet Sunday, **April 13**, at 3:00 p.m. at the NH Technical Institute in Concord. They will be reviewing the results of their public forums and making plans for presenting this information to the legislature. The public is welcome.

Rep. Carolyn Gargas

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On Monday, **April 14**, at 5:30 p.m. Rep. Betty Hall hosts a reception for all House members to meet and exchange opinions with honored guests at the Kimball House in the Capitol Center for the Arts. Dr. Daniel Ellsberg, who released the Pentagon Papers helping to end the Vietnam War; former US Attorney General Ramsey Clark, who served under President Lyndon B. Johnson; Dr. Robert Bowman, director of the Star Wars Missile Defense Program under Presidents Ford and Carter; Phil Burk, businessman and impeachment scholar to be followed by a program at 7:00 p.m. regarding HR 24 to commence impeachment proceedings in the US Congress as provided in Jefferson's Manual Section 603. Hors d'oeuvres and cash bar. Complimentary ticket to House members for reception and program. Pick up your ticket at invitees' table and pick up additional program tickets at the Box Office at \$14 per person at the Capital Center for the Arts.

Rep. Betty Hall

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The Fourteenth Annual New Hampshire Clothesline Project sponsored by the AmeriCorps Victim Assistance Program is being held on Tuesday, **April 15**, on the State House Lawn in conjunction with Victims Rights Day. A press conference will begin at St. Paul's Church at 11:00 a.m. that day, followed by the unveiling of the Clothesline Project. The display will remain open until 4:00 p.m. for public viewing. The New Hampshire Clothesline Project, part of a national initiative, is a visual display that bears witness to domestic and sexual violence and stalking in New Hampshire.

Rep. Tara Reardon

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The Pierce Law Review Death Penalty Forum Franklin Pierce Law Center, Concord, **April 15**, 7:00 p.m., Rich Room.

The subject of the panel discussion will be "Current Issues of the Death Penalty in New Hampshire" and the panel members will include Peter Beeson, Renny Cushing, Chris Johnson, Barbara Keshen, John Kissinger, Alan Rogers, and Andru Volinsky. The panel's expertise ranges from the death penalty in Georgia, to prosecuting and defending a death penalty case in New Hampshire, to the history of the death penalty in Massachusetts. The panel discussion will be moderated by Ralph Jimenez, an editor at the Concord Monitor.

Topics that will be covered at this panel discussion include: current capital litigation in New Hampshire, legislative efforts in NH dealing with the death penalty (including House Bill 1180), comparing death penalty law and practice in NH to other states, and how current legislative efforts and court cases in other states have impacted the death penalty debate in NH. There will be a reception following the event. For any questions, contact: Megan De Vorsey - (603) 513-5166.

Rep Mary Jane Wallner

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We will be collecting used cell phones, laptops and Ipods in the ante room during session days 4/16, 4/23, 4/30 and the first session day in May. We recycle the devices and sell the parts. The monies received are then used to buy phone cards for soldiers stationed overseas. So far we have purchased over 60,000 minutes.

Rep. Ken Hawkins

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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 and RSVP to [amanda.peterson@unh.edu](mailto:amanda.peterson@unh.edu).

Rep. Mary Stuart Gile

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FairPoint Communications invites you to a reception to meet members of the FairPoint team at the NH Historical Society on Wednesday, **April 16**, from 4:30 to 6:30 p.m. – or after session.

Reps. Mary Jane Wallner and David W. Hess

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Celebrating April as Strengthening Families Month. Please join Family Support, New Hampshire for a Legislative Luncheon on **April 17** from noon to 1:30 p.m. at St. Paul's Church, 21 Centre Street, Concord. Presented in partnership with: New Hampshire Children's Trust Fund, Wellness and Primary Prevention Council and the NH Division for Children, Youth, and Families. Please RSVP by April 11 to 224-1279 or [info@nhctf.org](mailto:info@nhctf.org).

Rep. Barbara French

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There will be a meeting of the General Court Lodge (Masons) on **April 17** at 6:30 p.m. at the Concord Masonic Temple on Iron Works Road. There will be a dinner at 5:30 p.m. with the lodge meeting to follow. All Masons are welcome for some food, friendship and fellowship.

Rep. Kenneth L. Weyler

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The NH Commission on the Status of Women and the NH Women's Policy Institute cordially invite members of the General Court to a policy luncheon titled: Economic Security for Older Women and the Implications for Public Policy in NH on Tuesday, **April 22** at 11:30 a.m. at St. Paul's Church. Please RSVP to the Commission at 271-2660 or to [nancy.normand@nh.gov](mailto:nancy.normand@nh.gov).

Rep. A. Laurie Harding

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Health Services invites you to attend the health fair on Thursday, **April 24** from 9:00 a.m. to 1:00 p.m. in the Legislative Office Building. There will be some screening available, programs and much more. We look forward to seeing you there.

Reps. Mary Jane Wallner and David W. Hess

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The National Heritage Center for Constitutional Studies is offering a seminar on the origin and meaning of the Bill of Rights of the Constitution for the United States. The Seminar will be held on Saturday, **April 26**, 2008 at Southern New Hampshire University in Webster Hall, Mara Hall. The

cost is \$45.00 and a limited number of scholarships are available for those running for the Legislature. Call 679-2444 to register.

Rep. Daniel C. Itse

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This April, during Sexual Assault Awareness Month, the New Hampshire Coalition Against Domestic and Sexual Violence, will launch the first annual statewide White Ribbon Day Campaign to call upon men to stand up and speak out about violence against women. The international White Ribbon Campaign was launched in Canada two years after the Montreal Massacre in which 14 female students were killed and 13 other students wounded by a gunman. The campaign has collected well over 5 million men's signatures in 47 countries. All legislators are welcome to join us on Tuesday, **April 29<sup>th</sup>** at noon in the Governor's Office for a special press conference kicking off this campaign.

Rep. Stephen J. Shurtleff

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Annual Massage Therapy Day has been rescheduled to **May 13**. All members and staff are welcome to free massages from 10:00 a.m. to 2:00 p.m. in Room 209, LOB. Sponsored by the NH Chapter of the National Association of Massage Therapists.

Rep. Benjamin C. Baroody

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All legislators and staff are invited to a lunch on **May 15** for a presentation of the report and recommendations of the New Hampshire Commission on Autism Spectrum Disorders established by HB 396, Chapter 171, 2007. The lunch will be at St. Paul's Church at the session break.

Reps. Mary Jane Wallner and David W. Hess

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

Rep. David J. Bettencourt

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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 **April & May 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

| <b><u>DATE</u></b> | <b><u>TIME</u></b>   | <b><u>GROUP</u></b>                               | <b><u>Grade/Size</u></b>               |
|--------------------|----------------------|---------------------------------------------------|----------------------------------------|
| Apr 14             | 10:00/11:30<br>SH/HM | Lincoln-Akerman School – Hampton Falls            | (3&4)/60                               |
| Apr 15             | 9:30/11:00<br>SH/HM  | Towle Elementary School – Newport                 | 4/90                                   |
| Apr 15             | 12:30                | St. Patrick's School – Jaffrey                    | 3&4/13                                 |
| Apr 15             | 1:00                 | NH Association of Volunteer<br>Administrators     | Adult/15                               |
| Apr 16             | 9:00                 | Conant Elementary School – Concord                | 4/28                                   |
| Apr 16             | 10:00/11:30<br>SH/HM | Garrison Elementary School – Dover                | 4/100                                  |
| Apr 16             | 1:00                 | Scarlet Letters – Dover Red Hat Ladies            | Adult/20                               |
| Apr 17             | 9:00                 | Rochester Chamber of Commerce                     | Adult/12                               |
| Apr 17             | 9:30                 | Hillsboro-Deering Elementary School               | 4/45                                   |
| Apr 17             | 11:00                | Bartlett Elementary School – Goffstown            | 4/50                                   |
| Apr 18             | 9:30/10:30<br>SH/HM  | DAR                                               | Adult/100                              |
| Apr 18             | 1:00                 | OLLIE                                             | Adult/25                               |
| Apr 21             | 10:00/11:30<br>SH/HM | Marston School – Hampton                          | 4/60                                   |
| Apr 21             | 12:00                | Swasey Central School – Brentwood                 | 4/40                                   |
| Apr 22             | 10:00/11:30<br>SH/HM | Nottingham West Elementary School –<br>Hudson     | 4/78                                   |
| Apr 22             | 12:00                | Swasey Central School – Brentwood                 | 4/40                                   |
| Apr 23             | 9:30/11:00<br>SH/F&G | Canaan Elementary School                          | 4/60                                   |
| Apr 23             | 12:00                | Cornish Elementary School                         | 4/20                                   |
| Apr 23             | 12:00                | Estabrook School – West Lebanon                   | (3 <sup>rd</sup> -8 <sup>th</sup> )/14 |
| Apr 24             | 10:00/11:30<br>SH/HM | Nottingham West Elementary School –<br>Hudson     | 4/78                                   |
| Apr 25             | 10:00                | Maple Ave School – Claremont                      | 4/63                                   |
| Apr 25             | 11:30                | New Franklin School – Portsmouth                  | 4/39                                   |
| Apr 25             | 12:30                | Phoenix Academy – Dublin                          | HS/                                    |
| Apr 28             | 8:30                 | Laconia Memorial Middle School                    | (6-8)/30                               |
| Apr 29             | 9:30/11:00<br>SH/HM  | Hillsboro-Deering School                          | 4/65                                   |
| Apr 30             | 10:00                | White Birch Community – Henniker                  | Adult/30                               |
| Apr 30             | 10:00                | John Fuller School – Keene                        | 4/50                                   |
| Apr 30             | 11:00                | St. Joseph's School – Keene                       | 4/50                                   |
| May 1              | 9:30/11:00<br>SH/HM  | Ashland Elementary School                         | (4&6)/40                               |
| May 1              | 11:30/1:00<br>SH/HM  | Epsom Central School                              | 4/60                                   |
| May 2              | 9:30/11:00<br>SH/SC  | Candia Moore School                               | 4/50                                   |
| May 2              | 10:30/12:00<br>SH/HM | Seminary Hill Elementary School – West<br>Lebanon | 4/64                                   |
| May 5              | 9:00                 | St. Anthony's School – Manchester                 | 4/50                                   |
| May 5              | 10:15/11:30<br>SH/SC | Peterborough Elementary School                    | 4/80                                   |

|        |                          |                                                   |           |
|--------|--------------------------|---------------------------------------------------|-----------|
| May 6  | 9:00                     | John Stark High School – Weare                    | HS/50     |
| May 6  | 10:00/11:30<br>SH/HM     | William T. Barron School – Salem                  | 4/80      |
| May 6  | 12:00                    | Ellis School – Fremont                            | 7/49      |
| May 7  | 9:30                     | Campton Elementary School                         | 4/38      |
| May 7  | 11:00                    | Bridgewater-Hebron Elementary School              | 4/31      |
| May 8  | 8:45                     | St. John Regional School – Concord                | 4/31      |
| May 8  | 10:00/11:30<br>SH/HM     | Mastway Elementary School – Lee                   | 4/67      |
| May 9  | 8:45                     | New Hampton Community School                      | 4/16      |
| May 9  | 10:00                    | Hancock Elementary School                         | 4/14      |
| May 9  | 10:00                    | Greenfield Elementary School                      | 4/25      |
| May 9  | 11:30                    | Antrim Elementary School                          | 4/33      |
| May 9  | 1:00                     | Raymond Christian Home School                     | (3&4)/20  |
| May 12 | 9:45                     | Dr. Louis Soule School – Salem                    | 4/56      |
| May 12 | 10:30/12:30<br>SH/Planet | Mildred C. Lakeway School – Littleton             | 4/66      |
| May 13 | 8:45                     | Concord Christian Academy                         | 4/20      |
| May 13 | 9:30/11:00<br>SH/HM      | Gossler Park School – Manchester                  | 4/70      |
| May 14 | 10:00/11:30<br>SH/HM     | Interlakes Elementary School – Meredith           | 4/80      |
| May 15 | 9:15                     | Jennie Blake School – Hill                        | 4/15      |
| May 15 | 10:30/12:00<br>SH/HM     | Hampstead Central School                          | 4/88      |
| May 16 | 9:00/10:30<br>SH/HM      | Maple Street School – Contoocook                  | 4/80      |
| May 16 | 1:00                     | Holderness Central School                         | 4/25      |
| May 19 | 9:45                     | Salem Christian Academy                           | 4/20      |
| May 19 | 11:00                    | Good Shepherd School – Barrington                 | (3&4)/15  |
| May 19 | 12:30                    | Pierce Elementary School – Bennington             | 4/29      |
| May 19 | 2:00                     | NARFE                                             | Adult/25  |
| May 20 | 9:30/11:00<br>SH/HM      | Green Acres School – Manchester                   | 4/105     |
| May 20 | 12:30                    | Effingham Elementary School                       | 4/12      |
| May 21 | 10:00                    | Newfields Elementary School                       | 4/33      |
| May 21 | 11:00                    | Young Professionals Association – North<br>Conway | Adults/15 |
| May 21 | 12:00                    | Presentation of Mary Academy – Hudson             | 4/36      |
| May 22 | 10:30                    | Alstead Primary School                            | 4/20      |
| May 22 | 10:30                    | Acworth Elementary School                         | 4/7       |
| May 22 | 11:30/1:00<br>SH/HM      | DJ Bakie School – Kingston                        | 4/80      |
| May 22 | 1:00                     | Seminarians                                       | Adult/25  |
| May 23 | 10:00                    | Linwood Elementary School – Lincoln               | 4/40      |
| May 23 | 11:30                    | Salisbury-Webster Elementary School               | 4/40      |
| May 23 | 1:00                     | Bethlehem Elementary School                       | 4/32      |
| May 27 | 10:00                    | St. Mary's School – Claremont                     | 4/11      |
| May 27 | 10:00/11:30<br>SH/HM     | Enfield Village School                            | 4/56      |
| May 28 | 10:30                    | Mountain Shadow School – Dublin                   | 6/9       |
| May 28 | 10:30                    | Nashua Christian Academy                          | 4/11      |

|        |                      |                                           |      |
|--------|----------------------|-------------------------------------------|------|
| May 28 | 12:00                | St. Elizabeth of Seton School - Rochester | 4/25 |
| May 29 | 10:30/12:00<br>SH/HM | Auburn Village School                     | 4/75 |
| May 30 | 10:00                | Ray School – Hanover                      | 4/40 |
| May 30 | 11:15                | Gilmanton Elementary School               | 4/46 |

## WEDNESDAY, APRIL 16

### AMENDMENTS

(LISTED IN NUMERICAL ORDER)

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 84<sup>th</sup> 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.

2007-1047h

#### Floor Amendment to HR 24

**Proposed by Rep. Baldasaro**

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

A RESOLUTION petitioning Congress to commence impeachment and expulsion procedures.

Amend the resolution by inserting after the title the following new paragraphs:

Whereas, Congresswoman Carol Shea-Porter has failed to do her job for her democratic constituents by not filing a bill of impeachment against President George W. Bush, which caused special interest groups to waste the people's time in New Hampshire to send a house resolution to all of the state's Congress members to start a impeachment process; and

Whereas, on January 5, 2007, elected Congresswoman Carol Shea-Porter solicited Senator Biden for a "big fat donation" to her re-election campaign from her office in Washington, which is against the law; and

Whereas, Congresswoman Carol Shea-Porter put out 2 flyers using taxpayers' money, spending over \$140,000, that are borderline campaign literature; and

Whereas, on February 16, 2007, Congresswoman Carol Shea-Porter posted campaign information on her congressional web site, which is paid for by the tax payers and is illegal; and

Whereas, on May 1, 2007, Congresswoman Carol Shea-Porter's congressional office paid \$5,000 of taxpayers' money to the New Hampshire Democratic State Committee. (Second Quarter Statement of Disbursements of the House, 110th Congress, 1st Session) According to the New Hampshire Democratic Party's FEC Filing, Shea-Porter's payment was for "access to the voter file maintained by the New Hampshire Democratic State Committee." She used tax payers money to purchase the list; and

Whereas, Congresswoman Carol Shea-Porter has consistently voted contrary to the interests of her constituents, to wit:

1. On January 5, 2007, Congresswoman Carol Shea-Porter voted against providing affordable health care to uninsured working families. (House Roll Call 10);

2. On January 17, 2007, Congresswoman Carol Shea-Porter voted to allow convicted felons to receive student loan benefits. (House Roll Call 29). She also voted against increasing college access and affordability for middle- to low-income students, against providing greater resources for Pell Grants, and against deficit reduction on behalf of taxpayers. (House Roll Call 31);

3. On January 18, 2007, Congresswoman Carol Shea-Porter voted for \$6.5 billion in new taxes on American energy producers, voted for higher energy prices for American consumers voted to stifle domestic energy production, and voted to increase America's dependence on foreign sources of energy. (House Roll Call 40);

4. On March 23, 2007, Congresswoman Carol Shea-Porter voted for the Pelosi-Murtha "slow bleed" strategy to choke-off funding for American troops in harm's way (House Roll Call 186), and Shea-Porter and her Democrat leadership in Washington left town on Veterans Day weekend without passing a vital veterans' housing, healthcare and benefits bill;

5. On April 9, 2007, Congresswoman Carol Shea-Porter had a press conference on how she passed the biggest budget in support of our troops but failed to explain that the bill she voted for had \$20 million worth of pork spending and the bill had provisions in section 19.01 which prevents the president to employ Troops to assist, if our troops are pinned down;

6. On April 18, 2007, Congresswoman Carol Shea-Porter voted against a measure that would have eliminated taxpayer-funded small business grants for convicted felons including sex offenders, kidnappers, and others. (House Roll Call 224);

7. On June 27, 2007, Congresswoman Carol Shea-Porter voted against a measure which would have required that all energy bills be certified to prevent higher energy prices for consumers. Shea-Porter also voted to allow for a reduction of domestic energy supplies and an increase in foreign energy dependence. (House Roll Call 578);

8. On July 12, 2007, Congresswoman Carol Shea-Porter made her allegiance to protecting illegal immigrants abundantly clear: Shea-Porter voted not once, not just twice, but 3 times to make it easier for illegal immigrants to receive federal housing assistance, instead of ensuring that the funds go to the low-income Americans. (House Roll Call 628, 814 and 875);

9. On July 24, 2007, Congresswoman Carol Shea-Porter voted yet again in lockstep with the Democrat Party leadership to block a motion aimed at protecting housing for America's homeless and disabled veterans. (House Roll Call 714). On July 24, 2007, Shea-Porter held a news conference in Concord, New Hampshire, to mark the first increase in the federal minimum wage since 1997. But Shea-Porter voted against increasing the minimum wage, because it was included in legislation to fund the Iraq War. She Lied!

10. On July 19, 2007, Congresswoman Carol Shea-Porter failed to protect children in school when she voted against a motion which would have provided funding for schools to cover the fees to do background checks on teachers across the country. (House Roll Call 685);

11. On August 1, 2007, Congresswoman Carol Shea-Porter voted to give federal handouts to illegal immigrants by voting to gut the requirements in the State Children's Health Insurance Program law, which requires states to verify citizenship before providing health benefits. (House Roll Call 787);

12. On November 1, 2007, Congresswoman Carol Shea-Porter cast a vote which would not only cripple the American mining industry, but also send American jobs overseas, increase America's dependence on foreign resources, and undoubtedly endanger America's economic and national security. (House Roll Call 1032);

13. On August 2, 2007, Congresswoman Carol Shea-Porter put partisan politics above the needs of troops and commanders on the ground by voting for a Democrat-sponsored bill mandating extension of troop deployments overseas. (House Roll Call 795);

14. On October 25, 2007, Congresswoman Carol Shea-Porter issued a news release shortly after the vote, saying she "pledged to provide health care to 10 million low-income kids, and even if the President vetoes this bill, we will continue to fight for health care for uninsured children" but she was not even there for the vote;

15. On November 15, 2007, Congresswoman Carol Shea-Porter voted to adjourn the United States House of Representatives for a 2-week Thanksgiving recess, blatantly neglecting to pass a critical housing, health care, and benefits bill for our nation's veterans and troops returning from Iraq and Afghanistan. (House Roll Call 1113);

16. On December 6, 2007, Congresswoman Carol Shea-Porter voted in lockstep with her Washington leaders for the Democrats' "No Energy" bill, killing jobs and increasing dependence on foreign energy. (House Roll Call 1140); and

17. On December 19, 2007, Congresswoman Carol Shea-Porter and the Democrats broke their "PAYGO" promise by voting to violate PAYGO rules in order to pass a patch for the Alternative Minimum Tax (AMT) that is already so delayed that it will cost over 20 million Americans significant delays in receiving their IRS refunds this year. (House Roll Call 1183); and Amend the resolution by inserting after the fifth paragraph after the resolving clause the following new paragraph:

That the House of Representatives of the State of New Hampshire hereby submits that the actions and admissions of Congresswoman Carol Shea-Porter constitute ample grounds for her expulsion from the United States Congress and hereby urges Congress to commence expulsion proceedings against Congresswoman Carol Shea-Porter; and

#### AMENDED ANALYSIS

This resolution petitions Congress to commence impeachment procedures against President Bush and Vice President Cheney and expulsion proceedings against Congresswoman Carol Shea-Porter.

2008-1295h

#### **Floor Amendment to HR 24 Proposed by Rep. Hall**

Amend the resolution by replacing the fifth and sixth paragraphs after the resolving clause with the following:

That the United State House of Representatives is hereby requested to commence proper proceedings for the investigation of the activities of President George W. Bush and Vice President Richard Cheney, to the end that they may be impeached and removed from such office; and

That a copy of this resolution be forwarded by the house clerk to the New Hampshire secretary of state so that he may sign the resolution and forward it to the Speaker of the United States House of Representatives and send copies of the signed resolution to each member of the United States Senate and House of Representatives.

2008-1058h

**Floor Amendment to HR 25**

**Proposed by Reps. Baldasaro, Howard, Renzullo and Scannell**

Amend the resolution by replacing all after the resolving clause with the following:

That the House of Representatives of the state of New Hampshire requests that the Administration immediately and fully comply with the provisions of the Secure Fence Act of 2006, Public Law 109-367, and that the Congress of the United States provide sufficient funding to allow complete compliance with the legislation and completion of the 700 mile fence; and

That copies of this resolution be sent by the house clerk to the President of the United States and to each member of the New Hampshire congressional delegation.

2008-1076h

**Floor Amendment to HR 25**

**Proposed by Reps. Baldasaro, Howard, Renzullo and Scannell**

Amend the resolution by replacing all after the title with the following:

Whereas, the Secure Fence Act of 2006 received strong bipartition support in the United States House of Representatives and United States Senate; and

Whereas, the Secure Fence Act of 2006 would establish operational control over the international lands and maritime borders of the United States to include territories; and

Whereas, operational control means the prevention of all unlawful entries into the United States, including entries by terrorists, unlawful aliens, instruments of terrorism, narcotics, counterfeit goods, and other contraband; and

Whereas, the Secure Fence Act of 2006 required that the Department of Homeland Security develop a systematic surveillance of the international land and maritime borders of the United States through more effective use of personnel and technology, such as unmanned aerial vehicles, ground-based sensors, satellites, radar coverage, Wi-Fi transmitters, and cameras; and

Whereas, the Secure Fence Act of 2006 requires the Department of Homeland Security develop physical infrastructure enhancements to prevent unlawful entry into the United States and facilitate access to the international land and maritime borders by United States Customs and Border Protection, such as additional checkpoints, all weather access roads, and vehicle barriers; and

Whereas, the Secure Fence Act of 2006 requires the Secretary of Homeland Security to conduct a study on the feasibility of a state-of-the-art infrastructure security system along the northern international land and maritime border of the United States; and

Whereas, the Secure Fence Act of 2006 requires the Secretary of the Department of Homeland Security to evaluate the authority of United States Coast Guard to stop vehicles, boats, and ships that enter the United States illegally and refuse to stop when ordered; and

Whereas, the Secure Fence Act of 2006 is part of comprehensive immigration reform and national security enhancements; now, therefore, be it

Resolved by the House of Representatives:

That the House of Representatives of the state of New Hampshire requests that the Administration immediately and fully comply with the provisions of the Secure Fence Act of 2006, Public Law 109-367, and that the United States Congress provide sufficient funding to allow complete compliance with the legislation; and

That copies of this resolution be sent by the house clerk to the President of the United States and to each member of the New Hampshire congressional delegation.

2008-1170h

**Amendment to SB 90-FN**

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

Amend RSA 104:28-a as inserted by section 1 of the bill by replacing it with the following:

104:28-a False Personation. ~~[A person is guilty of a misdemeanor if, not being a]~~ ***Any person who knowingly and falsely assumes or exercises the functions, powers, duties, or privileges incident to the office of*** sheriff, deputy sheriff, state police officer, police officer of any city or town, or any other law enforcement officer or investigator employed by any state, country or political subdivision of a state or country, ~~[he purposely pretends to be or assumes to act as such law enforcement officer or investigator, or if he purposely requests any other person to assist him in any matter belonging to the duty of such law enforcement officer or investigator]~~ ***or who wears or displays without authority any uniform, badge, or other identification by which such sheriff, officer, or investigator is lawfully identified, and with the intent to be recognized as such, shall be guilty of a class B felony.***

2008-1266h

**Amendment to SB 212-FN**

**Proposed by the Committee on Executive Departments and Administration - R**

Amend RSA 310-A:182 as inserted by section 1 of the bill by replacing it with the following:

310-A:182 Purpose; Scope of Practice.

I. The purpose of this subdivision is to assure that a home inspector performs professional services only when the home inspector is qualified by education and training in the specific technical areas involved.

II. The scope of practice of home inspectors shall consist of knowledge and skill in the following areas of residential construction: heating systems, cooling systems, plumbing systems, electrical systems, structural components, foundations, roofs, exterior and interior components, and site aspects as they affect buildings.

Amend RSA 310-186 as inserted by section 1 of the bill by replacing it with the following:

310-A:186 Board of Home Inspectors.

I. A board of home inspectors is established to administer the provisions of this subdivision. The board shall consist of 7 persons as follows:

(a) Five members shall be home inspectors, appointed by the governor and council. Each home inspector member shall hold a current and valid New Hampshire home inspector license and shall have actively practiced home inspections for a minimum of 5 years as a means of his or her livelihood prior to appointment.

(b) Two shall be public members, each to be appointed by the governor and council. Each public member of the board shall be a person who is not, and never was, a home inspector or the spouse of any such person, and who does not have, and never has had, a material financial interest in either the provision of home inspector services or an activity directly related to the home inspection trade. In addition, the public members shall not have held a real estate broker or salesperson license or represented the board or the trade for a fee at any time during the 5 years preceding appointment.

II. Initial home inspector appointees to the board shall not be required to hold a current and valid New Hampshire home inspector's license, but shall have been actively practicing home inspections for a minimum of 5 years as a means of his or her livelihood prior to appointment.

III. Each member of the board shall be a citizen of the United States and a resident of this state.

IV. Members shall be appointed for 2-year terms. Appointments for terms of less than 2 years may be made in order to stagger the appointments. No appointed member shall be eligible to serve more than 2 full consecutive terms, provided that for this purpose only a period actually served which exceeds ½ of the 2-year term shall be deemed a full term. Upon expiration of a member's term, the member shall serve until a successor is qualified and appointed. Vacancies occurring prior

to the expiration of a specific term shall be filled by appointment for the unexpired term. A board member may be removed for cause by the governor and council under RSA 4:1.

V. Members of the board shall receive \$25 for each day actually engaged in the duties of their office and shall be reimbursed for all actual travel, incidental, and clerical expenses necessarily incurred in carrying out the provisions of this subdivision.

VI. The board shall hold at least 3 regular meetings each year and special meetings at such times as it may deem necessary. Notice of all meetings shall be given in such a manner as rules adopted by the board may provide. The board shall biennially elect or appoint a chairperson, vice-chairperson, and secretary. Four members shall constitute a quorum.

VII.(a) The board shall keep a record of its proceedings and a register of all applications for licensure, which shall show:

- (1) The name, age, and residence of each applicant.
- (2) The date of application.
- (3) The place of business of such applicant.
- (4) The applicant's educational and other qualifications.
- (5) Proof of passing home inspection exam.
- (6) Whether the applicant was rejected and the reasons for such rejection.
- (7) Whether a license was granted.
- (8) The date of the action of the board.
- (9) Such other information as may be deemed necessary by the board.

(b) The records of the board shall be prima facie evidence of the proceedings of the board, and a transcript of such records certified by the secretary of the board under seal shall be admissible in evidence with the same force and effect as if the original were produced. Biennially, as of December 31, the board shall submit to the governor a report of the transactions of the preceding biennium, and a complete statement of the receipts and expenditures of the board.

VIII. The secretary of the board shall publish a roster listing the names and addresses of all home inspectors licensed under this subdivision by the board during February of each even-numbered year. Copies of this roster shall be sent to each person so licensed, placed on file with the secretary of state, and furnished to the public upon request at a fee to be established by the board. The board may include in such roster any other information it deems appropriate.

IX. The board, its members, and its agents shall be immune from personal liability for actions taken in good faith in the discharge of the board's responsibilities, and the state shall hold the board, its members, and its agents harmless from all costs, damages, and attorneys' fees arising from claims and suits against them with respect to matters to which such immunity applies.

Amend RSA 310-A:187, I(i) as inserted by section 1 of the bill by replacing it with the following:

(i) How an applicant shall be examined, including the time, place, type, and form of the examination.

(j) The design of an official seal.

(k) The establishment of administrative fines which may be levied in the administration of this subdivision.

Amend RSA 310-A:187, II as inserted by section 1 of the bill by replacing it with the following:

II. The board shall adopt one eligibility examination required for licensure that is an independent nationally recognized protocol examination.

Amend RSA 310-A:190 as inserted by section 1 of the bill by replacing it with the following:

310-A:190 Eligibility Requirements For Licensure As A Home Inspector.

I. Each applicant for licensure as a home inspector shall meet the following minimum requirements:

(a) Completion of no less than 80 hours of board-approved education covering all of the following core components of a residential building of 4 units or less:

- (1) Heating system.
- (2) Cooling system.
- (3) Plumbing system.
- (4) Electrical system.

- (5) Structural components.
- (6) Foundation.
- (7) Roof covering.
- (8) Exterior and interior components.
- (9) Site aspects as they affect the building.
- (b) Have successfully completed high school or its equivalent.
- (c) Proof of passing the board adopted examination required for licensure.
- (d) Be at least 18 years of age.
- (e) Submit to the board a notarized criminal history records release form as provided by

the New Hampshire state police, which authorizes the release of the applicant's criminal records, if any. The applicant shall bear the cost of the criminal records check.

II. A person who is a resident of this state and who was actively engaged in the business of home inspection in this state as a means of his or her livelihood for at least 12 months preceding the effective date of this subdivision shall be eligible for licensure by the board without completion of the requirements of subparagraph I(a). An applicant under this paragraph shall be issued a license by providing evidence satisfactory to the board of the knowledge and experience equivalent to the requirements of this subdivision, meeting the requirements of subparagraphs I(b) through (e), paying an initial fee, and fulfilling all other license application requirements.

III. The board shall approve all education programs under subparagraph I(a) of organizations or education institutions providing acceptable education and training.

IV. The board shall have the discretion to reject an applicant who is not of good professional character, as evidenced by:

- (a) Conviction for commission of a felony;
- (b) Misstatement of facts by the applicant in connection with the application;
- (c) Violation of any of the standards of practice or code of ethics as they are set forth in this subdivision or in rules adopted by the board; or
- (d) Practicing home inspections without being licensed in violation of laws of the jurisdiction in which the practice took place.

Amend RSA 310-A:191, II as inserted by section 1 of the bill by replacing it with the following:

II. Applicants shall include the following:

- (a) Proof of required education.
- (b) Proof of passing the eligibility testing requirements.
- (c) Payment of applicable fees.
- (d) Proof of liability insurance.
- (e) Any other attachments as required by board.

Amend RSA 310-A:192 as inserted by section 1 of the bill by replacing it with the following:

310-A:192 Continuing Education. Evidence satisfactory to the board of the completion in each 2-year renewal period of a minimum of 20 hours of continuing education shall be required for license renewal, provided that one hour of the 20 required hours shall be from a board approved course on appropriate building regulations including any recent revisions to regulations. The board shall approve educational courses and activities that would further the professional competence of licensees. The continuing education credits shall be determined on the basis of one credit for each contact hour of course instruction or professional development activity actually attended by a licensee.

Amend RSA 310-A:195, I and II as inserted by section 1 of the bill by replacing them with the following:

I. The board shall send by mail or otherwise notification of the impending license expiration to each licensee at least one month prior to the expiration of the license, along with a request for payment of a renewal fee. Licensees in good standing may renew their licenses by paying the renewal fee prior to the expiration date of the license, and by presenting evidence satisfactory to the board of completion of the continuing education requirements. If properly renewed, a license shall remain in effect continuously from the date of issuance, unless suspended or revoked by the board for just cause.

II. All licenses issued by the board shall expire on the last day of the licensee's month of birth in the second year following the year of issuance, or upon such other biennial date as the board may adopt. If the renewal fee is not submitted within 12 months after the expiration date, the licensee's name shall be removed from current status, and application for reinstatement shall be required to return to current status. The board shall charge a 20 percent late fee for each month or fraction of a month the renewal is late, up to 12 months, in addition to the renewal fee. Any renewal application received 12 months after the expiration date shall be rejected, unless accompanied by proof of successful completion of the examination required by the board. A licensed home inspector shall complete at least 20 hours of board approved continuing education during each license period in order to maintain his or her license. If a licensee fails to renew such license within the 12 months after the date of expiration, it shall become null and void and the licensee shall be required to reapply and to be re-examined for licensure.

2008-1277h

#### **Amendment to SB 310**

#### **Proposed by the Committee on Executive Departments and Administration - R**

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

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

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

2 Operation of Games of Chance. Amend RSA 287-D:2-b, III-IV to read as follows:

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

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

3 Licensing of Game Operators. RSA 287-D:2-c, V is repealed and reenacted to read as follows:

V. The game operator or the game operators employer shall submit a bond for each location where the game operator is conducting games of chance, conditioned upon the game operator running games of chance in conformity with this chapter and with the rules and regulations prescribed by the pari-mutuel commission, in the amount of up to \$300,000 to the pari-mutuel commission with the application form.

4 New Paragraph; Licensing of Game Operators. Amend RSA 297-D:2-c by inserting after paragraph V the following new paragraph:

VI. In addition to the charitable organization, game operators who operate games of chance on behalf of a charitable organization shall also be held responsible for all requirements that the charitable organization is responsible for when they operate the games of chance themselves.

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

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

V. The pari-mutuel commission may impose an administrative fine scaled to reflect the violators prior history and the scope and severity of the violation, after notice and hearing, pursuant to rules adopted under RSA 541-A, for any violation of this subdivision, any rule adopted under this subdivision, any license issued pursuant to this chapter, or any order issued pursuant to this subdivision, or upon any person who makes or certifies to a material false statement relative to any application or report required by this subdivision. Any administrative fine imposed under this

paragraph shall not preclude the imposition of other penalties under this chapter. Rehearings and appeals from a decision of the commission under this paragraph shall be in accordance with RSA 541. Fines imposed by the pari-mutuel commission shall be decided based on the following determinations by the commission:

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

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

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

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

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

6 New Paragraph; Game Operator; Definition. Amend RSA 287-D:1 by inserting after paragraph IV the following new paragraph:

V. "Game operator" means:

(a) "Primary game operator" which means any consultant or any person other than a bona fide member of the charitable organization, involved in conducting, managing, supervising, directing, or running the games of chance; or

(b) "Secondary game operator" which means any person other than a bona fide member of the charitable organization, involved in dealing, running a roulette wheel, or handling chips.

7 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. 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.

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

XII-a. Game operator fees pursuant to RSA 287-D:2-d, III.

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

9 Pari-Mutuel Commission; Position Established. The following position is hereby established in the pari-mutuel commission. This position and costs associated with this position, including current expense, equipment, in-state travel, and out-of-state travel, shall be funded from fees collected pursuant to RSA 287-D:2-d, III:

One internal auditor III, labor grade 23.

10 Repeal. The following are repealed:

I. RSA 287-D:2-b, XIII, relative to submission of information to the pari-mutuel commission.

II. RSA 287-D:2-c, I, definition of game operator.

III. RSA 287-D:2-d, IV, relative to authorization of specific games.

IV. RSA 284:23, V, relative to tax rates for Rockingham Park.

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

#### AMENDED ANALYSIS

I. Makes certain changes to the application and licensing process for game operators.

II. Creates new penalties for deviations from the pari-mutuel commission's requirements.

III. Establishes the position of internal auditor III in the pari-mutuel commission.

IV. Gives rulemaking authority to the pari-mutuel commission regarding game operator fees and administrative orders and fines.

2008-1191h

**Amendment to SB 317-FN**

**Proposed by the Committee on Executive Departments and Administration - R**

Amend the bill by replacing section 3 with the following:

3 Reference Corrected. Amend RSA 78:6 to read as follows:

78:6 Suspension and Revocation of License by Commissioner. The commissioner may adopt rules pursuant to RSA 541-A relative to ~~accomplishing the purpose of RSA 78~~ **establishing procedures and criteria for tobacco license applications, tobacco enforcement penalties, and tobacco hearings for new licenses and renewals of licenses.** The commissioner may suspend or revoke any license issued under RSA 78:2 for failure to comply with the provisions of this chapter and with any rules which the commissioner may adopt. The commissioner shall suspend or revoke any license issued under RSA 78:2 if ordered to do so pursuant to RSA ~~[126-I]~~ **126-K.**

2008-1248h

**Amendment to SB 324-FN**

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

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

AN ACT relative to substance abuse services within the department of health and human services.

Amend the bill by replacing section 1 with the following:

1 Statement of Intent; Study Required. The general court recognizes that substance abuse is a major contributor to many health problems, requiring a comprehensive, integrated approach to policy and services. Therefore, the general court hereby directs the commissioner of the department of health and human services to study the most effective organization of units within the department that are involved with substance abuse and make a report relative to the results of such study to the oversight committee on health and human services, established in RSA 126-A:13, on or before September 1, 2008.

Amend the bill by replacing section 4 with the following:

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

**AMENDED ANALYSIS**

This bill requires the commissioner of the department of health and human services to study the most effective organization of units within the department of health and human services that are involved with substance abuse and to make a report of the results to the oversight committee on health and human services. This bill also clarifies the meetings and the content of the annual report required of the governor's commission on alcohol and drug abuse prevention, intervention, and treatment.

2008-1249h

**Amendment to SB 327-FN**

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

Amend RSA 21-I:43-a as inserted by section 1 of the bill by replacing it with the following:

21-I:43-a Compensation for State Employees Injured in Line of Duty. Any injury received by any state employee who is injured in the line of duty by a hostile or overt act or an act caused by another during the performance of duties which are considered dangerous in nature that requires the employee to be hospitalized or renders the employee temporarily unable to perform the duties of his or her position shall not be charged against annual leave or sick leave for the time lost due to the injury. During such time, the employee shall remain on the active payroll. ***In this event, no employee shall be terminated from state service until he or she has applied for disability retirement and a final decision on the application is made by the board of trustees of the New Hampshire retirement system and appeals of such decision, if any, are finalized; provided, that the employee shall make such application within 18 months of the injury contemplated by this section.*** The executive head of the employee's agency shall make the determination as to whether an injury is in the line of duty and due to a hostile or overt act, or an act

caused by another during the performance of duties which are considered dangerous in nature, and, after approval by the governor and council, the determination shall be final. The compensation provided for in this section shall be in addition to any other compensation or remedy available to the employee, *including workers' compensation*.

2008-1286h

#### **Amendment to SB 332-FN**

##### **Proposed by the Committee on Health, Human Services and Elderly Affairs - R**

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

AN ACT prohibiting the disposal of human remains through a reductive process utilizing alkaline hydrolysis in New Hampshire and establishing a committee to examine the practice of resomation.

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

1 Disposal of Human Remains Through a Reductive Process Utilizing Alkaline Hydrolysis Prohibited. RSA 325-A:30, II is repealed and reenacted to read as follows:

II. The disposal of human remains through a reductive process utilizing alkaline hydrolysis is prohibited.

2 Committee Established. There is established a committee to study the disposal of human remains through a reductive process utilizing alkaline hydrolysis otherwise known as resomation of human remains.

3 Membership and Compensation.

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

(a) Four members of the house of representatives, 2 of whom shall be members of the environment and agriculture committee and 2 of whom shall be members of the health, human services and elderly affairs committee, appointed by the speaker of the house of representatives.

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

II. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

4 Duties. The committee shall study the resomation of human remains. The committee's study shall include, but not be limited to examining the regulations which are necessary for the practice of resomation and determining whether the practice of resomation should continue to be prohibited or be permitted in New Hampshire.

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

6 Report. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2008.

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

#### **AMENDED ANALYSIS**

This bill prohibits the disposal of human remains through a reductive process utilizing alkaline hydrolysis.

This bill also establishes a committee to examine the regulations necessary for the practice of resomation of human remains in New Hampshire.

2008-1258h

#### **Amendment to SB 338**

##### **Proposed by the Committee on Public Works and Highways - C**

Amend the bill by replacing section 1 with the following:

1 Operation of Beach Parking Facilities. Amend RSA 216:3, IV(a) to read as follows:

(a) There is established a nonlapsing revolving fund to be known as the Hampton Beach capital improvement fund in the department of resources and economic development. The revolving

fund shall be used for capital improvements ~~[for the parking facilities at Hampton Beach]~~ **and capital equipment for the Hampton Beach-area state parks' parking and beach facilities.**

AMENDED ANALYSIS

This bill amends the use of the Hampton Beach capital improvement fund.

2008-1242h

**Amendment to SB 361**

**Proposed by the Committee on Public Works and Highways - C**

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

1 New Paragraph; Priority Construction. Amend 2000, 273:1 by inserting after paragraph III the following new paragraph:

IV. Once work has commenced on any one of the various construction projects that constitute the 18-mile widening of Interstate 93 from Manchester to the Massachusetts border, the commissioner of the department of transportation shall expedite all Interstate 93 construction projects within the entire 18-mile corridor until their completion.

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

AMENDED ANALYSIS

This bill directs the commissioner of transportation to expedite completion of the widening of Interstate 93 from Manchester to the Massachusetts border once work has commenced on any one of the construction projects.

2008-1182h

**Amendment to SB 363**

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

Amend the bill by replacing sections 1 through 4 with the following:

1 New Section; OHRVs; Protective Headgear. Amend RSA 215-A by inserting after section 13 the following new section:

215-A:13-a Protective Headgear. No person under the age of 18 shall operate any OHRV within this state without wearing eye protection and size-appropriate, protective headgear which meets or exceeds the specifications of FMVSS 218.

2 Off Highway Recreational Vehicles: Operation; Requirement Added. Amend RSA 215-A:29, XV and XVI to read as follows:

XV. No person under the age of 18 shall operate any OHRV within this state without wearing ~~[a protective helmet and]~~ eye protection **and size-appropriate, protective headgear which meets or exceeds the specifications of FMVSS 218.**

XVI. No person shall operate any OHRV within this state carrying passengers under the age of 18 unless each **such** passenger is wearing ~~[a protective helmet]~~ **eye protection and size-appropriate, protective headgear which meets or exceeds the specifications of FMVSS 218.**

3 New Section; Snowmobiles; Protective Headgear. Amend RSA 215-C by inserting after section 29 the following new section:

215-C:29-a Protective Headgear. No person under the age of 18 shall operate any snowmobile within this state without wearing eye protection and size-appropriate, protective headgear which meets or exceeds the specifications of FMVSS 218.

4 Snowmobiles; Operation; Requirement Added. Amend RSA 215-C:49, XIX and XX to read as follows:

XIX. No person under the age of 18 shall operate any snowmobile within this state without wearing ~~[a protective helmet and]~~ eye protection **and size-appropriate, protective headgear which meets or exceeds the specifications of FMVSS 218.**

XX. No person shall operate any snowmobile within this state carrying passengers under the age of 18 unless each **such** passenger is wearing ~~[a]~~ **eye protection and size-appropriate, protective [helmet] headgear which meets or exceeds the specifications of FMVSS 218.**

AMENDED ANALYSIS

This bill requires operators and passengers of OHRVs and snowmobiles under the age of 18 to wear eye protection and size-appropriate, protective headgear which meets the specifications of FMVSS 218.

2008-1178h

#### **Amendment to SB 372**

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

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

1 Advisory Committee on Heating System Certification; Membership. RSA 153:16-c, III is repealed and reenacted to read as follows:

III. The advisory committee shall include:

- (a) One representative of New Hampshire natural gas utility companies.
- (b) One representative of the oil heat industry, recommended by the Oil Heat Council of New Hampshire.
- (c) One representative of the propane industry, recommended by the New Hampshire chapter of the Propane Gas Association of New England.
- (d) One individual experienced in the training and education of heating system installers, recommended by the chancellor of the community college system of New Hampshire.
- (e) One representative of the New Hampshire Association of Fire Chiefs, recommended by the association.
- (f) Two individuals from the public-at-large.
- (g) One representative from the New Hampshire Plumbing and Mechanical Contractors Association.
- (h) One person experienced in the training and education of hearth system installers, recommended by the Northeast Hearth, Patio, and Barbecue Association.
- (i) One licensed fuel gas fitter, recommended by the Plumbers, Fuel Gas Fitters and HVAC Association of New Hampshire.

2 Applicability. In order to conform to RSA 153:16-c, III as amended by this act, the advisory committee on heating system certification shall be dissolved and the terms of all members serving on the committee shall end on December 31, 2008. Members of the advisory committee shall be appointed to new terms beginning January 1, 2009 pursuant to RSA 153:16-c, III as amended by this act.

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

#### **AMENDED ANALYSIS**

This bill revises the membership of the advisory committee on heating system certification.

2008-1127h

#### **Amendment to SB 377**

##### **Proposed by the Committee on Municipal and County Government - C**

Amend RSA 31:25-d, I as inserted by section 1 of the bill by replacing it with the following:

I. Notify the attorney general in writing of their decision to invest according to the prudent investor rule; and

2008-1272h

#### **Amendment to SB 379**

##### **Proposed by the Committee on Transportation - C**

Amend the bill by replacing section 2 with the following:

2 Refusal of Consent; Boating. Amend RSA 265-A:14, IV to read as follows:

IV. The provisions and penalties of this section, relative to the refusal of consent, shall apply to any person under arrest for any violation or misdemeanor involving the operation of a boat~~[-after a hearing]~~ and upon satisfactory proof of the following:

- (a) That the authorized agent or peace officer had reasonable grounds to believe the arrested person had been operating, had been attempting to operate, or was in actual physical

control of a boat upon the public waters of this state while under the influence of intoxicating liquor or controlled drugs or any combination thereof;

(b) That the person has been arrested;

(c) That the person refused to submit to the test upon request of the authorized agent or peace officer;

(d) That the agent or officer informed the person arrested that his or her refusal to submit to such a test would ~~[constitute a violation]~~ **result in the loss of his or her privilege to operate a boat on the waters of the state and the loss of his or her privilege to operate a motor vehicle on the ways of this state;** and

(e) That the agent or officer informed the arrested person of his or her right to have a similar test or tests conducted by a person of his or her own choosing.

**V. If a person's license or privilege to drive is suspended under paragraph IV, the person's privilege to operate a boat on the waters of the state shall also be suspended for th**  
Amend RSA 265-A:45, II as inserted by section 4 of the bill by replacing it with the following:

**II. No person operating a boat while under the age of 21 shall, except when accompanied by a parent, legal guardian, or legal age spouse, transport any liquor or beverage in any part of a boat with an intent to consume such liquor or beverage. Anyone violating this paragraph may, following a hearing, have his or her privilege to operate a boat on the waters of the state suspended for 90 days and may additionally have his or her license or privilege to drive suspended for 90 days.**

2008-1185h

#### **Amendment to SB 390**

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

Amend the bill by replacing section 2 with the following:

2 New Chapter; New Hampshire Council on Suicide Prevention. Amend RSA by inserting after chapter 126-Q the following new chapter:

#### **CHAPTER 126-R**

#### **NEW HAMPSHIRE COUNCIL ON SUICIDE PREVENTION**

126-R:1 Definitions. In this chapter:

I. "Council" means the New Hampshire council on suicide prevention.

II. "Plan" means the New Hampshire suicide prevention plan.

126-R:2 Council Established; Duties. There is hereby established the New Hampshire council on suicide prevention to oversee the implementation of the New Hampshire suicide prevention plan. The council shall ensure the continued effectiveness of the plan by evaluating its implementation, producing progress reports, recommending program changes, initiatives, funding opportunities, and new priorities to update the plan. The council shall also be a proponent for suicide prevention in New Hampshire.

126-R:3 Membership of the Council.

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

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

(b) Two members of the house of representatives who shall be members of the health, human services and elderly affairs committee, appointed by the speaker of the house of representatives.

(c) The commissioner of the department of health and human services, or designee, appointed by the commissioner.

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

(e) The commissioner of the department of safety, or designee, appointed by the commissioner.

(f) The commissioner of the department of corrections, or designee.

(g) The chief medical examiner, or designee.

(h) The adjutant general, or designee.

(i) A representative of the Injury Prevention Center, Dartmouth-Hitchcock Medical Center, appointed by the president of the medical center.

(j) A representative of the National Alliance on Mental Illness, appointed by the alliance.  
(k) A representative of the New Hampshire Disability Rights Center, appointed by the center.

(l) A member of the commission to develop a comprehensive state mental health plan, established by 2005, 175:15, appointed by the chairperson of the commission.

(m) A representative of the Bi-State Primary Care Association, appointed by the association.

(n) A representative of the Endowment for Health, appointed by the endowment.

(o) A representative of the New Hampshire Hospital Association, appointed by the association.

(p) A representative of the New Hampshire Community Behavioral Health Association, appointed by the association.

(q) A representative of New Futures, appointed by the organization.

(r) A person representing families who have lost a loved one to suicide, appointed by the governor.

(s) A person representing the youth community, appointed by the governor.

(t) A person representing the older adult community, appointed by the governor.

(u) A person representing the clergy, appointed by the governor.

(v) A physician, appointed by the New Hampshire Medical Society.

(w) A county corrections superintendent, appointed by the New Hampshire Association of Counties.

II.(a) The term of office for each member appointed under subparagraphs I(i)-(w) shall be 2 years, or until a successor is appointed and qualified in the case of a vacancy. The term of office for all other members shall be coterminous with the term of office for the position that qualifies that member to serve on the advisory council. A vacancy shall be filled in the same manner, but only for the unexpired term.

(b) The council shall, at its organizational meeting, elect a voting member to serve as chairperson for a 2-year term, or until a successor is elected and qualified. The council shall also elect a vice-chairperson and a clerk at the organizational meeting.

(c) No member shall receive any compensation for serving on the council, provided that the legislative members shall receive legislative mileage when in performance of their duties.

III.(a) To assist the council in the performance of its duties, the council chairperson shall create committees. The chairperson shall initially create committees to address the following issues:

(1) Education and training.

(2) Public policy.

(3) Communication and media.

(4) Professional practice.

(5) Data committee.

(6) Garrett Lee Smith advisory committee.

(7) Other special projects and programs.

(b) The chairperson shall appoint at least 2 council members to serve on each committee and shall designate a chairperson for each.

(c) Based upon recommendations from each committee, the council chairperson may appoint as many individuals as necessary to serve as adjunct members of each for a term of one year.

(d) Each committee shall:

(1) Develop its goals and objectives based on the plan.

(2) Identify program areas where improved coordination is needed.

IV. The council shall be administratively attached to the department of health and human services.

V. The first meeting of the council shall be called by the senate member. The first meeting of the council shall be held within 45 days of the effective date of this chapter. Fourteen members of the council shall constitute a quorum. The council shall meet at least 4 times each year and may convene public hearings as necessary to promote the goals of the council. The council shall submit

an annual report to the governor, the speaker of the house of representatives, and the president of the senate by November 1 of each year regarding the activities of the council. The first annual report shall be due November 1, 2008. The annual report shall identify and prioritize unmet needs for prevention, intervention, and activities to prevent contagion and promote healing following a suicide death (postvention); indicate the progress, or lack thereof in addressing the plan; recommend initiatives to address the unmet needs in the plan; and specify the resources and any legislation necessary to support existing programs for prevention, intervention, and postvention and to develop, implement, support, and evaluate the initiatives recommended by the council.

2008-1116h

#### **Amendment to SB 413**

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

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

AN ACT relative to the administrative fee for certain disposals of state lands

Amend RSA 4:40-a, III-a as inserted by section 1 of the bill by replacing it with the following:

III-a. All state agencies shall charge an administrative fee for the disposal of real property under this section. The administrative fee shall be at least \$1,100 and shall be subject to the approval of the long range capital planning and utilization committee, ***except that the committee may waive or approve a fee less than \$1,100 in appropriate circumstances.*** The revenue from the administrative fees shall be deposited into the general, highway, turnpike, or fish and game fund, depending on which fund initially purchased the property, ***except that for disposals of real property by the department of resources and economic development the administrative fee shall be deposited into the separate account for sale of state lands in the forest improvement fund under RSA 227-G:5, II(b).***

#### **AMENDED ANALYSIS**

This bill allows the long range capital planning and utilization committee to lower or waive the administrative fee charged agencies in the disposal of state lands, and provides that the administrative fees for disposal of state lands originally acquired by the department of resources and economic development shall be retained by the department.

2008-1139h

#### **Amendment to SB 430**

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

Amend RSA 289:1, I-III as inserted by section 1 of the bill by replacing it with the following:

I. "Burial ground" means a private ***family [cemetery] or religious institution's cemetery, mausoleum, or columbarium*** on private property and not available for use by the public. ***For purposes of this paragraph, the term "family" shall mean members of the immediate family and any individuals related by blood or marriage or civil union to members of the immediate family.***

II. "Burial space" means a lot in any cemetery, ***mausoleum, or columbarium*** as designed and intended for the interment of a human body ~~[or]~~, bodies, ***or remains***, but presently not used for such purpose.

III. "Cemetery" means any cemetery owned, managed, or controlled by any municipality within this state or owned and managed by any ***nonprofit*** cemetery corporation chartered by the state. ***Mausoleums and columbariums shall be included within the term "cemetery."***

2008-1287h

#### **Amendment to SB 439**

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

Amend RSA 399-G:1 as inserted by section 1 of the bill by inserting after paragraph I-b the following new paragraphs:

I-c. "Applicant" means a person who applies for a license or registration under the chapter.

I-d. "Application" means a petition for a license or registration on a form prescribed by the commissioner.

Amend RSA 399-G:13, II-II-a as inserted by section 5 of the bill by replacing it with the following:

II. For the purpose of discovering violations of this chapter, the banking department may examine, during business hours, the records of any licensee, **authorized delegate, or any other person** and of any person by whom any such ~~loan~~ **money transmission** is made, whether such person shall be licensed to act, or claim to act, as principal, agent, or other representative, or under, or without the authority of this chapter; and for that purpose, the banking department shall have access to the books, papers, records, files, and vaults of all such persons. The banking department shall also have authority to examine, under oath, all persons whose testimony it may require relative to such loans or business.

***II-a. Licensees shall implement a system of education, training, monitoring, and periodic inspection designed to inform their authorized delegates of their responsibilities, consistent with the Bank Secrecy Act and the requirements to file reports required by federal law.***

Amend the bill by inserting after section 10 the following and renumbering the original section 11 to read as 12:

11 License Revocation; Suspension. Amend the introductory paragraph of RSA 399-G:18, I to read as follows:

I. The commissioner may issue an order requiring a person to whom any license has been granted or any person under the commissioner's jurisdiction to show cause why the license should not be revoked, suspended, or penalties imposed, or both, for violations of this chapter. The order shall give reasonable notice of the opportunity for a hearing and shall state the reasons for the issuance of the order. The commissioner may by order summarily postpone or suspend any license or application pending final determination of any order to show cause, or other order, or of any other proceeding under this section, provided the commissioner finds that the public interest would be irreparably harmed by delay in issuing such order. Upon the entry of the order, the commissioner shall promptly notify the respondent, applicant, or licensee that the order has been entered and of the reasons for the order and that within 10 calendar days after receipt of a written request the matter will be scheduled for hearing. Valid delivery of such order shall be by hand or certified mail at the last known principal office of the licensee, or respondent, to an officer, director, 5 percent or more owner, member, partner, or legal representative of the licensee or respondent. If the person to whom an order to show cause or other order is issued fails to request a hearing within 30 calendar days of receipt or valid delivery of the order and no hearing is ordered by the commissioner, then such person shall be deemed in default, and the order shall, on the thirty-first day, become permanent, and shall remain in full force and effect until and unless later modified or vacated by the commissioner, for good cause shown. A hearing, if requested, shall be scheduled not later than 10 calendar days after the written request for such hearing is received by the commissioner, after which and within 20 calendar days from the date of the hearing the commissioner shall enter an order making such disposition of the matter as the facts require. If the licensee or respondent fails to request a hearing within 30 calendar days of receipt or valid delivery of such order or fails to appear at a hearing after being duly notified, or cannot be located after a reasonable search, such person shall be deemed in default and the proceeding may be decided against the person upon consideration of the order to show cause or other order, the allegations of which may be deemed to be true. The commissioner may by order, upon due notice and opportunity for hearing, assess penalties or deny, suspend, or revoke a license, **registration**, or application if it is in the public interest and the applicant, respondent, **authorized delegate**, or licensee, any partner, officer, member, or director, any person occupying a similar status or performing similar functions, or any person directly or indirectly controlling the applicant, respondent, **authorized delegate**, or licensee:

2008-1158h

**Amendment to SB 440**

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

Amend RSA 332-G:7 as inserted by section 1 of the bill by replacing it with the following:

332-G:7 Military Service Occupational Experience or Training. Every board or commission shall adopt rules under RSA 541-A to allow applicants before the regulatory board or commission to use directly relevant experience or training acquired in the armed services, as defined in RSA 21:50, II, as satisfactory experience or training required for such licensure, certification, or registration. This section shall not eliminate any requirement for examination of applicants. The rules may provide for any or all of the following:

I. Apprenticeship credit when required for licensure or certification, for directly related experience.

II. Inclusion of experience or training as prior experience in the regulated occupation or profession.

III. Military training or education as satisfaction of prerequisites for licensure, certification, or registration by a board or commission.

2008-1312h

#### **Amendment to SB 465**

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

Amend RSA 564-B:3-303(7) as inserted by section 7 of the bill by replacing it with the following:

(7) a parent may represent and bind (i) the parent's minor, ***incapacitated*** or unborn child if neither a guardian of the estate nor guardian of the person for the child has been appointed and (ii) a minor, ***incapacitated*** or unborn descendent of such child if neither a guardian of the estate of the descendent nor a guardian of the person of the descendent has been appointed.

Amend RSA 564-B:4-418(b)(5)(C) as inserted by section 9 of the bill by replacing it with the following:

(C) the beneficiary or group of beneficiaries has the power to remove and replace the trustee of the second trust with the beneficiary or a member of the group of beneficiaries or with a trustee that is related or subordinate to the beneficiary or a member of the group of beneficiaries (as defined in section 672(c) of the Internal Revenue Code).

Amend the bill by deleting section 10 and renumbering the original sections 11-34 to read as 10-33, respectively.

Amend RSA 564-B:8-814(c) as inserted by section 15 of the bill by replacing it with the following:

(c) Subject to the provisions of paragraph (a), unless the terms of the trust expressly provide otherwise, if the terms of a trust permit distributions among a class of beneficiaries, distributions to or for the benefit of whom are subject to the exercise of the trustee's discretion without a standard to guide the trustee in making distribution decisions, then the trustee may make distributions unequally among the beneficiaries and may make distributions entirely to one beneficiary to the exclusion of the other beneficiaries.

Amend RSA 564-B:12-1201(a)(3) as inserted by section 18 of the bill by replacing it with the following:

(3) the power to appoint a successor trust protector or trust advisor;

Amend the introductory paragraph of RSA 564-B:12-1204(a) as inserted by section 18 of the bill by replacing it with the following:

(a) Whenever, pursuant to the terms of a trust, an agreement of the qualified beneficiaries, or a court order, an excluded fiduciary is to follow the direction of a trustee, trust advisor, or trust protector with respect to investment decisions, distribution decisions, or other decisions of the non-excluded fiduciary, then, except to the extent that the terms of the trust, the agreement of the qualified beneficiaries, or the court order provide otherwise, the excluded fiduciary shall have no duty to:

Amend RSA 564-C:104(h)(4)(B) as inserted by section 20 of the bill by replacing it with the following:

(B) ~~[the]~~ such beneficiary (or a person who may represent and bind the beneficiary under the provisions of article 3 of RSA 564-B) or ~~[the]~~ ***such*** person ~~[who has the rights of a qualified beneficiary]~~ receives actual notice; or

Amend RSA 564-D:1, I as inserted by section 27 of the bill by replacing it with the following:

I. "Claim" means a right to payment, whether or not the right is reduced to judgment, liquidated, unliquidated, fixed, contingent, matured, unmatured, disputed, undisputed, legal, equitable, secured, or unsecured.

Amend RSA 564-D:10 as inserted by section 27 of the bill by replacing it with the following:

564-D:10 Extinguishment of Creditor's Claim. A creditor's claim under RSA 564-D:9 is extinguished unless:

I. The creditor's claim arose before the qualified disposition was made and the action is brought within the limitations period of RSA 545-A, the Uniform Fraudulent Transfer Act, in effect on the date of the qualified disposition; or

II. Notwithstanding the provisions of RSA 545-A, the Uniform Fraudulent Transfer Act, the creditor's claim arose on or after the date of the qualified disposition, and the action is brought within 4 years after such date.

Amend RSA 564-D:15, II as inserted by section 27 of the bill by replacing it with the following:

II. Paragraph I shall not apply to any claim for forced heirship or legitime or the elective share of the transferor's surviving spouse, unless the transferor made the qualified disposition for the purpose of defeating the surviving spouse's elective share rights.

Amend the bill by replacing section 13 with the following:

13 Uniform Trust Code; Directed Trusts. RSA 564-B:7-711 is repealed and reenacted to read as follows:

564-B:7-711 Directed Trusts. If the terms of the trust, an agreement of the qualified beneficiaries, or a court order requires a trustee, trust advisor, or trust protector to follow the direction of a trust advisor or trust protector and the trustee, trust advisor, or trust protector acts in accordance with such direction, then the trustee, trust advisor, or trust protector shall be treated as an excluded fiduciary.

2008-1291h

### **Amendment to SB 500-FN Proposed by the Committee on Commerce - C**

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

AN ACT relative to certain insurance fraud and establishing a task force on employee misclassification.

Amend RSA 281-A:7, VI as inserted by section 2 of the bill by replacing it with the following:

VI. Any employer, individual, or corporate officer required to secure payment of compensation under this chapter who ***purposely, as defined in RSA 626:2, II(a)***, fails to secure such payment shall be guilty of a ~~misdemeanor~~ ***class B felony***.

Amend the bill by deleting sections 7-9 and renumbering the original sections 10-15 to read as 7-12, respectively.

Amend paragraph I of section 8 of the bill by replacing it with the following:

I. The members of the task force shall be as follows:

- (a) One member of the senate, appointed by the president of the senate.
- (b) Two members of the house of representatives, appointed by the speaker of the house of representatives.
- (c) The commissioner of the department of labor, or designee.
- (d) The commissioner of the department of employment security, or designee.
- (e) The commissioner of the department of insurance, or designee.
- (f) The commissioner of the department of revenue administration, or designee.
- (g) The attorney general, or designee.
- (h) A member of each of 2 labor unions representing building trades, appointed by the governor.
- (i) A member of an organization representing contractors in the residential construction industry, appointed by the governor.
- (j) A member of an organization representing contractors in the non-residential construction industry, appointed by the governor.

(k) A small business owner from outside the construction industry, appointed by the governor.

(l) A large business owner from outside the construction industry, appointed by the governor.

(m) Two representatives of insurance carriers, appointed by the governor.

Amend the bill by replacing section 9 with the following:

9 Duties. The task force shall study employee misclassification.

Amend the bill by replacing section 11 with the following:

11 Report. The task force shall make interim reports of its findings and any recommendations for proposed legislation on or before December 1, 2008, October 1, 2009, and June 1, 2010, and a final report of its findings and any recommendations for proposed legislation on or before December 1, 2010 to the president of the senate, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library.

Amend the bill by replacing section 12 with the following:

12 Effective Date.

I. Sections 7-11 of this act shall take effect upon its passage.

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

#### AMENDED ANALYSIS

This bill:

I. Increases the penalties for insurance fraud. This bill also increases the penalty for employers who fail to secure workers' compensation.

II. Establishes a task force on employee misclassification.

2008-1288h

#### Amendment to SB 507-FN

##### Proposed by 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 extended terms of imprisonment for leaders, organizers, or supervisors of certain groups whose primary purpose is to engage in or promote criminal conduct.

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

1 Extended Term of Imprisonment. Amend RSA 651:6, I(o) and (p) to read as follows:

(o) Has purposely, knowingly, or recklessly with extreme indifference to the value of human life committed an act or acts constituting first degree assault as defined in RSA 631:1 against a person under 13 years of age where the serious bodily injury has resulted in brain damage or physical disability to the child that is likely to be permanent; ~~or~~

(p) Has committed murder as defined in RSA 630:1-b against a person under 13 years of age~~[-];~~ **or**

**(q) Has knowingly committed any of the following offenses as a leader, organizer, or supervisor of an organization or group consisting of 3 or more persons whose primary purpose is to engage in or promote criminal conduct:**

**(1) Violent crime as defined in RSA 651:5, XIII.**

**(2) A crime involving the distribution, sale, or manufacture of a controlled drug under RSA 318-B:2.**

**(3) Class A felony theft.**

**(4) Unlawful sale or transfer of a pistol or a revolver.**

**(5) Witness tampering as defined in RSA 641:5.**

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

#### AMENDED ANALYSIS

This bill provides for extended terms of imprisonment for offenses committed by a leader, organizer, or supervisor of an organization or group of 3 or more persons whose primary purpose is to engage in or promote criminal conduct.

2008-1204h

#### **Amendment to SB 513-FN**

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

Amend RSA 644:8-a, IV as inserted by section 1 of the bill by replacing it with the following:

IV. Upon conviction of a violation of this section, all animals used or to be used in training, fighting or baiting, and all equipment, paraphernalia, and money involved in a violation of this section may be forfeited to the state at the discretion of the court, pursuant to RSA 595-A:6. Proceeds of any such forfeiture shall be used to reimburse local government and state agencies for the costs of prosecution of animal fighting cases. Proceeds which are not needed for such reimbursement shall be deposited in the companion animal neutering fund, established in RSA 437-A:4-a.

V. In addition to other penalties prescribed by law, the court may issue an order prohibiting a person who is convicted of a violation of this section from owning or possessing any animals within the species that is the subject of the conviction, or any animals kept for the purpose of training, fighting or baiting, for a period of time determined by the court.

2008-1213h

#### **Amendment to SB 516-FN-LOCAL**

##### **Proposed by the Committee on Public Works and Highways - R**

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

1 Bridge Aid; Application. Amend RSA 234:5 to read as follows:

234:5 Application. The selectmen of a town, the mayor of a city, or the county commissioners for an unincorporated place may annually apply to the commissioner of transportation in the manner prescribed by the commissioner for bridge aid on a class II, IV, or V highway ***or a county-owned road. The county commissioners may annually apply to the commissioner of transportation in the manner prescribed by the commissioner for bridge aid for a county-owned bridge.***

2 Bridge Aid; How Cost Borne. Amend RSA 234:10 to read as follows:

234:10 Bridge Aid; How Cost Borne. When public convenience and necessity require the construction or reconstruction of any bridge on a class II, IV, or V highway ***or a county-owned road*** the cost shall be borne 1/5 by the municipality and 4/5 by the state. ***When public convenience and necessity require the reconstruction of any county-owned bridge, the cost shall be borne 1/5 by the county and 4/5 by the state.***

2008-1303h

#### **Amendment to SB 519-FN**

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

Amend RSA 482:11 as inserted by section 1 of the bill by replacing it with the following:

482:11 Orders.

***I.*** The department may order the owner or contractor, while constructing or reconstructing any such dam, to remedy any defects caused by failure to comply with the requirements of the plans and specifications or to do anything necessary to make said construction comply with said plans and specifications, and on failure to comply with any such order, the department may order all work of construction on such dam to cease ***and may take any other action authorized by RSA 482:89.***

***II.*** ***The commissioner may issue an order to any person who violates this chapter as specified in RSA 482:89, I, and require such remedial or restorative measures as may be necessary. Any order issued by the department pursuant to this chapter may be recorded in the registry of deeds for the county in which the subject facility is situated. A recorded order shall run with the land; provided, that an appropriate description of the land involved including the accurate name of the owner thereof is included in the order. No fee shall be charged for recording an order; however, a fee may be charged for discharging an order.***

**III. If the department finds that an emergency exists requiring immediate action to protect the public safety, it may issue an order stating that an emergency exists and requiring that such action be taken as necessary to meet the emergency. Any person to whom such an order is directed shall comply immediately, but may appeal to the water council established under RSA 21-O:7.**

Amend RSA 482:12 as inserted by section 2 of the bill by replacing it with the following:

482:12 Inspecting Dams, Repairs, Emergency Action Plans.

**I.** It shall be the duty of the department from time to time to cause all dams in the state which, by reason of their condition, height or location, may be a menace to the public safety to be inspected by competent engineers.

**II.** If the inspection indicates that ***maintenance or repair are required to comply with RSA 482:11-a*** or the public safety requires the repair or reconstruction of any ~~[such]~~ dam or the development of an emergency action plan, the department shall order the owner of the dam to ~~[make]~~ ***undertake*** the requisite ***maintenance***, repairs, or reconstruction and to develop the emergency action plan within a period to be fixed by the order.

Amend the bill by replacing section 3 with the following:

3 Penalties. RSA 482:89 is repealed and reenacted to read as follows:

482:89 Penalties.

**I.** The following shall constitute a violation of this chapter, with each day of noncompliance constituting a separate violation:

(a) Failure to comply with any provision of this chapter, any rule adopted to implement this chapter, or any permit issued pursuant to this chapter;

(b) Failure to comply with a written order or directive issued by the department under this chapter;

(c) Failure to answer a subpoena issued under this chapter or to allow the department to examine books, records, documents, correspondence, and accounts relative to dams or to testify before the department as required by this chapter;

(d) Misrepresentation by any person of a material fact made in connection with any activity regulated or prohibited by this chapter; and

(e) Failure to comply with an emergency directive of the department under RSA 482:4.

**II.** Any person who violates this chapter as specified in paragraph I, and any person who purchases property affected by a violation of this chapter who knew or had reason to know of the violation prior to or at the time of purchase, shall be liable for remediation or restoration of the property affected.

**III.** Any person who knowingly violates this chapter as specified in paragraph I shall be guilty of a misdemeanor if a natural person, or guilty of a felony if any other person, and, notwithstanding RSA 651:2, may, in addition to any sentence of imprisonment, probation, or conditional discharge, be fined not more than \$20,000 for each violation if found guilty pursuant to this section. Each day of violation shall constitute a separate offense.

**IV.** Upon petition of the attorney general, the superior court may levy upon any person violating this chapter, as specified in paragraph I, a civil penalty in an amount not to exceed \$20,000 for each day of each continuing violation. Upon petition of the attorney general, the superior court or any justice of such court may enjoin any act in violation of this chapter as specified in paragraph I.

**V.** The commissioner, after notice and hearing pursuant to RSA 541-A, may impose upon any person who violates any provision of this chapter, as specified in paragraph I an administrative fine not to exceed \$5,000 for each violation in addition to other remedies and penalties provided under this chapter. The department shall commence a proceeding under this paragraph against any person who does not respond within 45 days of receipt of a written order, directive, or any notice of needed maintenance, repair, or reconstruction issued by the department. Rehearings and appeals under this paragraph shall be in accordance with RSA 541. The commissioner shall adopt rules, under RSA 541-A, relative to:

(a) A schedule of administrative fines which may be imposed under this paragraph for violation of this chapter as specified in paragraph I; and

(b) Procedures for notice and hearing prior to the imposition of an administrative fine.

VI. Seventy-five percent of the proceeds of any penalties levied pursuant to paragraphs III through V shall be deposited into the dam maintenance fund established in RSA 482:55 for the repair and maintenance of state-owned dams. The remaining funds shall be deposited into the dam maintenance revolving loan fund established in RSA 482:55-a.

VII. The provisions of RSA 482:89 shall not apply to actions that are subject to the Federal Power Act (16 U.S.C. sections 791a-825r).

VIII. In determining penalties, the department and the superior court may take into consideration all relevant circumstances, including the degree of noncompliance, the extent of harm caused by the violation, the nature and persistence of the violation, the time and cost associated with the violation by the state, and the economic impact of the penalty on the liable person.

Amend the bill by inserting after section 4 the following and renumbering the original sections 5-6 to read as 6-7 respectively:

5 New Section; Fund Established; Dam Maintenance Revolving Loans. Amend RSA 482 by inserting after section 55 the following new section:

482:55-a Dam Maintenance Revolving Loan Fund Established.

I. A dam maintenance revolving loan fund shall be established to provide low interest loans to fund the maintenance, repair, or reconstruction of privately owned dams when such maintenance, repair, or reconstruction is required under this chapter. This fund shall be nonlapsing and shall be continually appropriated to the department for the purposes of this section. No loans shall be made from this fund until the fund has accrued a balance of at least \$25,000. Private dam owners receiving loans from this fund shall repay the department on a time frame specified in rules established by the department. The commissioner shall collect all loan repayment moneys and deposit them in this fund.

II. The department shall establish rules for the fund including the application process, criteria for award, the procedure for making loans, the interest rate to be applied, the maximum loan amount, the time frame for repayment, and oversight of the administration of the fund. In providing loans, the department shall evaluate the risk posed by the dam, the public benefit of the dam, the private benefit of the dam to lakefront owners and the potential for their contribution to needed maintenance, repair, or reconstruction, the financial resources of the applicant, and the relative cost of maintaining, repairing or reconstructing the dam as compared to removing or breaching the dam.

#### AMENDED ANALYSIS

This bill imposes a fine on dam owners and operators for failure to repair damage.

This bill also establishes a fund for revolving loans for dam maintenance.

2008-1308h

#### Amendment to SB 522-FN

#### Proposed by the Committee on Public Works and Highways - R

Amend RSA 260:36-d as inserted by section 1 of the bill by inserting after paragraph V the following new paragraph:

VI. Any person who shall use any biodiesel or biodiesel blend, upon which the road toll has been paid to the state of New Hampshire, shall be entitled to a refund to the extent of the amount paid, if the biodiesel or biodiesel blend was used in any other way than generating power in an internal combustion engine while traveling on the ways, except that no refunds on biodiesel or biodiesel blends shall be paid on biodiesel or biodiesel blends used while idling a registered motor vehicle. All refunds shall be subject to the same conditions as set forth in RSA 260:47.

Amend RSA 260:52-f as inserted by section 3 of the bill by inserting after paragraph III the following new paragraph and renumbering the original paragraphs IV-V to read as V-VI, respectively:

IV. Upon conviction, a person who violates paragraph I of this section shall be ordered by the court to pay the costs associated with testing to determine ASTM standard as defined by RSA 259:6-a.

2008-1284h

## **Amendment to SB 528-FN**

### **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 Section; Mercury-Added Thermostat Collection Program. Amend RSA 149-M by inserting after section 58 the following new section:

149-M:59 Mercury-Added Thermostat Collection Program.

I.(a) Each manufacturer of mercury-added thermostats sold in New Hampshire shall, individually or collectively, establish and maintain a department-approved collection and recycling program for out-of-service mercury-added thermostats from contractors, service technicians, and residents. For the purpose of this section, "manufacturer" means the holder of the brand name of the thermostat.

(b) Such program shall:

(1) Strive to maximize the capture and recycling rate of out-of-service mercury-added thermostats.

(2) Provide assistance and education to contractors, service technicians, residents, and municipalities to encourage the return of mercury-added thermostats to established recycling collection points.

(3) Ensure that the handling and recycling of mercury-added thermostats is performed in accordance with applicable laws.

(c) The program shall involve no direct cost to wholesalers, contractors, service technicians, or residents for participating in the program, except that wholesalers and contractors may be assessed a one-time administrative fee not to exceed \$25 for each authorized collection bin provided for their own use.

(d) Thermostat collection bins shall be provided to all wholesaler locations, and to all household hazardous waste, solid waste, and universal waste locations approved by the department for this purpose.

(e) The department may specify minimum safety training, operating conditions, and other requirements as needed to ensure the safe and efficient collection of mercury-added thermostats at household hazardous waste and universal waste facilities.

II. The program shall be operational 6 months after the effective date of this section.

III.(a) Each manufacturer, individually or as a group, shall propose to the department for review and approval the collection program required under paragraph I, no later than 3 months after the effective date of this section.

(1) The proposed program may be a new program or include appropriate enhancements to an existing program.

(2) The proposed program shall include an education and outreach component that identifies the mechanisms for providing the necessary information to contractors, service technicians, residents, retailers, and municipalities on an initial and ongoing basis, and identifies the appropriate persons to develop and utilize such mechanisms. Such mechanisms may include, but shall not be limited to, public service announcements, written materials, signage, and visual aids.

(3) The proposed program shall include a financial incentive with a minimum value of \$5 for the return of each mercury-added thermostat to a thermostat wholesaler by a contractor or service technician. The financial incentive shall be in the form of cash or coupons that are redeemable by the contractor or service technician.

(4) The proposed program shall include a financial incentive with a minimum value of \$5 to homeowners or non-professionals for the return of each mercury-added thermostat to a collection point registered with the department. The financial incentive may include cash, discounts, coupons, or other incentives.

(b) If the program proposal is approved, with or without conditions, the manufacturer shall implement the program by the date required in paragraph II.

(c) If the entire program is disapproved, the department shall inform the manufacturer of the reasons for the disapproval. The manufacturer shall have 30 days thereafter to submit a new program.

(d) If the new program is disapproved, the manufacturer shall be out of compliance for the purposes of paragraph IV beginning on the date the new program is disapproved by the department, if that date is later than the implementation date specified in paragraph II.

(e) The department shall take into account the experience of relevant thermostat collection programs in other states, and shall approve a proposed manufacturer collection program if it contains terms and conditions sufficient for the department to conclude that the proposed program represents the best available approach for improving mercury-added thermostat collection in this state.

(f) The department shall provide opportunities for stakeholders, including representatives from wholesalers, contractors, retailers, and environmental groups to provide input into the development and implementation of the collection program, including opportunities prior to the submission of the initial proposals.

IV. A manufacturer not in compliance with this section is prohibited from offering any thermostat for sale in this state.

V.(a) Effective 6 months after the effective date of this section, a wholesaler shall not sell a thermostat in the state unless the wholesaler acts as a collection site for thermostats that contain mercury. A wholesaler may meet the requirements of this paragraph by participating as a collection site in a manufacturer collection program described in paragraph I.

(b) A wholesaler shall distribute point-of-sale instructions, educational materials, and signage regarding the importance of recycling mercury-added thermostats.

(c) No wholesaler or retailer shall offer for sale in this state any thermostat of a manufacturer that is not in compliance with this section.

(d) A retailer may be required to facilitate the resident recycling program by:

(1) Distributing manufacturer provided, pre-paid mailing labels.

(2) Distributing manufacturer provided, educational materials.

(3) Posting signage regarding the importance of recycling mercury-added thermostats and the location of available collection locations for residents.

(e) The department shall set goals for the collection of thermostats within 4 months of the date of the first annual report of the manufacturer's program. In determining such goals, the department shall review and determine a percentage of thermostats, which may be more or less than the actual number reported in the annual program, to establish the next year's goal. The department may also obtain input from interested stakeholders, including but not limited to, manufacturers, non-governmental entities, municipalities, and the recycling community.

(f) The department may alter any element of the previously developed manufacturer collection program, including but not limited to, the number and location of the collection points and the roles of thermostat manufacturers, wholesalers, retailers, service contractors, and municipal governments in the collection programs, provided such alterations are consistent with the requirements of this and other applicable laws.

VI.(a) Beginning July 1, 2008, the installation of mercury-added thermostats is prohibited.

(b) Beginning July 1, 2008, any mercury-added thermostat removed as a result of new construction, renovation, maintenance installation of a new heating or cooling system, or any similar activity shall be recycled or disposed of as hazardous waste. Any contractor or service technician performing such removal shall be responsible for removing the thermostat from the premises and properly recycling or disposing of the thermostat.

VII.(a) For each collection program established under this section, the manufacturer associated with that program shall submit an annual report to the department, by a date to be determined by the department, that includes at a minimum:

(1) The number of mercury-added thermostats collected and recycled by that manufacturer under this section during the previous year.

(2) The estimated total amount of mercury contained in the mercury components collected by that manufacturer under this section.

(3) An evaluation of the effectiveness of the manufacturer's collection and recycling program.

(4) An accounting of the administrative costs incurred in the course of administering the collection and recycling program developed under this section.

(b) The department shall publish information on its Internet website about the collection and recycling of mercury-added thermostats in the state. This information shall be updated annually and shall include an estimate of how many mercury-added thermostats go out of service in the state each year, a description of the collection programs established under this section, and data on collection rates.

(c) The department shall review the progress of each program and submit a report to the general court by November 1, 2010. The report shall include an assessment of whether the program goals are being met, an assessment of whether any further requirements for retailers, or discounts, savings coupons, or similar programs, should be implemented, and a proposal for any other adjustments that may be required to ensure that the thermostat recycling program is effective. Prior to submitting the report, the department shall consult with all relevant stakeholders and provide a public comment period.

2 Definitions. Amend RSA 149-M:51, IV-b and IV-c to read as follows:

IV-b. "Mercury switch" means a mercury-added product or device that opens or closes an electrical circuit or gas valve, including mercury float switches actuated by rising or falling liquid levels, mercury tilt switches actuated by a change in the switch position, mercury pressure switches actuated by a change in pressure, mercury temperature switches actuated by a change in temperature, and mercury flame sensors. "Mercury switch" shall not include a ~~[mercury]~~ **mercury-added** thermostat.

IV-c. "~~[Mercury]~~ **Mercury-added** thermostat" means a product or device that uses a mercury switch to sense and control room temperature through communication with heating, ventilating, or air-conditioning equipment.

3 Restrictions on the Sale of Certain Mercury-Added Products. Amend RSA 149-M:53, V(a) to read as follows:

V.(a) Beginning July 1, 2008, no person shall sell, offer for sale, or distribute a new manufactured mercury switch, mercury relay, or ~~[mercury]~~ **mercury-added** thermostat individually or as a product component. This prohibition does not apply if the switch, relay, or thermostat is used to replace a switch, relay, or thermostat that is a component in a larger product in use prior to July 1, 2008 provided that no compatible non-mercury replacement component exists.

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

2008-1268h

#### **Amendment to SB 530-FN-A-LOCAL**

#### **Proposed by Majority of the Committee on Education**

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

1 Kindergarten Construction Program. Amend RSA 198:15-r to read as follows:

198:15-r Kindergarten Construction Program Established.

I. There is established in the department of education a kindergarten construction program **to provide certain construction grants**. For the period beginning July 1, 1997, and ending June 30, ~~[2008]~~ **2013**, the commissioner of education shall make grants available to eligible districts that currently do not operate a public kindergarten program. **Such eligible districts shall receive, at their election, either:**

(a) **A construction grant** to cover 75 percent of the actual cost of construction of kindergarten facilities, exclusive of site acquisition and core facilities~~[-]~~ ; **or**

(b) **A construction grant to cover 100 percent of the actual cost of the design and construction of a basic code compliant kindergarten facility, but shall not include site acquisition and core facilities. In this subparagraph, "basic code compliant kindergarten facility" means a new building or an addition to an existing building that the commissioner of the department of education determines satisfies the minimum standards for school approval for a kindergarten program and all applicable building code**

**standards. The commissioner shall establish specifications pursuant RSA 198:15-s, IV for such a basic code compliant facility.**

**(c) A school district that displaces pupils from an existing classroom space in order to use such space to provide a kindergarten program shall be eligible for a construction grant under subparagraphs I(a) or (b) to cover the costs incurred in constructing or renovating new classroom space for the displaced pupils.** Grants shall also cover the cost of initial **furniture, fixtures, and** equipment needed to operate a kindergarten program.

**I-a. The commissioner of education shall make classroom transition grants available to eligible districts that currently do not operate a public kindergarten program and that begin operation of such a program as of September 2008 or September 2009 to cover 100 percent of the actual cost of leasing and set up of temporary classrooms for a single lease period with a maximum term of 3 years. Classroom transition grants shall also cover the cost of initial furniture, fixtures, and equipment needed to operate a kindergarten program. The provisions of RSA 32:8 and RSA 32:11 shall not apply to costs incurred by a school district under this section.**

II. Nothing in this subdivision shall prohibit the inclusion of the site and related facilities that are not eligible for funding by the state under this subdivision as part of kindergarten construction costs from being included in a regular building aid funding request as provided in RSA 198:15-b. However, no school district which receives **any** funding [~~for a kindergarten construction project~~] under this subdivision shall be eligible to receive school building aid under RSA 198:15-b for the same project.

III. Kindergarten facilities constructed under this subdivision shall be the property of the school district or the city maintaining a school department.

IV. Nothing in this section shall prohibit a district from receiving a construction grant for a public kindergarten building if the district chooses to utilize a mixed alternative and public kindergarten program.

**V. A district shall not be deemed ineligible from receiving the full amount of a construction or transition grant for which it is otherwise eligible as a result of the district already expending funds for construction or transition costs related to providing a kindergarten program beginning in the 2008 or 2009 school year.**

2 Kindergarten Adequate Education Grants. Notwithstanding any provision of law to the contrary:

I. A school district which operates kindergarten in any school year in which the adequate education grant provided pursuant to RSA 198:42 does not include a count of kindergarten students, shall receive an additional adequate education grant based on the number of pupils attending kindergarten in the district as of the beginning of the school year.

II. The per pupil amount of the additional education grant provided in this section shall be \$1,200 for the 2008 school year. Once pupils enrolled in an approved kindergarten program have been counted in the average daily membership in residence, school districts shall receive, for each such pupil, an adequate education grant calculated in accordance with RSA 198:41 and RSA 198:42. School districts that receive kindergarten adequacy grants under this section shall not be eligible to receive any other per pupil adequacy grant.

3 Kindergarten Implementation Plan. A school district that is unable to provide a public kindergarten program effective September 2008, shall notify the commissioner of the department of education on or before July 15, 2008. No later than December 1, 2008, such district shall submit to the commissioner a plan which has been approved by the local school board, and which sets forth the school district's plan for providing a public kindergarten program no later than September 2009. The plan shall include detailed benchmarks and timetables for providing kindergarten classrooms, curriculum, staffing, and equipment as established by the commissioner.

4 Kindergarten Construction Program; Repeal Date Extended. Amend 2001, 287:7, I, as amended by 2003, 319:137, 2005, 164:4, and 2006, 198:2 to read as follows:

I. Paragraph II of section 6 of this act shall take effect July 1, ~~2008~~ **2013**.

5 Repeal. RSA 198:15-r, I-a, relative to classroom transition grants, is repealed.

6 Effective Date.

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

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

#### AMENDED ANALYSIS

This bill:

I. Extends the kindergarten construction aid program through June 30, 2013.

II. Allows a school district to elect a construction grant to cover either 75 percent of the actual cost of construction of kindergarten facilities or 100 percent of the actual cost of design and construction of a basic code compliant kindergarten facility.

III. Provides transition grants to eligible school districts which do not operate a public kindergarten program and which begin operation of such a program as of September 2008 or September 2009 for the actual cost of leasing and set up of temporary classrooms.

IV. Requires that a school district providing a public kindergarten program as of September 2008 or September 2009 shall receive, in that same year, an additional adequate education grant amount based on the number of pupils attending kindergarten in the district as of the beginning of the school year.

V. Requires certain school districts to submit a kindergarten implementation plan to the commissioner of the department of education detailing the district's plan to provide a public kindergarten program no later than September 2009.

2008-1194h

#### Amendment to SB 531

##### Proposed by the Committee on Judiciary - R

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

AN ACT relative to the capital appropriation for the Hillsborough north superior court and relative to the venue for civil and criminal cases in Hillsborough county.

Amend the bill by replacing section 2 with the following:

2 New Paragraphs; Venue and Jury Selection for Criminal and Civil Cases; Hillsborough County. Amend RSA 496:1 by inserting after paragraph II the following new paragraphs:

III. For offenses committed on or after the effective date of this paragraph in the county of Hillsborough, where the trial is scheduled at a time when the courthouse for the northern judicial district of the county of Hillsborough is closed for renovations, the judicial district for purposes of part I, article 17 of the New Hampshire Constitution, as well as for jury selection pursuant to RSA 500-A:2, shall be the entire county of Hillsborough.

IV. For civil jury trials in the county of Hillsborough, where the trial is scheduled at a time when the courthouse for the northern judicial district of the county of Hillsborough is closed for renovations, the judicial district for purposes of jury selection pursuant to RSA 500-A:2, shall be the entire county of Hillsborough.

#### AMENDED ANALYSIS

This bill allows an additional purpose for the funds appropriated in the 2007 capital budget for the Hillsborough north superior court.

The bill also extends the venue for civil and criminal cases where trials are scheduled at Hillsborough north superior court to the entire county of Hillsborough, when the Hillsborough north superior court is closed for renovations.

2008-1292h

#### Amendment to SB 532

##### Proposed by the Committee on Commerce - R

Amend RSA 155:78 as inserted by section 4 of the bill by replacing it with the following:

155:78 Administrative Fines. The commissioner, after notice, pursuant to rules adopted under RSA 541-A, may impose an administrative fine of not more than \$100 for each offense upon any person who violates any provision of this subdivision or rules adopted under this subdivision.

Appeals from a decision of the commissioner shall be in accordance with RSA 541. Any administrative fine imposed under this section shall not preclude the imposition of further penalties or administrative actions under this subdivision. The sums obtained from the levying of administrative fines under this section shall be forwarded to the state treasurer to be deposited into the general fund.

2008-1206h

**Amendment to SB 533**

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

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

AN ACT establishing a commission to study age-based driver's license renewal testing.

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

1 Commission Established. There is established a commission to study age-based driver's license renewal testing.

2 Membership and Compensation.

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

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

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

(c) One member of AARP, appointed by the AARP New Hampshire State Office.

(d) One person representing the department of safety, appointed by the commissioner of the department of safety.

(e) One person representing the division of motor vehicles in the department of safety, appointed by the director of the division of motor vehicles.

(f) One person representing the medical community, appointed by the New Hampshire Medical Society.

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

3 Duties. The commission shall study current state law and rules pertaining to age-related renewal qualifications for drivers' licenses. The commission shall assess any discriminatory aspects of laws and rules regarding age-based driver's license renewal qualifications.

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

5 Report. The commission shall report its findings and any recommendations for proposed legislation to the president of the senate, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library on or before November 1, 2008.

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

**AMENDED ANALYSIS**

This bill establishes a commission to study age-based driver's license renewal testing.

2008-1149h

**Amendment to SB 536-FN**

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

Amend the bill by replacing sections 2 and 3 with the following:

2 Insurance Department; Positions Reclassified. Amend RSA 94:1-a, I(b) as follows:

Notwithstanding RSA 17-A:7, insert:

|    |                      |                                     |
|----|----------------------|-------------------------------------|
| CC | Insurance Department | senior insurance fraud investigator |
| EE | Insurance Department | compliance and enforcement counsel  |
| FF | Insurance Department | assistant actuary                   |

3 Insurance Department; Position Upgraded. Amend RSA 94:1-a, I(b) as follows:

I. Notwithstanding RSA 17-A:7, delete:

EE Insurance department counsel

II. Notwithstanding RSA 17-A:7, insert:

FF Insurance department general counsel

#### AMENDED ANALYSIS

This bill reclassifies certain positions in the insurance department.

2008-1269h

#### Amendment to SB 539-FN-LOCAL

#### Proposed by the Majority of the Committee on Education - R

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

##### 1 Statement of Purpose.

I. The general court finds that the cost of the opportunity for an adequate education for public school students, as established in this act, is based upon the definition of the opportunity for an adequate education enacted in the 2007 Laws of New Hampshire, chapter 270. The methodologies for costing, determination of resources, and elements of cost included in this act are intended to and do fulfill the state's duty under the Encouragement of Literature clause of the New Hampshire constitution to deliver the opportunity for an adequate education.

II. The individual components of the cost were selected on the basis of their effectiveness in delivering educational opportunity and after extensive review, debate and discussion by the joint legislative oversight committee on costing an adequate education and the general court. The legislative process consisted of obtaining information from professional educators, government officials, education policy and finance experts, and the public on the establishment of the cost of an adequate education.

III. The joint legislative oversight committee on costing issued detailed findings and recommendations on the composition of the cost of an adequate education and how the funds for an adequate education should be allocated and accounted for in order to ensure that the educational needs of all public schools students are met. These findings and recommendations were submitted to the general court and are an integral basis of the costing determinations reflected in this act.

IV. The cost of the opportunity for an adequate education consists of several elements. All such elements must be provided in order to ensure the delivery of the state's constitutional duty. The universal cost represents the per pupil resources necessary to provide an adequate education where no additional aid is necessary to cover the increased costs of providing that opportunity to students who have special education needs, who have limited English language proficiency or are in schools with significant concentrations of economically disadvantaged students. The universal cost represents the costs attributable only to the subset of education that is included in the definition in RSA 193-E:2-a.

V. The general court further finds that additional aid, referred to as differentiated aid, is also required to fulfill the state's constitutional duty to provide the opportunity for an adequate education for certain students. This act allocates such differentiated aid to special education students, English language learners, and students in schools with significant concentrations of economically disadvantaged students, the latter category based upon eligibility for federally-provided free and reduced-price lunch programs and the concentration of such eligible students in a school.

VI. In determining the need for differentiated aid in addition to providing the universal cost for an adequate education, the general court recognizes that the resources needed to provide the opportunity for an adequate education are not the same for all students or at all schools.

VII. The general court recognizes that certain communities lack the relative wealth and fiscal capacity to fund local education to the extent desired by those communities. For this reason, the general court finds it appropriate to provide money above the cost of the opportunity for an adequate education based upon the fiscal capacity and relative need of certain communities.

VIII. This act is not intended to stand in isolation from the other statutes and rules relating to educating New Hampshire students as required by state and federal law.

2 Commissioner's Warrant. RSA 76:8, II is repealed and reenacted to read as follows:

II. The commissioner shall issue a warrant under the commissioner's hand and official seal for the amount computed in paragraph I to the selectmen or assessors of each municipality by December 15 directing them to assess such sum and pay it to the municipality for the use of the school district or districts and, if there is an excess education tax payment due pursuant to RSA 198:46, directing them to assess the amount of the excess payment and pay it to the department of revenue administration for deposit in the education trust fund. Such sums shall be assessed at such times as may be prescribed for other taxes assessed by such selectmen or assessors of the municipality.

3 Adequate Education. Amend the subdivision heading preceding RSA 198:38 to read as follows: ~~[State Aid for Educational Equality]~~ **Adequate Education**; Education Trust Fund.

4 Adequate Education; Definitions. RSA 198:38 is repealed and reenacted to read as follows:  
198:38 Definitions.

I. "Average daily membership in attendance" or "ADMA" means the aggregate half-day membership of pupils in kindergarten through grade 12 attending schools operated by a school district divided by the number of half-days of instruction offered. The average daily membership in attendance shall include any pupil who is a resident of New Hampshire educated at public expense.

II. "Commissioner" means the commissioner of the department of education.

III. "Department" means the department of education.

IV. "Determination year" means the fiscal year that was 3 years prior to the fiscal year for which aid is to be determined. Unless otherwise indicated, determination year data shall be used to calculate aid.

V. "Educationally disabled child" or "educationally disabled pupil" shall mean "educationally disabled child" as defined in RSA 186-C:2, I.

VI. "English language learner" means a child who has a predominant language other than English or who is educationally disadvantaged by a limited English proficiency, and who is receiving regularly scheduled English language instruction.

VII. "Pupils eligible for a free or reduced-price meal" means pupils in grade 1 through grade 12 who are eligible for the federal free or reduced-price meal program.

VIII. "School district" means school district as defined in RSA 194:1 and shall include cooperative school districts as defined in RSA 195:1, I.

5 Cost of an Opportunity for an Adequate Education. RSA 198:40-a is repealed and reenacted to read as follows:

198:40-a Cost of an Opportunity for an Adequate Education.

I. Beginning July 1, 2009, and for every biennium thereafter, the annual cost of providing the opportunity for an adequate education as defined in RSA 193-E:2-a shall be \$3,450 per pupil attending a public school, plus any applicable differentiated aid for which a pupil is eligible. Differentiated aid shall be calculated as follows:

(a) An additional \$431 per pupil in kindergarten through grade 12 eligible for the federal free and reduced-price meal program who attends a public school in which less than 12 percent of the pupils reported in the school's ADMA in the determination year are eligible for the federal free and reduced-price meal program.

(b) An additional \$863 per pupil in a public school in which at least 12 percent but less than 24 percent of pupils reported in the school's ADMA in the determination year, are eligible for the federal free or reduced-price meal program.

(c) An additional \$1,725 per pupil in a public school in which at least 24 percent but less than 36 percent of pupils reported in the school's ADMA in the determination year, are eligible for the federal free or reduced-price meal program.

(d) An additional \$2,588 per pupil in a public school in which at least 36 percent but less than 48 percent of the pupils reported in the school's ADMA in the determination year, are eligible for the federal free or reduced-price meal program.

(e) An additional \$3,450 per pupil in a public school in which 48 percent or more of the pupils reported in the school's ADMA in the determination year, are eligible for the federal free or reduced-price meal program.

II. In addition to the amount in paragraph I, an additional \$675 for each pupil reported in the public school's ADMA in the determination year who is an English language learner and who is receiving English language instruction.

III. In addition to the amounts in paragraphs I and II, an additional \$1,856 for each pupil reported in the public school's ADMA in the determination year who is receiving special education.

IV.(a) The sum total calculated under paragraphs I-III of this section shall be used to determine the cost of an adequate education which shall be used in each year of the biennium.

(b) Prior to or coinciding with the first disbursement of each fiscal year under RSA 198:42, the department shall notify a school district of the total amount of funds that have been allocated for each school within its jurisdiction during the fiscal year based on the sum of the school district's adequate education grant amount plus the amount available to the school district from the education property tax. In addition, the department shall furnish to each municipality a report showing the municipality's cost of an adequate education sorted by a pupil's municipality of residence.

V. The department shall notify school districts of the estimated amounts of grants by the November 15 preceding the fiscal year for which aid is determined. The commissioner shall provide to the general court all data or reports requested by the general court in a form which the general court determines will facilitate the calculations required in this section.

6 Use of Differentiated Aid. RSA 198:40-b is repealed and reenacted to read as follows:

198:40-b Use of Differentiated Aid.

I. A school district which receives differentiated aid under RSA 198:40-a, I(b)-(e) for schools within its jurisdiction, shall separately account for such aid as part of its financial accounting procedures. Differentiated aid shall only be used to provide enhanced programs in schools within its jurisdiction for which such aid has been allocated that are known to improve pupil achievement, including but not limited to: pre-kindergarten programs, full-day kindergarten programs, extended learning time, professional development opportunities for teachers, hiring of additional instructional and non-instructional personnel, programs designed to reduce class size, parental involvement programs, additional technology resources, drop out prevention programs, principal incentive programs, and curriculum enrichment programs. The school district shall determine which programs are most needed and most appropriate for their pupils. The programs provided under this paragraph shall supplement but not supplant existing programs. Such enhanced programs shall be approved by the department, and the department shall annually review and update the list of programs.

II. A school district which receives differentiated aid under RSA 198:40-a, I(b)-(e) shall annually submit a report to the commissioner documenting for each school within its jurisdiction for which such aid has been allocated, the enhanced programs selected for implementation, an explanation of the specific educational needs which the program is intended to address, an explanation of how the program will be implemented in the school, and an estimate of the cost of implementing the program.

III. A municipality which receives differentiated aid under RSA 198:40-a shall direct such aid to its school district for use in the schools for which it was allocated.

7 School Money; Fiscal Capacity Disparity Aid. RSA 198:40-c is repealed and reenacted to read as follows:

198:40-c Fiscal Capacity Disparity Aid.

I. In addition to aid for the cost of the opportunity for an adequate education provided under RSA 198:40-b, each fiscal year the department shall provide fiscal capacity disparity aid to a municipality's school districts and to charter schools approved under RSA 194-B:3-a as follows:

(a) The department of revenue administration shall calculate the equalized valuation per pupil for each municipality in the state and shall sort the results into quartiles based on equalized valuation per pupil and shall divide all quartiles in half.

(b) A municipality with an equalized valuation per pupil in the lower half of the lowest quartile and which has a median family income which is less than the state average median family income shall receive fiscal capacity disparity aid in the amount of \$2,000 multiplied by the municipality's average daily membership in residence.

(c) A municipality with an equalized valuation per pupil in the upper half of the lowest quartile which has a median family income which is less than the state average median family income shall receive fiscal capacity disparity aid in the amount of \$1,250 multiplied by the municipality's average daily membership in residence shall be distributed pursuant to RSA 198:42.

(d) A charter school approved under RSA 194-B:3-a shall receive \$2,000 per pupil multiplied by the number of pupils enrolled. The calculation of charter school enrollment and aid distribution shall be pursuant to RSA 194-B:11, I(c).

II. Except as otherwise provided in this section, aid shall be distributed to RSA 198:42.

III. In this section:

(a) "Equalized valuation per pupil" means a municipality's equalized valuation, including properties subject to taxation under RSA 82 and RSA 83-F, as determined by the department of revenue administration, that was the basis for the local tax assessment in the determination year, divided by the school district's average daily membership in residence, as defined in RSA 189:1-d for the determination year, provided that no kindergarten pupil shall count as more than 1/2 day attendance per calendar day.

(b) "Median family income" means the most recent census data published for New Hampshire counties and municipalities by the United States Census Bureau, United States Department of Commerce, as of October 1 preceding the beginning of the biennium for which aid is to be determined.

8 New Section; Consumer Price Index Adjustment. Amend RSA 198 by inserting after section 40-c the following new section:

198:40-d Consumer Price Index Adjustment. Beginning July 1, 2011 and every biennium thereafter, the department of education shall adjust the sum of the amounts determined under RSA 198:40-a and 198:40-b, based on the average change in the Consumer Price Index for All Urban Consumers, Northeast Region, using the "services less medical care services" special aggregate index, as published by the Bureau of Labor Statistics, United States Department of Labor. The average change shall be calculated using the 3 calendar years ending 18 months before the beginning of the biennium for which the calculation is to be performed.

9 Transitional Education Aid; Biennium Ending June 30, 2011.

I. A municipality in which the estimated fiscal year 2010 adequate education grant is 85 percent or less than its fiscal year 2009 adequate education grant shall be eligible for transitional education aid for the fiscal year ending June 30, 2010 as follows:

(a) A municipality in the lower half of the lowest quartile with a median family income less than 125 percent of the state average median family income, shall receive transitional educational aid in the amount of 50 percent of the difference between its fiscal year 2009 adequate education grant and its fiscal year 2010 adequate education grant, less any fiscal capacity disparity aid received by the municipality in the 2010 fiscal year pursuant to RSA 198:40-c.

(b) A municipality in the lower half of the lowest quartile with a median family income between 125 percent and 150 percent of the state average median family income, shall receive transitional education aid in the amount of 25 percent of the difference between its fiscal year 2009 adequate education grant and its fiscal year 2010 adequate education grant, less any fiscal capacity disparity aid received by the municipality in the 2010 fiscal year pursuant to RSA 198:40-c.

(c) A municipality in the upper half of the lowest quartile with a median family income less than 110 percent of the state average median family income, shall receive transitional education aid in the amount of 50 percent of the difference between its fiscal year 2009 adequate education grant and its fiscal year 2010 adequate education grant, less any fiscal capacity disparity aid received by the municipality in the 2010 fiscal year pursuant to RSA 198:40-c.

(d) A municipality in the upper half of the lowest quartile with a median family income between 110 percent and 125 percent of the state average median family income, shall receive

transitional education aid in the amount of 25 percent of the difference between its fiscal year 2009 adequate education grant and its fiscal year 2010 adequate education grant, less any fiscal capacity disparity aid received by the municipality in the 2010 fiscal year pursuant to RSA 198:40-c.

(e) A municipality in the lower half of the second lowest quartile with a median family income less than 100 percent of the state average median family income, shall receive transitional education aid in the amount of 50 percent of the difference between its fiscal year 2009 adequate education grant and its fiscal year 2010 adequate education grant, less any fiscal capacity disparity aid received by the municipality in the 2010 fiscal year pursuant to RSA 198:40-c.

(f) A municipality in the lower half of the second lowest quartile with a median family income between 100 percent and 110 percent of the state average median family income, shall receive transitional education aid in the amount of 25 percent of the difference between its fiscal year 2009 adequate education grant and its fiscal year 2010 adequate education grant, less any fiscal capacity disparity aid received by the municipality in the 2010 fiscal year pursuant to RSA 198:40-c.

II. A municipality in which the estimated fiscal year 2011 adequate education grant is 85 percent or less than its fiscal year 2009 adequate education grant shall be eligible for transitional education aid for the fiscal year ending June 30, 2011 as follows:

(a) A municipality in the lower half of the lowest quartile with a median family income less than 125 percent of the state average median family income, shall receive transitional educational aid in the amount of 25 percent of the difference between its fiscal year 2009 adequate education grant and its fiscal year 2011 adequate education grant, less any fiscal capacity disparity aid received by the municipality in the 2011 fiscal year pursuant to RSA 198:40-c.

(b) A municipality in the lower half of the lowest quartile with a median family income between 125 percent and 150 percent of the state average median family income, shall receive transitional education aid in the amount of 12.5 percent of the difference between its fiscal year 2009 adequate education grant and its fiscal year 2011 adequate education grant, less any fiscal capacity disparity aid received by the municipality in the 2011 fiscal year pursuant to RSA 198:40-c.

(c) A municipality in the upper half of the lowest quartile with a median family income less than 110 percent of the state average median family income, shall receive transitional education aid in the amount of 25 percent of the difference between its fiscal year 2009 adequate education grant and its fiscal year 2011 adequate education grant, less any fiscal capacity disparity aid received by the municipality in the 2011 fiscal year pursuant to RSA 198:40-c.

(d) A municipality in the upper half of the lowest quartile with a median family income between 110 percent and 125 percent of the state average median family income, shall receive transitional education aid in the amount of 12.5 percent of the difference between its fiscal year 2009 adequate education grant and its fiscal year 2011 adequate education grant, less any fiscal capacity disparity aid received by the municipality in the 2011 fiscal year pursuant to RSA 198:40-c.

(e) A municipality in the lower half of the second lowest quartile with a median family income less than 100 percent of the state average median family income, shall receive transitional education aid in the amount of 25 percent of the difference between its fiscal year 2009 adequate education grant and its fiscal year 2011 adequate education grant, less any fiscal capacity disparity aid received by the municipality in the 2011 fiscal year pursuant to RSA 198:40-c.

(f) A municipality in the lower half of the second lowest quartile with a median family income between 100 percent and 110 percent of the state average median family income, shall receive transitional education aid in the amount of 12.5 percent of the difference between its fiscal year 2009 adequate education grant and its fiscal year 2011 adequate education grant, less any fiscal capacity disparity aid received by the municipality in the 2011 fiscal year pursuant to RSA 198:40-c.

III. The procedure for calculating equalized valuation per pupil and the definition of terms set forth in RSA 198:40-c shall apply to the calculation of transitional educational aid in this section.

IV. Aid under this section shall be distributed pursuant to RSA 198:42.

10 School Money; Determination of Grants and Excess Tax. RSA 198:41, I-II are repealed and reenacted to read as follows:

I. Except for municipalities where all school districts therein provide education to all of their pupils by paying tuition to other institutions, the department of education shall determine the amount of the adequate education grant for the municipality as follows:

(a) Add the per pupil cost of providing the opportunity for an adequate education for which each pupil is eligible pursuant to RSA 198:40-a, I-III, and from such amount;

(b) Subtract the amount of the education property tax warrant to be issued by the commissioner of revenue administration for such municipality reported pursuant to RSA 76:9 for the next tax year.

II. For municipalities where all school districts therein provide education to all of their pupils by paying tuition to other institutions, the department of education shall determine the amount of the adequate education grant for each municipality as the lesser of the 2 following calculations:

(a) The amount calculated in accordance with paragraph I of this section; or

(b) The total amount paid for items of current education expense as determined by the department of education minus the amount of the education property tax warrant to be issued by the commissioner of revenue administration for such municipality reported pursuant to RSA 76:9 for the next tax year.

11 Excess Education Property Tax Payment. RSA 198:46, I is repealed and reenacted to read as follows:

I. A municipality in which education property tax revenue collected exceeds the amount necessary to fund the cost of an adequate education in a fiscal year as determined in RSA 198:40-a, shall collect and remit such excess to the department of revenue administration on or before March 15 of the tax year in which the excess occurs.

12 School Attendance; Duty of Parent; Version Effective July 1, 2009. Amend RSA 193:1, I(c) to read as follows:

(c) The relevant school district superintendent has excused a child from attendance because the child is physically or mentally unable to attend school, or has been temporarily excused upon the request of the parent for purposes agreed upon by the school authorities and the parent. Such excused absences shall not be permitted if they cause a serious adverse effect upon the student's educational progress. Students excused for such temporary absences may be claimed as full-time pupils for purposes of calculating state aid under RSA 186-C:18 and [equitable] **adequate** education grants under RSA 198:41;

13 Charter and Open Enrollment Schools; Funding. Amend RSA 194-B:11, I to read as follows:

I.(a) There shall be no tuition charge for any pupil attending an open enrollment or charter conversion school located in that pupil's resident district. Funding limitations in this chapter shall not be applicable to charter conversion or open enrollment schools located in a pupil's resident district. For ~~any other~~ **a** charter or open enrollment school authorized by the school district, the pupil's resident district shall pay to such school an amount equal to not less than 80 percent of that district's average cost per pupil as determined by the department of education using the most recent available data as reported by the district to the department.

(b) For any charter school authorized by the state board of education pursuant to RSA 194-B:3-a, the state shall pay tuition **pursuant to RSA 198:40-a and RSA 198:40-c** directly to the charter school for each pupil who is a resident of this state in attendance at such charter school [as follows:

~~(a) For the fiscal year beginning July 1, 2006, \$3,598 annual tuition.~~

~~(b) For every fiscal year thereafter, the department of education shall determine the tuition rate by adjusting for the average annual percentage rate of inflation based on the northeast region consumer price index for all urban consumers as published by the Bureau of Labor Statistics, United States Department of Labor. The average shall be based on the 4 calendar years ending 18 months before the beginning of the fiscal year for which the tuition rate is to be determined].~~

(c) **Notwithstanding RSA 198:42**, the commissioner of the department of education shall calculate and distribute charter school tuition payments as set forth herein. The first payment shall be 30 percent of the per pupil amount multiplied by the number of eligible pupils present on

the first day of the current school year. Such payment shall be made no later than 15 days after the department of education receives the attendance report. The December 1 payment shall be 30 percent of the per pupil amount multiplied by the membership on November 1, and the March 1 payment shall be 30 percent of the per pupil amount multiplied by the membership on February 1. To calculate the final payment, the commissioner of the department of education shall multiply the per pupil amount by the average daily membership in attendance for the full school year, and subtract the total amount of the first 3 payments made. The remaining balance shall be the final payment. Eligible charter schools shall report membership in accordance with RSA 189:1-d. In this subparagraph, "membership" shall be as defined in RSA 189:1-d, II. Tuition amounts shall be prorated on a per diem basis for pupils attending a school for less than a full school year.

(d) The source of funds for payments under this section shall be moneys from the education trust fund established in RSA 198:39.

14 Joint Legislative Oversight Committee on Accountability for An Adequate Education.

I. There is hereby established the joint legislative oversight committee on accountability for an adequate education. The members of the committee shall be as follows:

(a) Three members of the house of representatives, which shall include 2 members of the house education committee and one member of the house finance committee, appointed by the speaker of the house of representatives.

(b) Three members of the senate, which shall include 2 members of the senate education committee and one member of the senate finance committee, appointed by the president of the senate.

II. The committee shall review and study the assessment and assistance methods, reporting requirements, and other methods of accountability presently being used by the department of education and local school districts to determine whether such methods, programs, and standards will ensure the delivery of an adequate education as set forth in RSA 193-E:2-a.

III. Following a public hearing, the committee shall report its findings and recommendations concerning the sufficiency of existing statutory law to provide accountability for the delivery of the opportunity for an adequate education as defined in RSA 193-E:2-a, and the possible need for additional legislation, to the governor, the speaker of the house of representatives, the president of the senate, and the state librarian no later than November 15, 2008.

15 References Amended. Amend the following RSA sections by replacing "statewide enhanced education tax" with "education tax": RSA 21-J:14-h; RSA 76:3; RSA 76:8, I; RSA 76:8, III; RSA 76:9; RSA 83-F:9; RSA 198:46; RSA 198:47; RSA 198:57, III(a); and RSA 198:57, IV(c).

16 Severability. If any provision of this act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

17 Repeal. The following are repealed:

I. 2005, 257:8, relative to determination of grants and excess enhanced education property tax payments.

II. 2005, 257:23, I, relative to the July 1, 2009 effective date for 2005, 257:8.

18 Effective Date.

I. Section 17 of this act shall take effect June 30, 2009.

II. Section 8 of this act shall take effect July 1, 2011.

III. The remainder of this act shall take effect July 1, 2009.

MENDED ANALYSIS

This bill:

I. Determines the per pupil cost of the opportunity for an adequate education which includes differentiated aid distributed to schools based on the number of pupils receiving special education services, or eligible for a free or reduced-price lunch, or who are English language learners.

II. Requires schools receiving differentiated aid to use it to implement enhanced programs known to improve pupil achievement.

III. Establishes a joint legislative oversight committee on accountability for an adequate education.

IV. Provides fiscal capacity disparity aid, in addition to aid for the cost of the opportunity for an adequate education, based on a municipality's equalized valuation, including utilities, per pupil and median family income.

V. Provides fiscal capacity disparity aid to state-approved charter school.

VI. Provides transitional education aid for the biennium ending June 30, 2011 to certain municipalities in which the estimated fiscal year 2010 adequate education grant is 85 percent or less than its fiscal year 2009 adequate education grant.