

State of New Hampshire

HOUSE RECORD

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

Vol. 30	Concord, NH	Friday, April 25, 2008	No. 32
Contains: Hearings, Meetings, Notices, Request for an Opinion of the Justices, Reports and Amendments for April 30.			

HOUSE CALENDAR

MEMBERS OF THE HOUSE:

The House will meet at 1:00 p.m. on Wednesday, **April 30th**.

Members should hold open Wednesdays through **May 14th** as likely session days.

Terie Norelli, Speaker

NOTICE

Chairs and Vice-Chairs will meet on Tuesday, **April 29th**, from 8:30-9:45 a.m. in Rooms 305-307 of the LOB. Please note the room change this week from Rooms 210-211.

Terie Norelli, Speaker

NOTICE

There will be a Democratic Caucus on Wednesday, **April 30** at 12:15 p.m. in Representatives Hall.
Rep. Mary Jane Wallner, Majority Leader

NOTICE

There will be a Republican Caucus on Wednesday, **April 30** at 11:30 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

THE STATE OF NEW HAMPSHIRE

SUPREME COURT

In Case No. 2008-0292, Request for an Opinion of the Justices (Voting Age in Primary Elections), the court on April 24, 2008, issued the following order:

The following request of the house for an opinion of the justices was adopted on April 23, 2008, and filed with the supreme court on April 24, 2008:

HOUSE RESOLUTION 32

Whereas, Senate Bill 436, “An act enabling certain persons to vote in primaries prior to turning 18 years of age,” is presently pending in the house of representatives; and

Whereas, Senate Bill 436 would provide that a person who is 17 years of age and who otherwise meets voter eligibility requirements may participate in a party’s presidential primary and state primary election, provided that such person will be 18 years of age by the time of the next state general election; and

Whereas, Part I, Article 11 of the Constitution of New Hampshire states: “every inhabitant of the state of 18 years of age and upwards shall have an equal right to vote in any election,” N.H.CONST. pt. I, art. 11; and

Whereas, a question has arisen as to the constitutionality of the bill: and

Whereas, it is important that those constitutional questions be settled before the bill is enacted; now, therefore, be it

Resolved by the House of Representatives:

That the justices of the supreme court be respectfully requested to give their opinion upon the following questions of law:

1. Would enactment of Senate Bill 436 to allow voting in a presidential primary and state primary election be 17-year-old persons who will be 18 years of age at the next state general election, violate Part I, Article 11 of the Constitution of New Hampshire?

2. Would enactment of Senate Bill 436 which places specific responsibilities upon local supervisors of the checklist regarding the registration, voting, and maintenance of the voter checklists involved in allowing voting in a presidential primary and state primary election by 17-year-old persons who will be 18 years of age at the next state general election, violate Part I, Article 28-a, of the Constitution of New Hampshire?

That the clerk of the house of representatives transmit copies of this resolution and Senate Bill 436 to the Justices of the New Hampshire Supreme Court.

Typewritten memoranda on the questions presented by the request may be furnished by any legislator, attorney, organization, interested party, or member of the public on or before May 7, 2008. An original and eight copies of any memorandum must be filed with the clerk’s office.

This order is entered by a single justice (Broderick, C. J.). See Rule 21(7).

Eileen Fox,
Clerk

WEDNESDAY, APRIL 30

CONSENT CALENDAR

CHILDREN AND FAMILY LAW

SB 389, relative to privileged communications between health care providers and minor children. **INEXPEDIENT TO LEGISLATE.**

Rep. Jayne E Spaulding for Children and Family Law: This bill would allow a minor child of any age to have a confidential relationship with his or her physician, therapist, or attorney. The unintended consequences of this bill are broad. For example, parents of a toddler could be excluded from discussing the child's medical condition with the pediatrician. The committee unanimously felt that NH case law should deal with such cases on an individual basis and not through legislation. **Vote 15-0.**

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. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Mary E Walz for Children and Family Law: New Hampshire offers a continuum of in-home-services for juveniles. The committee believes it would be beneficial to examine the array of services offered, additional services that should be offered, the effectiveness of services, the cost of services and the savings afforded by positive outcomes. **Vote 15-0.**

CRIMINAL JUSTICE AND PUBLIC SAFETY

SB 323-FN, repealing a provision relative to the calculation of multiple concurrent or consecutive sentences of imprisonment. **OUGHT TO PASS.**

Rep. William V Knowles for Criminal Justice and Public Safety: This bill repeals a provision of RSA 651-A:6. Terms of release, which makes reference to RSA 651:3 III which was repealed in 1973 and made reference to an offense committed by an inmate while confined, or attempted escape. It was of the era when consecutive sentences were not used as they are today. If someone was convicted of committing numerous crimes, that person was usually sentenced to several sentences that were grouped together and rather than serve each sentence individually, they were served concurrently or all at the same time. If a prisoner tried to escape or commits a felony while confined, the statute we are repealing allowed the state to add the new penalty to the original sentence. This is no longer necessary since RSA 642:6. Escape, takes care of these situations. **Vote 16-0.**

SB 400, relative to the authority of bail commissioners. **OUGHT TO PASS.**

Rep. John E Tholl for Criminal Justice and Public Safety: The bill simply does one thing. It clarifies the courts' position that a bail commissioner appointed by a court has authority to set bail for an offense committed anywhere in the state. **Vote 16-0.**

SB 433, relative to confidential communications between a physician and a patient. **OUGHT TO PASS WITH AMENDMENT.**

Rep. David A Welch for Criminal Justice and Public Safety: This bill allows blood samples that may disclose the presence of illegal drugs in a person arrested for DWI to be used in court in the same manner as blood samples taken for presence of alcohol can presently be used. The Senate amendment had an unforeseen consequence by requiring the sample must have been taken in connection with the offense for which the person is under investigation. The samples in question are taken in the normal course of treatment in the emergency room. The committee amendment eliminates the restriction and allows such blood samples to be tested and the test results can be obtained by police officers subject to a search warrant, or subpoena from the court. **Vote 16-0.**

SB 484, establishing a commission to investigate alternatives to incarceration for nonviolent offenders and cost savings related to such alternatives. **OUGHT TO PASS WITH AMENDMENT.** Rep. Laura C Pantelakos for Criminal Justice and Public Safety: It costs \$31,546.00 a year to keep a person in prison. The alternatives such as the academy program, electronic monitoring, or community service save a substantial amount. The committee feels we need to look into alternative sentencing and the cost saving for the state. The amendment adds a district court judge and family court judge because some counties have very good programs that would be shared with this commission. **Vote 16-0.**

ELECTION LAW

SB 492, relative to persons designated to fill vacancies on the ballot. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Shawn N Jasper for Election Law: This bill came to us as a bill to insure that if a person is nominated by their party to fill a vacancy and they have already filed for an incompatible office that they would have to withdraw from the office they had originally filed for. We are recommending that the bill be amended to make it clear that the person nominated by a party must accept that nomination. Two further amendments were introduced at the public hearing. The first, is designed to save the time it now takes to count the many scattered write in votes at town and school district elections, provides that if a person wishes to have any write-in votes they may have received counted, they must declare their candidacy to the clerk, prior to the closing of the polls. This requirement would be posted at the polling places. The final amendment was crafted to address the issue of the secretary of state being required to spend many weeks on recounts, in which the candidate requesting the recount has no hope of overturning the results. There is only one purpose for a recount, under our law, and that is to determine the winner of an election. Precisely because we have a paper trail and an open system we have been targeted by those individuals who wish to test their every election theory, using the secretary of state's office as their laboratory. What the amendment does is to disallow those who have no chance of overturning election results from holding the secretary of state hostage. In a presidential primary, where there are delegates at stake, a candidate must have received at least 9 percent of the vote to have standing to request a recount. In any other state election a candidate must be within 20 percent of the winning candidate to request a recount. We have also made it clear that the secretary of state may require that the estimated cost of the recount be paid for in advance. **Vote 15-0.**

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

SB 331-FN, establishing new positions and realigning functions at the department of corrections. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Anne-Marie Irwin for Executive Departments and Administration: This bill realigns positions within the department of corrections. It does not create any new positions. At the request of the commissioner of corrections, this bill eliminates three unfilled positions and establishes two additional job titles: a professional standards director and a director of security and training. Both of these unclassified positions will be funded within the department's existing budgetary appropriation. The long term goals of the department are best served by rearranging staff and responsibility within the department to insure consistency and high standards. This bill also permits the commissioner to assign prison personnel, such as physicians and dentists, to any correctional facility. **Vote 15-0.**

SB 334-FN, relative to undue influence on real estate appraisals and relative to the quorum of the real estate appraiser's board. **INEXPEDIENT TO LEGISLATE.**

Rep. James F Headd for Executive Departments and Administration: The bill, as presented, is speculative at best. It was intended to prevent undue influence on the real estate appraisers' board. However, undue influence on the board is not defined and the testimony submitted was anecdotal at best. Nothing was clearly defined, and the committee was reluctant to legislate on such minimal information. **Vote 15-0.**

SB 335, allowing certain judges to terminate membership in the judicial retirement plan and elect senior active status. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Anne-Marie Irwin for Executive Departments and Administration: This bill allows some judges to terminate membership in the judicial retirement plan and elect senior status. The advantage to judges (perhaps with health issues) is that it allows them to continue to serve as they are able. Senior status judges are able to withdraw their contributions to the judicial retirement system and the interest, but they relinquish all other benefits such as a pension, disability and death benefits. The advantage to the state is that the pool of experienced judges is expanded to serve, for example, on family court and medical malpractice panels. The amendment states that judges must be in good standing and that they are eligible after five years of full time, regular service to the court. **Vote 16-0.**

SB 348-FN, relative to the certification of forensic counselors by the board of forensic counselors. **INEXPEDIENT TO LEGISLATE.**

Rep. Francis B Sullivan for Executive Departments and Administration: This bill calls for the establishment of a forensic board for the purpose of certification of forensic counselors, but, it does not provide the oversight needed to regulate the board or applicants for certification in this growing profession. Much work needs to be done in the areas of qualification of felons as counselors because of their past experiences and their ability to relate and counsel offenders returning to society. The committee recognizes the ability of people to relate to those who have been in similar circumstances, but questions how certification should be determined. At this time, the bill at best is patchwork and needs a great deal of work from experts in the field. **Vote 15-0.**

SB 420, relative to criminal background checks of health care facilities and certain nurse applicants. **OUGHT TO PASS WITH AMENDMENT.**

Rep. A Laurie Harding for Executive Departments and Administration: This bill requires applicants for a license to operate a health care facility in New Hampshire to submit a notarized criminal conviction record check from the department of safety with the initial license application. This requirement also applies to anyone employed by these facilities that have direct contact with clients, client records and any biological material. The employer must review the criminal conviction record before making a final offer of employment. The cost of the record check will be born by the employee. This requirement applies to agencies providing temporary or per diem staff to health care facilities in New Hampshire. The bill also removes the requirement for fingerprints to be done for applicants for a nursing assistant license. This provision will expire in March of 2009 or when the state police have more personnel trained in the finger printing process. In the interim, LNAs will be required to have a New Hampshire background check. All other nursing professionals licensed by the New Hampshire board of nursing will continue to have the full FBI check done but it is the expectation of the legislature that the process will be expedited with fewer individuals in the queue. **Vote 15-0.**

SB 453, relative to the terms of members of the electricians' board. **OUGHT TO PASS.**

Rep. Ken Hawkins for Executive Departments and Administration: This bill was brought forward at the request of the Electrician's Board. It sets a maximum time limit of 12 years that a person can be on the board and staggers the terms so member's terms overlap instead of expiring at the same time. **Vote 15-0.**

JUDICIARY

SB 311-FN, extending the statute of limitations for civil actions based upon a sexual assault case. **OUGHT TO PASS.**

Rep. Bette R Lasky for Judiciary: This bill extends the statute of limitations for civil actions based upon sexual assault if the victim was under 18 years old. The bill extends the time frame to bring a civil case from 7 to 12 years or 3 years from the time the abused discovers the assault. Testimony showed that it can take many years for the victim to be emotionally capable of confronting the sexual abuse. The filing of a civil action in these matters often follows the criminal case. With the extension of this statute of limitations, the civil case can now be brought in a more timely fashion after the criminal case is adjudicated. **Vote 11-0.**

SB 488, relative to jurisdiction of the probate courts and superior courts. **OUGHT TO PASS.**

Rep. Peter S Espieffs for Judiciary: This bill provides a more expeditious, flexible and user-friendly jurisdictional relation between the probate and superior courts. This is accomplished by giving the two courts concurrent jurisdiction in handling designated subject matter such as cy pres issues in

charitable uses and trusts, durable powers of attorney, marriage waivers for minors, petitions for partition of real estate, and ancillary matters. Further efficiency and savings are achieved by giving the probate court the power of a court of equity in all cases in which it has subject matter jurisdiction, thus relieving the superior court of having to adjudicate the equity aspects of a probate case. The bill is careful to protect the right to jury trial in the superior court, should it be properly demanded by a party in any probate court proceedings. It also preserves exclusive superior court jurisdiction over claims under any statute or regulation for enforcement through superior court.

Vote 15-0.

MUNICIPAL AND COUNTY GOVERNMENT

SB 398, establishing a committee to study municipal boundaries and the laws pertaining to these boundaries. **OUGHT TO PASS.**

Rep. Eric G Stohl for Municipal and County Government: RSA 51:2 states that the lines between towns in this state shall be perambulated, and the marks and bounds renewed, once in every 7 years forever. RSA 51:4 states that once the perambulation and a record describing the courses and distances and the marks and monuments of the line is completed and signed by the two towns, the record shall be recorded in the town books and also filed with the secretary of state. From checking with the secretary of state's office and from testimony presented to the committee, this is not being done as required by law for the most part. A majority of the towns in the state are not filing anything with the secretary of state, so it is unknown to what extent the required perambulation is being completed. The committee feels this needs to be looked into to determine the appropriate response from the legislature. **Vote 14-0.**

SB 407, establishing a committee to study the right of entry upon lands for the purpose of conducting a land survey. **OUGHT TO PASS.**

Rep. Mary R Cooney for Municipal and County Government: Testimony was heard from surveyors who had difficulty at times to accessing property to establish owner boundary lines. It is almost impossible to survey a boundary without stepping onto the adjacent property. Sometimes surveyors need to establish where a well head is located on neighboring property. There are times when an owner cannot easily be located. This committee should be established to look into this issue. **Vote 14-0.**

SB 414, authorizing special elections to fill vacancies in elective town offices. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Suzanne S Laliberte for Municipal and County Government: When a vacancy in an elective town office occurs the current solution is to have the governing body appoint a person until the next election or, if the governing body cannot agree, the superior court appoints a person until the next election. This bill allows a town or a city to adopt an optional procedure to fill that vacancy. If the appointment either by the governing body or the court does not fill the vacancy within 45 days, a voter petition may be submitted to the governing body for a special election. The person elected by this special election would serve for the full term provided by law or the balance of an unexpired term provided by law. The amendment provides for rescinding this optional procedure by the same method as adoption. **Vote 14-1.**

SB 474, relative to registers of deeds and reports of county officers. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Betsey L Patten for Municipal and County Government: The purpose of this legislation is to bring the procedure of recording required documents by the registers of deeds (RODs) into the twenty-first century by allowing the RODs to use acceptable recording methods for all of those required documents. The amendment puts the county commissioners back into the financial authorization process since the committee realizes that the commissioners are the governing body that presents the budget to the delegation and did not want them to be out of that process. The RODs already have a charge and duty in RSA 478:1 to suitably repair all the volumes of records in the county deed office. **Vote 15-0.**

SCIENCE, TECHNOLOGY AND ENERGY

SB 386, relative to service territories served by several telephone utilities. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Michael A Kaelin for Science, Technology and Energy: The original bill would have added a provision to enable cable operators to expand into the territory of small telephone providers. During the discussions it was noted that the section of law referenced conflicts with federal telecommunications law, and that federal law allows the expansion anyway. By repealing the conflicting section of New Hampshire law, the federal law clearly takes precedence, and the goal of the original bill is accomplished. **Vote 11-0.**

WAYS AND MEANS

SB 308-FN-A, preventing potential double taxation on the identical gross business profits of business organizations. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Dennis P Vachon for Ways and Means: It is the understanding of the committee that SB 308-FN-A was submitted to codify in statute the constitutional prohibition against double taxation as it relates to business profits, an omission resulting from the passage of HB 598, Chapter 146 during the 2007 legislative session which repealed certain relevant language while making changes to the business profits tax and real estate transfer tax statutes. SB 308-FN-A would have gone beyond either current case law or department of revenue administration practice by providing a deduction for business profits taxed to a subsidiary in which the parent taxpayer business organization had an "equity interest." The department of revenue administration estimated that the potential loss of state revenue each year would be \$12 million to \$15 million based on the loss of taxes on foreign dividends alone. Current case law on the subject is reflected in the 1974 case of Concord Inv. Corp. v. New Hampshire Tax Commission which held that double taxation exists where business profits of a "wholly owned" subsidiary are taxed because the identity of the two taxpayers are so similar that the incidence of the two taxes would be nearly identical. The department of revenue administration, meanwhile, testified that it has been using the "controlling interest" test for years in determining whether double taxation exists, a test that is met with a 51% interest plus actual exercise of control over the subsidiary. SB 308-FN-A with the proposed amendment would codify the constitutional prohibition against double taxation by providing the department of revenue administration with clarification of the legislature's intent that the deduction be limited to those instances where the business profits being taxed belong to a subsidiary that is "wholly owned" by the parent business organization. **Vote 14-0.**

SB 497-FN, relative to the security of bonds or notes issued to the New Hampshire Municipal Bond Bank. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Norman L Major for Ways and Means: This bill will allow the treasury department to redirect funds appropriated by the state to a governmental unit in those instances where the governmental unit has defaulted on a bond. Credit rating agencies have been reviewing state intercept programs and have found there is no process for the state treasurer to distribute held funds to the New Hampshire Municipal Bond Bank for the payment of defaulted principal and interest on municipal bonds. Some of the larger insurance companies are no longer bidding for the surety because of no intercept program. This intercept program allows the state treasurer to withhold general state aid payments that would otherwise go to the municipalities and pay these withheld state funds to the New Hampshire Municipal Bond Bank. This prevents the default of one municipal governmental unit from affecting all the other communities who use the bond bank. If a school district defaulted, the treasurer could redirect building aid, catastrophic aid and/or adequacy aid. If a city or town defaulted, the treasurer could redirect meals & rooms and/or revenue sharing. Also, it is important to note that no government unit has ever defaulted. The amendment specifies that only general or education trust funds would be withheld to make debt service payments in the event of default by a municipal government unit. Passing of this bill will benefit all municipal agencies that borrow fund through the NHMBB. **Vote 14-0.**

WEDNESDAY, APRIL 30

REGULAR CALENDAR

CHILDREN AND FAMILY LAW

SB 464, relative to the number of children in a licensed foster home. **INEXPEDIENT TO LEGISLATE.**

Rep. Barbara Hull Richardson for Children and Family Law: This bill was introduced on behalf of a family with 6 children who wished to adopt a special needs child. It was learned that this family would be eligible to apply because their oldest child would soon turn 18 years old, leaving only 5 underage children. The committee feels that it would not be helpful to increase the number of children beyond the current limit of 6 in a foster or adoptive home. Under administrative rules, exceptions can be made in certain situations. **Vote 12-3.**

CRIMINAL JUSTICE AND PUBLIC SAFETY

SB 495-FN, prohibiting Internet solicitation and exploitation of children. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Stanley E Stevens for Criminal Justice and Public Safety: This bill increases penalties for possession of child pornography and for using the internet to entice a child to perform a sexual act. It also establishes penalties for manufacturers and distribution of images of a child engaging in sexual conduct. Finally, it permits law enforcement to verify the address of a sex offender through in-person contact at the offender's home or residence. The amendment makes two changes. It changes "under the age of 16 years," to "under the age of 18 years" to make the age consistent with other references in the criminal code. The next change adds a penalty to 649A:7, III to say that any person who violates a court order, or non-disclosure agreement by recopying, or publishing any visual representation of a child engaging in, or being engaged in sexually explicit conduct, shall be subject to prosecution under RSA 649:3. **Vote 16-0.**

ELECTION LAW

SB 478, relative to processing absentee ballots. **OUGHT TO PASS.**

Rep. Charles F Weed for Election Law: This bill was requested by city clerks as a way to improve the efficiency of conducting elections, especially on election day. There was some concern that opening the outer envelopes during busy periods on election day might create a ballot security issue, but the required advance notice and demonstrated integrity of election officials will avoid security problems. **Vote 8-7.**

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

SB 309-FN, relative to the regulation of amateur and professional fighting sports by the boxing and wrestling commission. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Peter B Schmidt for Executive Departments and Administration: This bill extends the oversight powers and responsibilities of the boxing and wrestling commission to the growing fighting sport called mixed martial arts. It was the committee's strong opinion that, regardless of one's philosophical perspective in regards to such activities, it is vital to have them overseen and administered by an experienced board familiar with, and dedicated to, safe, fair and sportsmanship competition. The promulgation of rules to protect participants and the public should be in the hands of a board with a record of integrity and recognized competence in this type of activity. **Vote 13-2.**

JUDICIARY

SB 399, permitting annulment of certain criminal records in the supreme court. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Stephen J Shurtleff for the **Majority** of Judiciary: Under RSA 651:5 an individual may petition NH district or superior courts to have the record of an arrest, conviction and sentence annulled. It should be noted that a individual convicted of a crime of violence is exempt from this statute. The statute omitted the records, although few, of the NH supreme courts. This bill would

permit the annulment of these records as well, with the exception of opinions published in New Hampshire reports. **Vote 10-6.**

Rep. Nancy J Elliott for the **Minority** of Judiciary: The minority is concerned about further expanding the annulment of records for those convicted of a crime. We heard in the public hearing that an individual was almost granted annulment after only 3 years, and while awaiting trial for a further crime. Annulments have gone from around 800 in the late 90's to over 3,000 at present per year. The minority is all for helping those that have truly turned their lives around to have a fresh start, but perhaps we need to fine tune this a bit. There are concerns that employers and the public have the right to know of prior criminal activity. Additionally, our law makes it a crime to even discuss an event that happened after an annulment. It should not be a crime to tell the truth.

SB 470, allowing lobbyists and those connected with lobbyists to sit on committees established by the judicial branch. **INEXPEDIENT TO LEGISLATE.**

Rep. Philip Preston for Judiciary: Lobbyists, and the firms that employ them, receive substantial income for promoting their clients' interests, and such activity may or may not benefit the public. The committee was concerned about their ability to participate objectively on committees established by the judicial branch. Although attorneys can and do provide valuable assistance at various levels of state government, the committee felt that New Hampshire has an adequate pool of legal talent, so dependence upon paid lobbyists or their associates was deemed unnecessary and inappropriate.

Vote 16-0.

MUNICIPAL AND COUNTY GOVERNMENT

SB 416, relative to subdivision and site plan regulation waivers. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Andy Peterson for the **Majority** of Municipal and County Government: This bill clarifies the process and offers additional legal protection to planning boards in their ability to waive certain portions of their internal regulations, regarding such things as the submissions required to accept a site plan or subdivision proposal. It does not relate to waivers of town zoning requirements. Zoning regulations, which are approved by the voters, must be appealed to the zoning boards of adjustment. Currently these waivers to planning board regulations, which are routinely granted by boards across the state, are based in law on the board finding that strict conformity to their own regulations poses an "unnecessary hardship" to the applicant. The bill allows the legal justification to grant a waiver to be expanded to include an opportunity for the board to find that the waiver would better serve the public interest, and the granting of the waiver would not be contrary to the spirit and intent of the regulations. The majority of the committee believes that this change will support the ability of planning boards to perform their duties and enhance their legal standing and authority to grant waivers to their own regulations in the public interest. The passage of this bill will positively impact local boards ability to be responsive to community needs, most particularly the needs of citizens with smaller subdivisions and less complicated site plan reviews required to appear before them. **Vote 11-6.**

Rep. Laurie J Boyce for the **Minority** of Municipal and County Government: The main reason this bill should be ITL'd is that planning boards already have the ability to waive for almost any reason. This bill would just make it easier. Waiving a planned regulation shouldn't be easy. If a planning board is consistently approving waivers the regulation should be changed. Allowing boards to casually circumvent this regulation will in the long term be detrimental to good development.

SCIENCE, TECHNOLOGY AND ENERGY

SB 259, establishing state appliance and equipment energy efficiency standards. **OUGHT TO PASS WITH AMENDMENT.**

Rep. William V Chase for Science, Technology and Energy: This bill establishes state appliance and equipment energy efficiency standards. In the interim between the Senate's consideration of the bill and the consideration by the House, the federal government has set energy efficiency standards for 7 of the 10 appliances listed in the original bill. The amended version lists only the 3 appliances not covered by the federal regulation. **Vote 8-3.**

TRANSPORTATION

SB 429, relative to driver education courses in other states. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Jennifer M Brown for Transportation: There are about 100 to 200 NH students whose school districts allow them to attend high school in Maine, Vermont or Massachusetts because they live so far away from the NH school assigned to them. This bill allows those students to take the classroom education component for their drivers' education at the school they attend as long as that course meets or exceeds the requirements of New Hampshire's driver education courses. This will apply only to those students who regularly attend these out of state high schools sanctioned by their school district. **Vote 9-4.**

WAYS AND MEANS

SB 515-FN-A, relative to the combat veteran business tax credit. **INEXPEDIENT TO LEGISLATE.**

Rep. Dennis P Vachon for Ways and Means: The committee is unanimous in its support for the brave men and women of this state who choose to serve in the National Guard and are deployed to combat duty. The majority of the committee, however, questions the fairness of using the business tax code to provide a benefit to the limited number of them who own a business. Also, the possibility of actually being deployed is surely part of the planning that goes into the decision to join the reserves, and reservists are compensated by the government during their tour of duty. Senate Bill 515-FN-A would have provided such combat veterans a credit of up to \$1,000 a year for two years against their business profits tax and business enterprise tax on income up to \$200,000 per year. While the goals of the sponsors are laudable and the committee recognizes that tax policy can be used to influence social behavior, the majority of the committee was not swayed that this bill was accompanied by sufficient public support to justify carving out a special exemption for these individuals. **Vote 10-4.**

HOUSE DEADLINES

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

LAID ON TABLE

HA 1, for the removal of Patricia C. Coffey, superior court justice, from office.

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.)

HR 24, petitioning Congress to commence impeachment procedures. (Pending question is the adoption of the majority committee report of Inexpedient to Legislate.)

SB 436, enabling certain persons to vote in primaries prior to turning 18 years of age. (Pending question is on the adoption of the committee report of Refer for Interim Study.)

SB 537, relative to allowing the commissioner of the department of employment security to participate in a joint local employment dynamics program with the United States Census Bureau and the Bureau of Labor Statistics. (Pending question is on the adoption of the minority committee report of Inexpedient to Legislate.)

HOUSE BILLS AMENDED BY THE SENATE

HB 159, establishing an interbranch criminal and juvenile justice council. (SJ 4/17/08)

HB 233-FN-A, specifying compensation for ballot law commissioners. (SJ 4/17/08)

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

HB 295, relative to fuel quality standards and testing requirements for combustion of biomass and biomass fuel. (SJ 4/10/08)

HB 315, relative to criminal background checks of prospective municipal employees through the division of state police. (House Concurred 4/23/08)

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 589-FN, relative to the calculation of concurrent and consecutive terms of imprisonment. (SJ 4/17/08)

HB 678-FN, establishing a committee to study issues related to cochlear implants. (SJ 4/10/08)

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

HB 759-FN, relative to administration and enforcement banking laws. (SJ 4/17/08)

HB 1132, creating an exception to the wiretapping statute for a recording device used in conjunction with a TASER or other similar electroshock device. (SJ 4/17/08)

HB 1141, establishing a committee to study parking for wheelchair-lift vans. (SJ 4/10/08)

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

HB 1168, relative to acceptance of property donated to towns and village districts. (SJ 4/17/08)

HB 1220, establishing a commission to study the taxation of alternative fuel and electric power motor vehicles for the purposes of funding improvements to the state’s highways and bridges. (House Nonconcurrent; C of C 4/23/08)

HB 1235, relative to motorist duties when approaching highway emergencies. (SJ 4/10/08)

HB 1276, establishing a committee to study revisions to the auctioneers’ practice act. (SJ 4/17/08)

HB 1295, establishing a commission to study issues relating to stormwater. (House Concurred 4/16/08))

HB 1307, making technical corrections to town audit and reporting requirements. (SJ 4/17/08)

HB 1335, establishing a commission to study the effects of post-traumatic stress disorder and traumatic brain injury suffered by New Hampshire soldiers and veterans returning from Iraq and

Afghanistan. (SJ 4/17/08)

HB 1367, relative to the conversion to a new state financial accounting and statewide budget system. (SJ 4/17/08)

HB 1412, establishing a commission to study appointing or contracting with a fleet manager for state-owned motor vehicles. (SJ 4/17/08)

HB 1584-FN-A, creating a commission to study the recycling and disposal of electronic waste. (House Concurred 4/16/08)

HB 1607-FN, relative to firefighter services leave for state employees. (SJ 4/10/08)

2008 COMMITTEES OF CONFERENCE

HB 1220, establishing a commission to study the taxation of alternative fuel and electric power motor vehicles for the purposes of funding improvements to the state's highways and bridges. (Reps. Cloutier, Lerandau, Sprague and F. Tilton)

COMMITTEE MEETINGS

MONDAY, APRIL 28

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

9:00 a.m. Regular meeting.

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.

EDUCATION, Room 207, LOB

10:00 a.m. Subcommittee work session on **SB 337-FN**, relative to home education of children.

1:00 p.m. Subcommittee work session on **SB 355-FN**, relative to room and board scholarships for children of firefighters and police officers killed in the line of duty.

FINANCE, Rooms 210-211, LOB

1:00 p.m. Full committee work session on **SB 530-FN-A-L**, relative to kindergarten aid and **SB 539-FN-L**, relative to the cost of an adequate education and provision of fiscal

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

CHILDREN AND FAMILY LAW, Room 206, LOB

10:00 a.m. Informational meeting with the Division of Children, Youth and Families (DCYF).

COMMERCE, Room 302, LOB

9:30 a.m. Subcommittee work session on **SB 468**, relative to the reinsurance pool and the New Hampshire vaccine association.

9:45 a.m. Subcommittee work session on **SB 472**, relative to consumer protection from certain practices of payday loan, small loan, and title loan lenders and establishing a commission to study access to consumer credit for people in New Hampshire.

10:00 a.m. Executive session on **SB 301-FN**, requiring insurers to cover prescriptions for durable medical equipment filled near the patient's residence, **SB 312-FN**, relative to insurance coverage for obesity and morbid obesity, **SB 369**, relative to the towing and

storage of motor vehicles, **SB 394**, establishing an economic development advisory council, **SB 408**, establishing a committee to study reverse mortgages, **SB 426**, establishing a committee to study the current definition of the term "community benefit" applicable to nonprofit health care providers, **SB 468**, relative to the reinsurance pool and the New Hampshire vaccine association, **SB 472**, relative to consumer protection from certain practices of payday loan, small loan, and title loan lenders and establishing a commission to study access to consumer credit for people in New Hampshire, **SB 475**, relative to the definition of advance fees in the real estate practice act, **SB 540-FN**, relative to New Hampshire HealthFirst, an affordable, wellness-based health insurance plan for small employers.

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.

CRIMINAL JUSTICE AND PUBLIC SAFETY, Room 204, LOB

10:00 a.m. **SB 499-FN**, relative to penalties for unauthorized disclosure of confidential matters in legislative ethics proceedings.

10:15 a.m. **SB 212-FN**, relative to the regulation of home inspectors.

10:30 a.m. **SB 346-FN**, relative to the regulation of fuel gas fitters by the state fire marshal.

10:45 a.m. **SB 500-FN**, relative to certain insurance fraud, relative to workers' compensation for employee leasing companies, and establishing a task force on employee misclassification.

EDUCATION, Room 207, LOB

10:00 a.m. Executive session on **SB 355-FN**, relative to room and board scholarships for children of firefighters and police officers killed in the line of duty, **SB 359**, updating the health curriculum requirements for public school students and requiring the state board of education to provide for procedures through which students may be excused from course requirements relating to health and sex education on religious grounds without penalty, **SB 415**, relative to the effective date of the compulsory school attendance law, **SB 418**, replacing references to "charter school" with "chartered public school", **SB 459**, establishing an advanced manufacturing education advisory council, **SB 538**, relative to the community college system of New Hampshire board of trustees and repealing a motor vehicle regulation statute applicable to the community college system.

ENVIRONMENT AND AGRICULTURE, Room 303, LOB

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

ENVIRONMENT AND AGRICULTURE JOINT WITH SCIENCE, TECHNOLOGY AND ENERGY, Rooms 305-307, LOB

2:00 p.m. Presentation on peak oil, coal and the future of fossil fuels by Mr. Richard Heinberg

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 306, LOB

10:30 a.m. Subcommittee work session on **SB 526**, relative to the death benefit for police officers and firefighters killed in the line of duty.

11:30 a.m. Subcommittee work session on **SB 463**, establishing an investment committee and an audit committee in the New Hampshire retirement system.

FINANCE, Rooms 210-211, LOB

1:00 p.m. Executive session on **SB 530-FN-A-L**, relative to kindergarten aid and **SB 539-FN-L**, relative to the cost of an adequate education and provision of fiscal capacity disparity aid.

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

- 9:00 a.m. Regular business.
- 9:30 a.m. Audits: State of New Hampshire, Department of Health and Human Services, Bureau of Elderly and Adult Services financial and compliance audit report for the fiscal year ended June 30, 2007.
State of New Hampshire, Board of Medicine performance audit report April 2008.

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.
- 10:00 a.m. Executive session on **SJR 1**, prohibiting the department of health and human services from adopting proposed administrative rule He-P 1906.02, **SCR 6**, urging the federal government to create a simplified process for short-term admissions to nursing homes for the purpose of respite care, **SCR 11**, supporting the application of Taiwan for observer status at the World Health Organization, **SB 395**, establishing a commission to review New Hampshire's statutes on human immunodeficiency virus education, prevention, and control, **SB 450**, requiring the New Hampshire Citizens Health Initiative to provide an annual summary to the general court, **SB 509-FN**, requiring tobacco cessation therapy under the state Medicaid program.
- 2:30 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

- 10:00 a.m. Subcommittee work session on **SB 465**, relative to the laws regulating trusts and trust companies in New Hampshire.
- 1:00 p.m. Subcommittee work session on **SB 460**, relative to the definition of surviving issue.

LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES, Room 307, LOB

- 10:00 a.m. Interim study full committee work session on **HB 1364-FN**, relative to public employee collective bargaining negotiations under the public employee labor relations act and **HB 1469**, relative to the definition of public employee terms and conditions of employment.

PUBLIC WORKS AND HIGHWAYS, Room 201, LOB

- 10:15 a.m. Executive session on **SB 341**, prohibiting digital advertising devices on certain highways.
- 11:00 a.m. **SB 531**, relative to the capital appropriation for the Hillsborough north superior court and relative to the venue for criminal cases in Hillsborough county.

SCIENCE, TECHNOLOGY AND ENERGY, Room 304, LOB

- 10:00 a.m. Full committee work session on **SB 451**, authorizing rate recovery for electric public utilities investments in distributed energy resources.

SCIENCE, TECHNOLOGY AND ENERGY JOINT WITH ENVIRONMENT AND AGRICULTURE, Rooms 305-307, LOB

- 2:00 p.m. Presentation on peak oil, coal and the future of fossil fuels by Mr. Richard Heinberg

WAYS AND MEANS, Room 202, LOB

- 10:00 a.m. Subcommittee work session on **SB 317-FN**, relative to the retail sale of tobacco products.
- 11:00 a.m. **SB 410**, relative to the conditions for issuance of a cremation certificate and relative to the medical examiner's statute.
- 11:15 a.m. **SB 328**, relative to civil forfeitures for certain waste disposal violations.
- 1:30 p.m. Executive session on **SB 439**, relative to money transmitters and mortgage servicing companies, **SB 413**, authorizing the department of resources and economic development to retain the administrative fee for certain disposals of state lands, **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.
- 2:30 p.m. **SB 490-FN**, relative to fees for special number plates for veterans and relative to vehicle registration fees for disabled veterans and former prisoners of war.
- 3:00 p.m. **SB 528-FN**, relative to a mercury-added thermostat collection program.

WEDNESDAY, APRIL 30

COMMERCE, Room 302, LOB

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

CRIMINAL JUSTICE AND PUBLIC SAFETY, Room 204, LOB

- 10:00 a.m. Executive session on **SB 499-FN**, relative to penalties for unauthorized disclosure of confidential matters in legislative ethics proceedings, **SB 212-FN**, relative to the regulation of home inspectors, **SB 346-FN**, relative to the regulation of fuel gas fitters by the state fire marshal, **SB 500-FN**, relative to certain insurance fraud, relative to workers' compensation for employee leasing companies, and establishing a task force on employee misclassification.

FINANCE – (DIVISION I), Room 212, LOB

- 10:00 a.m. Work session on **SB 327-FN**, relative to compensation for state employees injured in the line of duty and **SB 507-FN**, relative to extended terms of imprisonment for criminal street gang members.

MUNICIPAL AND COUNTY GOVERNMENT, Room 301, LOB

- 10:00 a.m. Continued public hearing on **SB 508-FN-L**, relative to municipal deposits.
- 10:15 a.m. Continued executive session on **SB 479**, relative to the vote required for passage of school bonds.

RESOURCES, RECREATION AND DEVELOPMENT, Room 305, LOB

- 10:00 a.m. Continued executive session on **SB 352-FN**, relative to shoreland protection, **SB 358**, relative to mooring permits., **SB 403**, relative to the commission to study issues relative to groundwater withdrawals.

STATE FEDERAL RELATIONS AND VETERANS AFFAIRS, Room 303, LOB

- 10:30 a.m. Continued executive session on **SCR 7**, urging the United States Department of Defense and Congress to restore full services to the Manchester Veterans Administration Hospital, **HR 25**, urging Congress to fully implement the Secure Fence Act of 2006.

WAYS AND MEANS, Room 202, LOB

- 9:30 a.m. Subcommittee work session on **SB 310-FN**, relative to changes to games of chance.

THURSDAY, MAY 1

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. 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.

MUNICIPAL AND COUNTY GOVERNMENT, Room 301, LOB

- 10:00 a.m. Executive session on **SB 199**, relative to the assessment of property subject to a housing subsidy restriction, **SB 342-FN-L**, establishing a mechanism for expediting

relief from municipal actions which deny, impede, or delay qualified proposals for workforce housing., ***SB 421-L***, relative to workforce housing, ***SB 508-FN-L***, relative to municipal deposits, ***SB 381***, relative to conservation commissions.

FRIDAY, MAY 2

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

9:00 a.m. Continued regular meeting.

COMMISSION TO STUDY REQUIREMENTS FOR SAFE AND SECURE LANDFILLS (HB 672, Chapter 252:1, Laws of 2007), Room 304, LOB

1:00 p.m. Regular meeting.

MONDAY, MAY 5

AUTOMATED EXTERNAL DEFIBRILLATOR ADVISORY COMMISSION (RSA 195-I:2), Room 202, LOB

1:00 p.m. Regular meeting.

COMMISSION TO STUDY THE IMPLEMENTATION OF THE PROCEDURE FOR COUNTY PAYMENTS FOR NURSING HOME CARE AND HOME AND COMMUNITY-BASED CARE (HB 2, Chapter 263:23, Laws of 2007), Rooms 210-211, LOB

11:00 a.m. Regular meeting.

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

2:00 p.m. Regular meeting.

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

10:00 a.m. Regular meeting.

NEW HAMPSHIRE LAND AND COMMUNITY HERITAGE AUTHORITY BOARD OF DIRECTORS (RSA 227-M:4), CDFA Board Room 14 Dixon Avenue, Concord

10:00 a.m. Regular meeting.

NEW HAMPSHIRE RAIL TRANSIT AUTHORITY BOARD OF DIRECTORS (RSA 238-A:4), Dover Intermodal Rail Station, Dover

2:00 p.m. Rail tour.

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.

TUESDAY, MAY 6

EDUCATION, Room 207, LOB

10:00 a.m. Executive session on ***SB 337-FN***, relative to home education of children and ***SB 374***, relative to the process for nonrenewal of teacher contracts.

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. 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 463**, establishing an investment committee and an audit committee in the New Hampshire retirement system, **SB 526**, relative to the death benefit for police officers and firefighters killed in the line of duty.

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 and **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.

FINANCE – (DIVISION I), Room 212, LOB

- 1:00 p.m. Work session on **SB 327-FN**, relative to compensation for state employees injured in the line of duty and **SB 507-FN**, relative to extended terms of imprisonment for criminal street gang members.

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

- 10:00 a.m. Executive 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, **SB 428**, establishing a commission to study the funding of vaccines for children who are not covered by private health insurance, **SB 454**, relative to certain changes to the controlled drug act, **SB 496**, establishing a commission to study incentives for providers of home and community-based care, **SB 512-FN**, relative to emergency management powers, **SB 541**, relative to an expedited process for certificate of need review and membership of the health services planning and review board.

JUDICIARY, Room 208, LOB

- 10:00 a.m. Executive session on **SB 460**, relative to the definition of surviving issue and rescheduled executive session on **SB 465**, relative to the laws regulating trusts and trust companies in New Hampshire.

THURSDAY, MAY 8

ENVIRONMENT AND AGRICULTURE, Room 303, LOB

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

FINANCE, Rooms 210-211, LOB

- 10:00 a.m. Executive session on **SB 327-FN**, relative to compensation for state employees injured in the line of duty, **SB 507-FN**, relative to extended terms of imprisonment for criminal street gang members, **SB 338**, relative to the Hampton Beach capital improvement fund, **SB 516-FN-L**, relative to aid for county bridges, **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, **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.

SCIENCE, TECHNOLOGY AND ENERGY, Room 304, LOB

10:00 a.m. Executives 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, **SB 383**, establishing a commission to develop a plan for the expansion of transmission capacity in the north country, **SB 419**, relative to the duties of the energy planning and advisory board and restructuring policy principles, **SB 451**, authorizing rate recovery for electric public utilities investments in distributed energy resources.

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.

IMPLEMENTING A RECOMMENDATION OF THE NH ESTUARIES PROJECT MANAGEMENT PLAN (SB 70, Chapter 236:1, Laws 2003), NH Department of Environmental Services Pease Office, 50 International Drive, Room E, Portsmouth

8:30 a.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.

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

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.

COMMISSION TO STUDY THE FEASIBILITY OF TIDAL POWER GENERATION UNDER

THE LITTLE BAY AND GENERAL SULLIVAN BRIDGES IN DOVER (HB 694, Chapter 222:1, Laws of 2007), Department of Environmental Services Field office, Pease International Tradeport
1:00 p.m. Regular meeting.

MONDAY, MAY 19

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.

ELDERLY AFFAIRS (RSA 17-H:2), Room 205, LOB
1:00 p.m. Regular meeting.

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.

TUESDAY, MAY 27

LONG-RANGE CAPITAL PLANNING AND UTILIZATION (RSA 17-M), Room 201, LOB
3:00 p.m. Regular meeting.

OFFICIAL NOTICES

COUNTY DELEGATION NOTICE

Merrimack County Executive Committee will meet on Friday, **May 16th** at 9:15 a.m. in the Theatre of the new Merrimack County Nursing Home, 325 Daniel Webster Highway, Boscawen, NH. The purpose of the meeting is to review and approve 1st quarter financial report as well as hear and approve a report from the salary study committee.

Rep. Jessie Osborne, Chairman
Merrimack County Executive Committee

Merrimack County Delegation will meet on Friday, **May 16th** at 10:00 a.m. in the Theatre of the

new Merrimack County Nursing Home, 325 Daniel Webster Highway, Boscawen, NH. The purpose of the meeting is to act on the Elected Officials Salaries.

Rep. Candace Bouchard, Chairman
Merrimack County Delegation

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

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

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

Karen O. Wadsworth, Clerk of the House

REVISED FISCAL NOTES

The following 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, 1151, 1152, 1168, 1293, 1298, 1307, 1341, 1343, 1348, 1394, 1396, 1405, 1429, 1434, 1436, 1457, 1459, 1472, 1502, 1505, 1508, 1509, 1545, 1579, 1580, 1584, 1587, 1590, 1594, 1596, 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, 1643, 1644, 1645, 1647, 1648, 1649, 1652. **SBs.** 94, 146, 173, 212, 301, 303, 308, 312, 317, 318, 321, 323, 324, 325, 329, 331, 337, 356, 376, 378, 410, 437, 438, 439, 425, 451, 490, 500, 501, 507, 508, 509, 515, 516, 522, 530, 539.

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.

Want something new to read? Have a book that you're done with? Head over to the basement of the LOB and help the Order of Women Legislators (OWL's) Scholarship Program. You are sure to find something that appeals to you. Donations accepted.

Rep. Julie Brown

Bring the whole family and join us on the grounds of the NH Fish and Game Department Headquarters, 11 Hazen Drive in Concord on Saturday, **April 26** from 10:00 a.m. to 3:00 p.m. for Discover WILD New Hampshire Day. This 19th annual community conservation education event is being sponsored in conjunction with the NH Department of Environmental Services. It's a free fun-filled day of activities for the whole family, with lots to see – and even more to do. Try your hand at archery, learn to cast a fishing line, or find your way with a map and compass. Build a duck box, tie a fly, do a wildlife craft activity, take a nature walk or learn how to landscape for wildlife, the list is endless. New this year, and on view for the first time south of the notches, "The Ways of the Woods Traveling Museum" offering a look at the rich culture and history of our Northern Forest. More than 35 exhibitors from an array of nature, environmental and conservation organizations will be on hand, rain or shine, to help you learn about NH's wildlife, habitat and natural resources. For more information call 271-3211 or visit www.WildNH.com

Rep. Robert J. L'Heureux

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

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 29th** at noon in the Governor's Office for a special press conference kicking off this campaign.

Rep. Stephen J. Shurtleff

Lunch and Report Release on Transportation Solutions for NH.

Bonnie CLAC is a statewide nonprofit that helps individuals to negotiate and buy cars; guaranteeing loans to access very low interest rates, while providing individual budget counseling and a Financial Literacy course with the highest graduations rates of any nonprofit Financial Literacy program in NH. Bonnie CLAC has received national attention in Time and Yankee magazines, The Wall Street Journal, Forbes, The Washington Post, CNN, National Public Television and National Public Radio. Join us to learn about this unique transportation solution and key economic and social benefits for Bonnie CLAC clients documented in a new report by the Carsey Institute at UNH. Speakers will include Bonnie CLAC President Robert Chambers who has been the recipient of numerous prizes, including the Manhattan Institute Award for Social Entrepreneurship and the Civic Ventures 2006 Purpose Prize for Social Innovation and Sally Ward, Senior Fellow of the Carsey Institute who conducted the research. The report will be released on **April 29th** at noon at St. Paul's Church, 21 Centre Street, Concord from 12:00 to 12:45 p.m. Luncheon will be provided. Please RSVP by April 23 to Rachel Sorlien rachelsorlien@bonnieclac.org or 727-7006.

Reps. Mary Jane Wallner and David W. Hess

The Dupont Group invites all legislators to attend a screening and discussion of "Communities and Consequences" on **April 29th** from 4:00 to 6:00 p.m. at Red River Theatres, 11 South Main Street, Concord. This new documentary from the book of the same name co-authored by demographer Peter Francese and State Agriculture Commissioner Lorraine Stuart Merrill. The 60-minute film, produced by Jay Childs, is about the human ecology of New Hampshire and the consequences of demographic imbalance. The film confronts and questions many long held myths that have heavily influenced local development decisions, including those of explosive population growth, the aging of New Hampshire as simply a natural trend, and the belief that families with children will increase property taxes. Mssrs. Childs and Francese will be on hand to present the film and answer questions. Light refreshments will be served from 4:00 to 4:30 p.m. and the film and Q&A will be from 4:30 to 6:00 p.m. Please RSVP to Red River Theatres at info@redrivertheatres.org.

Rep. Mary Stuart Gile

Divided We Fail and AARP-NH invites all legislators and staff to a breakfast forum Emerging Trends in Health Care Policy; An Overview of State Legislative Initiatives on Thursday, **May 1**, 2008 from 7:30 a.m. to 8:45 a.m. at St. Paul's Church next to the State House in Concord. Light breakfast will begin at 7:30 a.m. with an overview by Donna Folkemer of the National Conference of State Legislatures beginning at 7:45 a.m. A question and answer period will run till 8:45 a.m. We look forward to hearing from those who are able to attend. Please RSVP to Gergana at 603-621-1002.

Rep. Mary Jane Wallner

On Thursday, **May 8th** Breathe New Hampshire will be hosting a Legislative Breakfast for all legislators and staff from 7:30 to 9:00 a.m. in the State House Cafeteria. Please come and meet staff, board, and volunteers and enjoy breakfast, conversation, and door prizes. Please RSVP by May 2nd at 669-2411 or info@breathenh.org.

Rep. James P. Pilliod

All legislators are cordially invited to attend the fifth annual Governor's Council on Physical Activity and Health Outstanding Achievement Awards on Friday, **May 9** from 7:30 to 9:30 a.m. at the New Hampshire Technical Institute Gymnasium, 30 College Drive in Concord. A light breakfast will be served at 7:30 to 9:00 a.m. and the awards ceremony will begin at 9:00 a.m. The ceremony will honor organizations, businesses, schools and individuals for their outstanding achievement in promoting physical activity.

Rep. Elizabeth Hager

In recognition of your support, the New Hampshire Law Enforcement Officers Memorial Committee cordially invites you to the 16th Annual New Hampshire Law Enforcement Officers Memorial Ceremony. The Ceremony will be held on Monday, **May 12**, 2008, beginning promptly at 10:00 a.m. on the memorial site in front of the Legislative Office Building. The Ceremony will proceed rain or shine. Refreshments will be served immediately following the event. Please do not hesitate to contact either Major Timothy J. Acerno of Fish and Game at 603-271-3129 or Chief Timothy Russell of the Henniker Department at 603-428-3213 if you have any questions.

Terie Norelli, Speaker

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

The Governor's Conference on Volunteerism will be Tuesday, **May 13**, at the NH Technical Institute in Concord. The keynote address by Rebecca Rule will be "The Power of Story." There are over 30 workshops to choose from. The Governor's award for outstanding volunteer manager will be

presented. This year there is also a youth track. Breakfast and lunch are included. Special registration fee for legislators is \$30. Registration information and brochure available at volunteernh.org or call 271-7200.

Rep. Carolyn Gargasz

Osteoporosis, Education and Prevention Council – The annual education and prevention snack celebration will be held on **May 14** from 11:00 a.m. to 1:00 p.m. Bone density of the foot will be available. Everyone is welcome. Come join the fun in Room 100 of the State House.

Rep. Barbara C. French

The Seacoast Republican Women's Spring Luncheon will be held on Wednesday, **May 14th** at Abenaki Country Club, Rye. Guest Speaker will be Scott Spradling. Social hour at 11:30 a.m., luncheon at 12:00 noon, cost \$45.00. For more information call Fran Lefavour 659-6133 or email at FPL7@comcast.net.

Rep. Nancy Stiles

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

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

Rep. David J. Bettencourt

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

Rep. David H. Kidder

NOTICE

The 35th Annual Bill White & Junie Blaisdell Ceremonial & Memorial Legislative Golf Tournament for the benefit of the **American Heart Association** is scheduled for **Friday, June 6, 2008** at the Beaver Meadow Golf Club, Concord, NH. The entry fee for this annual tournament is \$40.00 per legislator and legislative staff & \$100 for all others. A continental breakfast and barbeque lunch will be provided, there are prizes for the top place finishers, and a raffle.

Registration is at 7:00 a.m. and the shotgun start is scheduled for 8:00 a.m. The format is "Captain and Crew".

Sign-up as a foursome or sign-up by yourself in order to be placed in a foursome.

Beaver Meadow Golf Course requires advance notice of the number of participants, the deadline will be strictly enforced for planning purposes. Please note that payment must be made upon registration.

There will be no exceptions to this rule! Cancellation must occur two weeks prior to the tournament date to receive a full fee refund.

Return your entry and payment no later than May 16th to Heather Ebbs in Room 307 of the LOB. Checks should be made payable to: **NH Legislative Golf Committee.**

Reps. Tara Reardon and John Hunt

!

**35th Annual Bill White & Junie Blaisdell Ceremonial & Memorial Golf
Tournament
Beaver Meadow Golf Course
Concord, NH**

Name: 1. _____
2. _____
3. _____
4. _____

Telephone: _____ Amount Enclosed: _____

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

<u>DATE</u>	<u>TIME</u>	<u>GROUP</u>	<u>Grade/Size</u>
Apr 28	8:30	Laconia Memorial Middle School	(6-8)/30
Apr 29	9:30/11:00	Hillsboro-Deering School	4/65
	SH/HM		
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 SH/HM	Ashland Elementary School	(4&6)/40
May 1	11:30/1:00 SH/HM	Epsom Central School	4/60
May 2	9:30/11:00 SH/SC	Candia Moore School	4/50
May 2	10:30/12:00 SH/HM	Seminary Hill Elementary School – West Lebanon	4/64
May 5	9:00	St. Anthony's School – Manchester	4/50
May 5	10:15/11:30 SH/SC	Peterborough Elementary School	4/80
May 6	9:00	John Stark High School – Weare	HS/50
May 6	10:00/11:30 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 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 SH/Planet	Mildred C. Lakeway School – Littleton	4/66
May 13	8:45	Concord Christian Academy	4/20
May 13	9:30/11:00 SH/HM	Gossler Park School – Manchester	4/70
May 14	10:00/11:30 SH/HM	Interlakes Elementary School – Meredith	4/80
May 15	9:15	Jennie Blake School – Hill	4/15
May 15	10:30/12:00 SH/HM	Hampstead Central School	4/88
May 16	9:00/10:30 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 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 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 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 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 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 30

AMENDMENTS

(LISTED IN NUMERICAL ORDER)

2008-1337h

Amendment to SB 259

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

Amend the bill by replacing section 1 with the following:

1 New Chapter; Minimum Energy Efficiency Standards for Certain Products. Amend RSA by inserting after chapter 339-F the following new chapter:

CHAPTER 339-G

MINIMUM ENERGY EFFICIENCY STANDARDS FOR CERTAIN PRODUCTS

339-G:1 Definitions. In this chapter:

I. “Bottle-type water dispenser” means a water dispenser that uses a bottle or reservoir as the source of potable water.

II. “Commission” means the public utilities commission.

III. “Commercial hot food holding cabinet” means a heated, fully-enclosed compartment with one or more solid or glass doors that are designed to maintain the temperature of hot food that has been cooked in a separate appliance. “Commercial hot food holding cabinet” does not include heated glass merchandizing cabinets, drawer warmers, or cook-and-hold appliances.

IV. “Electricity ratio” means the ratio of furnace electricity use to total furnace energy use. $\text{Electricity ratio} = (3.412 \cdot E_{AE}) / (1000 \cdot E_F + 3.412 \cdot E_{AE})$ where E_{AE} (average annual auxiliary electrical consumption) and E_F (average annual fuel energy consumption) are defined in Appendix N to subpart B of part 430 of title 10 of the Code of Federal Regulations and E_F is expressed in millions of BTUs per year.

V. “Residential furnace” means a self-contained space heater designed to supply heated air through ducts of more than 10 inches length and which utilizes only single-phase electric current, or single-phase electric current or DC current in conjunction with natural gas, propane, or home heating oil, and which:

(a) Is designed to be the principle heating source for the living space of one or more residences;

(b) Is not contained within the same cabinet with a central air conditioner whose rated cooling capacity is above 65,000 BTU per hour; and

(c) Has a heat input rate of less than 225,000 BTU per hour.

VI. “Water dispenser” means a factory-made assembly that mechanically cools and heats potable water and that dispenses the cooled or heated water by integral or remote means.

339-G:2 Applicability.

I. The provisions of this chapter apply to the testing, certification, and enforcement of efficiency standards for the following types of new products sold, offered for sale, or installed in the state:

- (a) Bottle-type water dispensers;
- (b) Commercial hot food holding cabinets; and
- (c) Residential furnaces.

II. The provisions of this chapter do not apply to:

- (a) New products manufactured in the state and sold outside the state;
- (b) New products manufactured outside the state and sold at wholesale inside the state for final retail sale and installation outside the state;
- (c) Products installed in mobile manufactured homes at the time of construction;
- (d) Products designed expressly for installation and use in recreational vehicles; or
- (e) Residential furnaces that use natural gas or propane and that are installed as replacements for previously installed furnaces.

339-G:3 Minimum Energy Efficiency Standards.

I. Bottle-type water dispensers designed for dispensing both hot and cold water shall not have standby energy consumption greater than 1.2 kilowatt hours per day, as measured in accordance with the test criteria contained in Version 1.1 of the United States Environmental Protection Agency’s “ENERGY STAR Program Requirements for Bottled Water Coolers,” except that units with an integral, automatic timer shall not be tested using Section D, “Timer Usage,” of the test criteria.

II. Commercial hot food holding cabinets shall have a maximum idle energy rate of 40 watts per cubic foot of interior volume, as determined by the “idle energy rate-dry test” in ASTM F2140-01, “Standard Test Method for Performance of Hot Food Holding Cabinets” published by ASTM International. Interior volume shall be measured in accordance with the method shown in the United States Environmental Protection Agency’s “ENERGY STAR Program Requirements for Commercial Hot Food Holding Cabinets” as in effect on August 15, 2003.

III.(a) Residential furnaces shall comply with the following Annual Fuel Utilization Efficiency (AFUE), and electricity ratio:

Product Type	Minimum	Maximum electricity	
		AFUE	Ratio
Natural gas- and propane-fired furnaces		90 percent	2.0 percent

(b) The commission may adopt rules to exempt compliance with the residential furnace AFUE standards at any building, site or location where complying with the standards would be in conflict with any local zoning ordinance, building or plumbing code, or other rule regarding installation and venting of residential furnaces.

339-G:4 Sale and Installation of Products.

I. After December 31, 2008, no new bottle-type water dispenser or commercial hot food holding cabinet shall be sold or offered for sale in the state unless the efficiency of the new product meets or exceeds the efficiency standards in RSA 339-G:3. After December 31, 2009 no new bottle-type water dispenser or commercial hot food holding cabinet shall be installed in the state unless the energy efficiency of the new product meets or exceeds the efficiency standards in RSA 339-G:3.

II. Within 6 months after the effective date of this section, the commission, in consultation with the attorney general, shall determine if implementation of state standards for residential furnaces requires a waiver from federal preemption. The commission shall make separate determinations for each part of the state standards including minimum Annual Fuel Utilization

Efficiency (AFUE), maximum electricity ratio, and any prescriptive requirements. If the commission determines that a waiver from federal preemption is not needed for any part, then after December 31, 2008, or the date which is one year after the date of said determination, if later, no new residential furnace may be sold or offered for sale in the state unless the efficiency of the new product meets or exceeds the applicable non-preempted part of the efficiency standards in RSA 339-G:3. If the commission determines that a waiver from federal preemption is required for all or part of the state standards, then the commission shall apply for such waiver within one year of such determination and upon approval of such waiver application, the applicable state standards shall go into effect at the earliest date permitted by federal law. The commission shall certify any determinations and approvals under this paragraph to the secretary of state and the director of the office of legislative services.

339-G:5 Modified and Additional Standards. The commission may establish more stringent efficiency standards for the products listed in RSA 339-G:2, I. Every 2 years, the commission shall propose to the general court new efficiency standards for products not listed in RSA 339-G:2, I. Standards proposed by the commission shall promote energy conservation in the state and be lifecycle cost-effective for consumers who purchase and use the products. The commission may apply for a waiver from preemption in accordance with federal procedures for those products regulated by the federal government. The commission may adopt rules, pursuant to RSA 541-A, necessary to implement the provisions of this section.

339-G:6 Testing. The manufacturers of products listed in RSA 339-G:2, I shall test samples of their products in accordance with the test procedures established in this chapter or those specified in the state building code as defined in RSA 155-A. The commission shall adopt by rule test procedures for determining the energy efficiency of the products listed in RSA 339-G:2, I if such procedures are not provided for in RSA 339-G:3 or in the state building code. The commission shall adopt United States Department of Energy approved test methods, or in the absence of such test methods, other appropriate nationally-recognized test methods. The commission may adopt updated test methods when new versions of test procedures become available.

339-G:7 Certification and Identification.

I. Manufacturers of new products listed in RSA 339-G:2, I shall certify to the commission that such products are in compliance with the provisions of this chapter. Such certifications shall be based on test results. The commission shall adopt rules, pursuant to RSA 541-A, governing the certification of such products and may coordinate with the certification programs of other states with similar standards.

II. Manufacturers of new products listed in RSA 339-G:2, I shall identify each product offered for sale or installation in the state as in compliance with the provisions of this chapter by means of a mark, label, or tag on the product and packaging at the time of sale or installation. The commission shall adopt rules, pursuant to RSA 541-A, governing the identification of such products and packaging, which shall be coordinated to the greatest practical extent with the labeling programs of other states and federal agencies with equivalent efficiency standards. The commission shall allow the use of existing marks, labels, or tags which connote compliance with the efficiency requirements of this chapter.

339-G:8 Inspections. With prior notice and at reasonable and convenient hours, the commission may cause periodic inspections to be made of distributors or retailers of new products listed in RSA 339-G:2, I in order to determine compliance with the provisions of this chapter. The commission shall also coordinate with local enforcement agencies regarding inspections prior to occupancy of newly constructed buildings containing new products that are also covered by the state building code.

339-G:9 Enforcement; Penalties. The commission shall cause investigations to be made of complaints received concerning violations of this chapter and shall report the results of such investigations to the attorney general. The attorney general may institute proceedings to enforce the provisions of this chapter. Any manufacturer, distributor, or retailer who violates any provision of this chapter shall be issued a warning by the commission for any first violation. Repeat violations shall be subject to a civil penalty of not more than \$250. Each violation of this chapter shall

constitute a separate offense, and each day that such violation continues shall constitute a separate offense.

2008-1351h

Amendment to SB 308-FN-A

Proposed by the Committee on Ways and Means - C

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

AN ACT preventing potential double taxation on the identical gross business profits of certain business organizations.

Amend the bill by replacing section 1 with the following:

1 New Paragraph; Preventing Potential Double Taxation. Amend RSA 77-A:4 by inserting after paragraph IV the following new paragraph:

IV-a.(a) In the case of a parent business organization, a deduction equal to the apportioned amount of gross business profits of the parent as are derived from one or more actual distributions received from a wholly owned subsidiary, which distributions have already been subject to taxation under this chapter during the same or an overlapping fiscal period.

(b) For this paragraph only:

(1) "Apportioned amount of gross business profits" means the product of the total amount of gross business profits as are derived from actual distributions received by the parent from the wholly owned subsidiary, multiplied by the apportionment fraction of the subsidiary as determined pursuant to RSA 77-A:3, II(a) for the tax period of the subsidiary that includes the date on which actual distributions were paid.

(2) "Parent" means a business organization which is required to file a separate business profits tax return and which owns a 100 percent interest in one or more business organizations each required to file separate business profits tax return and that make actual distributions to the parent.

(3) "Subsidiary" means a business organization which is required to file a separate business profits tax return and which is wholly owned by a parent, as defined in this paragraph.

(c) The purpose of this deduction is solely to prevent unconstitutional double taxation on the identical gross business profits of business organizations which share an identity as is the case of a parent and a wholly owned subsidiary.

AMENDED ANALYSIS

This bill prevents potential double taxation on the identical gross business profits of certain business organizations.

2008-1415h

Amendment to SB 309-FN

Proposed by the Committee on Executive Departments and Administration - R

Amend RSA 285:1, III as inserted by section 1 of the bill by replacing it with the following:

III. "Fighting sports" means professional boxing, and amateur and professional wrestling, mixed martial arts, kickboxing, or any other form of amateur or professional sport combat in which blows are struck that reasonably may be expected to inflict injury.

Amend the bill by replacing section 4 with the following:

4 Amateur Events. Amend RSA 285:9 to read as follows:

285:9 Amateur Events. All amateur ~~[boxing bouts and wrestling]~~ **fighting sports** competitions ~~[to which admission fees are charged]~~ shall be regulated by the commission, except those conducted by a school, college or university.

Amend the bill by replacing section 8 with the following:

8 Contestants. Amend RSA 285:15 and 16 to read as follows:

285:15 Examination of Contestants. No person shall compete ~~[as a boxer or wrestler]~~ **in professional fighting sports** unless such person has been examined, not more than ~~[5]~~ **24** hours before, by a physician licensed to practice under the laws of this state. The physician shall be in attendance throughout the ~~[bout]~~ **competition** for which the examination was made and shall

certify in writing that the contestant is physically fit to engage in the contest. The fee shall be paid by the promoter of the ~~[bout or]~~ **fighting sports** competition.

2008-1412h

Amendment to SB 331-FN

Proposed by the Committee on Executive Departments and Administration - C

Amend the introductory paragraph in RSA 21-H:4, V as inserted by section 2 of the bill by replacing it with the following:

V. The professional standards director, under the supervision of the commissioner, who shall:

Amend RSA 21-H:6, III as inserted by section 3 of the bill by replacing it with the following:

III. The commissioner shall nominate for appointment by the governor, with the consent of the council, a professional standards director who shall serve at the pleasure of the commissioner.

Amend the bill by replacing sections 4-5 with the following:

4 Department of Corrections; Qualification and Compensation of Certain Officials. Amend RSA 21-H:7, I to read as follows:

I. The commissioner ~~[and]~~, assistant commissioner, **professional standards director, director of security and training, and the division directors** of the department shall be qualified to hold such positions by reason of education and experience.

5 Department of Corrections; Qualification and Compensation of Certain Officials. Amend RSA 21-H:7, III to read as follows:

III. The salaries of the commissioner, assistant commissioner, **professional standards director, director of security and training,** and the division directors of the department shall be as specified in RSA 94:1-a.

Amend RSA 21-H:8-a as inserted by section 7 of the bill by replacing it with the following:

21-H:8-a Assistant Commissioner; Status in Retirement System. For purposes of classification under RSA 100-A, the assistant commissioner, **professional standards director, and director of security and training** of the department of corrections shall be considered ~~[a]~~ permanent ~~[policeman]~~ **policemen** if ~~[the assistant commissioner was a]~~ **such individuals were** permanent police ~~[member]~~ **members** of group II for at least 10 years prior to appointment ~~[as assistant commissioner]~~ **in their respective positions**, and ~~[continues]~~ **continue** to be certified as ~~[a]~~ police ~~[officer]~~ **officers** under RSA 188-F:26 and 188-F:27.

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

II. The positions of professional standards director and director of security and training established in this act shall only be staffed if funding is available within the department's existing budgetary appropriations for the biennium ending June 30, 2009.

Amend the bill by replacing section 9 with the following:

9 Department of Corrections; Transfer Authority. Notwithstanding any provision of law to the contrary, and for the biennium ending June 30, 2009, the commissioner of the department of corrections may make transfers within and among class lines to fund the positions of professional standards director and director of security and training established in this act.

AMENDED ANALYSIS

This bill:

I. Establishes the unclassified positions of professional standards director and director of security and training within the department of corrections.

II. Establishes appointment procedures for the professional standards director, director of security and training, physicians, and dentists, and permits the commissioner of the department of corrections to assign or reassign wardens, physicians, or dentists to any correctional facility.

III. Is a request of the department of corrections.

2008-1416h

Amendment to SB 335

Proposed by the Committee on Executive Departments and Administration - C

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

1 New Paragraph; Judicial Retirement Plan; Service Retirement. Amend RSA 100-C:5 by inserting after paragraph VI the following new paragraph:

VII. A member who has a minimum of 5 years of creditable service and who is not eligible for a retirement service allowance under this section may retire without a retirement service allowance at any time. Election to retire under this section shall terminate the judge's membership in the judicial retirement plan and shall irrevocably extinguish the judge's rights under RSA 491-A:1 and under RSA 100-C:6 and RSA 100-C:7. Election to retire under this section shall entitle the judge to payment of his or her accumulated contributions to the member annuity savings fund, together with any interest that may have accrued at rates determined by the board of trustees.

2 New Paragraph; Retired Judges; Senior Active Status; Compensation; Benefits. Amend RSA 493-A:1 by inserting after paragraph III the following new paragraph:

IV. In the case of a retired full-time justice, in good standing, of the New Hampshire supreme, superior, district, or probate court who forgoes a retirement service allowance pursuant to RSA 100-C:5, VII and who elects to take senior active status under paragraph I, the justice may serve as provided in paragraph II with compensation under RSA 493-A:1-b limited to per diem payment and expenses. No person who retires under the provisions of this paragraph shall be considered a "retired employee," as defined in RSA 21-I:30, for purposes of eligibility for state-paid medical and surgical benefits.

2008-1375h

Amendment to SB 386

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

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

1 Service Territories Served by Certain Telephone Utilities. Amend RSA 374:22-g to read as follows:

374:22-g Service Territories Served by Certain Telephone Utilities [~~With More Than 25,000 Access Lines~~].

I. ***To the extent consistent with federal law and*** notwithstanding any other provision of law to the contrary, all telephone franchise areas served by a telephone utility that provides local exchange service [~~and that has more than 25,000 access lines~~], subject to the jurisdiction of the commission, shall be nonexclusive. The commission, upon petition or on its own motion, shall have the authority to authorize the providing of telecommunications services, including local exchange services, and any other telecommunications services, by more than one provider, in any service territory, when the commission finds and determines that it is consistent with the public good ***unless prohibited by federal law.***

II. In determining the public good, the commission shall consider the interests of competition with other factors including, but not limited to, fairness; economic efficiency; universal service; carrier of last resort obligations; the incumbent utility's opportunity to realize a reasonable return on its investment; and the recovery from competitive providers of expenses incurred by the incumbent utility to benefit competitive providers, taking into account the proportionate benefit or savings, if any, derived by the incumbent as a result of incurring such expenses.

III. The commission shall adopt rules, pursuant to RSA 541-A, relative to the enforcement of this section [~~and RSA 374:22-f~~].

2 Repeal. RSA 374:22-f, relative to service territories served by several telephone utilities with fewer than 25,000 access lines, is repealed.

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

AMENDED ANALYSIS

This bill deletes the distinction between certain telephone utilities with more than 25,000 access lines and those with fewer than 25,000 access lines.

2008-1377h

Amendment to SB 414

Proposed by the Committee on Municipal and County Government - C

Amend the bill by replacing section 1 with the following:

1 New Paragraph; Vacancies in Town Offices. Amend RSA 669:61 by inserting after paragraph III the following new paragraph:

IV. The legislative body of a town may adopt or rescind the optional procedure in this paragraph for filling vacancies in elective town offices. If the authorized person or body does not make an appointment to fill the vacancy pursuant to paragraph I within 45 days after at least one legally-qualified person has applied in writing for such appointment, then upon the filing of a petition with the selectmen signed by the number of voters required under RSA 39:3 for the warning of a special town meeting, presented not less than 90 days before the next annual town meeting, the selectmen shall call a special election to fill the vacancy. The special election shall be subject to the provisions of RSA 39:3 and other applicable provisions governing town elections. The person elected at the special election shall serve for a term ending upon the election and qualification of his or her successor. Unless otherwise provided, at the next annual town election, the voters of the town shall elect an officer for the full term provided by law or the balance of an unexpired term provided by law, as the case may be. If the town then refuses or neglects to fill the office, a vacancy shall be deemed again to exist.

2008-1357h

Amendment to SB 420

Proposed by the Committee on Executive Departments and Administration - C

Amend RSA 151:2-d, I as inserted by section 1 of the bill by replacing it with the following:

I. Every applicant for a license or certification to operate any facility or entity required to be licensed or certified under this chapter shall submit with the initial application for licensure or certification the results of a criminal records check from the department of safety for the applicant, the licensee, or certificate holder if other than the applicant, the administrator, and each household member 17 years of age or older, if any, who reside at the facility for which the application for a license is submitted.

2008-1435h

Amendment to SB 429

Proposed by the Committee on Transportation - R

Amend the bill by replacing section 1 with the following:

1 Driver Education; Reciprocity. Amend RSA 263:20 to read as follows:

263:20 Driver Education; Reciprocity. The provisions of RSA 263:19 shall not prevent the issuance of a driver's license to any individual who can produce satisfactory evidence of completion of an equivalent course of driver education, approved by the issuing state, provided that the commissioners of safety and education acting jointly shall determine that such course ~~is equivalent to~~ **meets or exceeds the requirements of** New Hampshire's driver education course and provided that ~~such course~~ **the number of hours of classroom, behind-the-wheel, and observation instruction provided to the student** meets or exceeds the state's minimum standards, **and that the person's attendance at the driver education course was facilitated by a New Hampshire school district or school administrative unit.**

AMENDED ANALYSIS

This bill specifies the circumstances under which a driver education course in another state is equivalent to a New Hampshire driver education course in order for persons taking the course to be issued New Hampshire licenses.

2008-1391h

Amendment to SB 433

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

Amend RSA 329:26 as inserted by section 1 of the bill by replacing it with the following:

329:26 Confidential Communications. The confidential relations and communications between a physician or surgeon licensed under provisions of this chapter and the patient of such physician or surgeon are placed on the same basis as those provided by law between attorney and client, and, except as otherwise provided by law, no such physician or surgeon shall be required to disclose such privileged communications. Confidential relations and communications between a patient and any person working under the supervision of a physician or surgeon that are customary and necessary for diagnosis and treatment are privileged to the same extent as though those relations or communications were with such supervising physician or surgeon. This section shall not apply to investigations and hearings conducted by the board of medicine under RSA 329, any other statutorily created health occupational licensing or certifying board conducting licensing, certifying, or disciplinary proceedings or hearings conducted pursuant to RSA 135-C:27-54 or RSA 464-A. This section shall also not apply to the release of blood *or urine* samples and the results of laboratory tests for *drugs or* blood alcohol content taken from a person who is under investigation for driving a motor vehicle while such person was under the influence of intoxicating liquors or controlled drugs. The use and disclosure of such information shall be limited to the official criminal proceedings.

2008-1372h

Amendment to SB 474

Proposed by the Committee on Municipal and County Government - C

Amend the bill by replacing section 1 with the following:

1 Recopying Public Records; Gender Neutral. Amend RSA 28:25 to read as follows:

28:25 Authorization. The county commissioners may authorize and direct the register of deeds to make, at the expense of the county, in suitable books, true copies of any of the public records in his *or her* office which have become so faded, worn out or otherwise defaced that, in his *or her* judgment, it is necessary they should be copied in order to insure the preservation of such records.

2008-1426h

Amendment to SB 483

Proposed by the Committee on Children and Family Law - C

Amend the bill by replacing section 1 with the following:

1 Committee Established. There is established a committee to study options for and effectiveness of in-home intervention and counseling services for families and children charged with a crime or designated as in need of services by the juvenile court.

Amend the bill by replacing section 3 with the following:

3 Duties. The committee shall study options for, and effectiveness of, in-home intervention and counseling services for families and children charged with a crime or designated as in need of services by the juvenile court. The committee shall:

I. Identify the type of in-home intervention and counseling services that are available in such cases.

II. Assess the duration, scope, and timeliness of such services.

III. Assess barriers to the provision of such services through the state.

IV. Assess the effectiveness of services received, the long-term recidivism rate of persons receiving in-home intervention and counseling services, and the net cost of services.

2008-1318h

Amendment to SB 484

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

Amend paragraph I of section 2 of the bill by inserting after subparagraph (e) the following new subparagraphs and renumbering the original subparagraphs (f)-(l) to read as subparagraphs (h)-(n), respectively.

(f) The administrative judge of the district court, or designee.

(g) The administrative judge of the judicial branch family division, or designee.

Amendment to SB 492
Proposed by the Committee on Election Law - C

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

AN ACT relative to persons designated to fill vacancies on the ballot, relative to write-in candidates, and relative to recount requests by candidates.

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

1 Vacancies Among Primary Candidates; No Declaration Filed; Incompatible Offices. Amend RSA 655:32, I to read as follows:

I. In case no declaration shall be filed by a candidate for any nomination to be voted for at a primary, the nomination may be made by the appropriate party committee as provided in this section. The appropriate party committee shall notify the secretary of state in writing of a person ~~[they designate]~~ **it designates** to fill the vacancy. The person so designated ~~[shall]~~ **may accept the nomination by**, on or before the Wednesday following the expiration of the period for filing declarations of candidacy as provided in RSA 655:14 ~~[file]~~, **filing** with the secretary of state a declaration of candidacy as provided in RSA 655:17. **Any candidate accepting a nomination under this paragraph who has already filed for an incompatible office as defined in RSA 655:10 shall withdraw the prior filing. Any vacancy created by the withdrawal of a filing may be filled pursuant to this section.** If the candidate is designated for the office of governor, councilor, state senator, or state representative, he **or she** shall also file on or before the Wednesday following the period for filing declarations of candidacy the appropriate affidavit as provided in RSA 655:29. Any candidate so designated by a party committee who has not filed all the forms required by this section within the required period of time shall not have his **or her** name printed on the state primary election ballot for that office.

2 Pre-Election Procedure; Statutes Posted. Amend RSA 658:29 to read as follows:

658:29 Statutes Posted. The secretary of state shall prepare and distribute copies of the following RSA sections which the selectmen shall post or cause to be posted outside the guardrail in the polling place at all elections: RSA 654:7-a, RSA 654:7-b; RSA 659:27, RSA 659:30, RSA 659:31, RSA 659:32, RSA 659:34, RSA 659:35, RSA 659:37, RSA 659:38, RSA 659:40, RSA 659:41, **RSA 659:60-a**, RSA 659:103; RSA 666:4, RSA 666:5, RSA 666:8. In addition, the secretary of state shall include any other statutes or regulations that are required to be posted by state or federal law. The secretary of state may also include statutes or regulations that, in the secretary of state's judgment, would aid a voter in casting a vote or in contacting the appropriate official if the voter believes that his or her voting rights are being violated.

3 New Section; Counting of Votes; Write-In Candidates. Amend RSA 659 by inserting after section 60 the following new section:

659:60-a Write-In Candidates.

I. A person running for a municipal or school district office as a write-in candidate shall notify in writing the town, city, or district clerk of his or her candidacy prior to the closing of the polls on election day.

II. Write-in votes cast for persons who have provided notice of their candidacy under paragraph I shall be counted and totaled in the same manner as votes cast for candidates listed on the ballot. For write-in votes cast for persons who have not provided notice under paragraph I, the moderator shall count and total all such write-in votes cast for each office and announce the total as "total write-in votes," "other write-in votes," or "miscellaneous write-in votes" for that office.

4 State General Election Recounts; Eligibility. Amend RSA 660:1 to read as follows:

660:1 Application. Any candidate for whom a vote was cast for any office at a state general election may apply for a recount, **provided that the difference between the votes cast for the applying candidate and a candidate declared elected is less than 20 percent of the total votes cast in the towns which comprise the office to be recounted.** The application shall be made in writing to the secretary of state and shall be submitted no later than the Friday following the election. Each candidate requesting a recount shall pay the secretary of state fees as provided in RSA 660:2.

5 State General Election Recounts; Fees. Amend RSA 660:2, IV to read as follows:

IV. If the difference between the vote cast for the applying candidate and a candidate declared elected shall be greater than 3 percent of the total votes cast in the towns which comprise the office to be recounted, the candidate shall pay the fees as provided in RSA 660:2, III and shall agree in writing with the secretary of state to pay any additional costs of the recount. ***The secretary of state may require that the applying candidate pay the estimated additional costs of the recount prior to commencing the recount.***

6 Number of Recounts. Amend RSA 660:3 to read as follows:

660:3 Number of Recounts. Any candidate for whom a vote was cast for any office at a state general election, ***provided that the difference between the votes cast for the applying candidate and a candidate declared elected is less than 20 percent of the total votes cast in the towns which comprise the office to be recounted,*** shall be entitled to apply for only one recount under this chapter, and the declaration made by the secretary of state under RSA 660:6 shall be final, subject to a change in the result following an appeal to the ballot law commission, as provided in RSA 665:8, II. If more than one candidate for the same office in the same district applies for a recount under this chapter, and a recount is completed, such applications shall not result in a second recount.

7 Primary Recounts; Eligibility. Amend RSA 660:7 to read as follows:

660:7 Application. Any person for whom a vote was cast for any nomination of any party at a state ~~[or presidential]~~ primary may apply for a recount, ***provided that the difference between the votes cast for the applying candidate and a candidate of that party declared nominated is less than 20 percent of the total votes cast for candidates of that party in the towns which comprise the office to be recounted. Any person receiving at least 9 percent of the votes cast in any party's presidential primary may apply for a recount.*** The application shall be made in writing to the secretary of state and shall be submitted no later than the Friday after the primary for a recount of all ballots cast for such nomination. Each candidate requesting a recount shall pay the secretary of state fees as provided in RSA 660:2.

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

AMENDED ANALYSIS

This bill:

I. Requires that a person accepting the designation by a party to fill a vacancy who has already filed for an incompatible office withdraw the prior filing.

II. Requires the moderator to count total write-in votes for an office, rather than votes for every person written in, unless a person has provided notice of a write-in candidacy.

III. Limits the ability of candidates to request recounts.

IV. Authorizes the secretary of state to require advance payment of certain additional recount costs.

2008-1456h

Amendment to SB 495-FN

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

Amend RSA 649-A:2, I as inserted by section 1 of the bill by replacing it with the following:

I. "Child" means any person under the age of 18 years.

Amend RSA 649-A:7, III as inserted by section 3 of the bill by replacing it with the following:

III. Upon a defense motion or by agreement of the parties establishing that it is necessary to copy, photograph, duplicate, or otherwise reproduce such material or property in order to prepare a defense, the court may authorize such action, provided that the court's order include a protective order prohibiting disclosure of the material or property to any one other than the defendant, his or her attorney, or any individual the defendant may seek to qualify to furnish expert testimony at trial. The court shall require that all such material or property provided to the defense be kept in locked storage. Any person either handling or viewing such material or property shall sign a non-disclosure agreement agreeing to refrain from copying or publishing any visual representation of a child engaging in or being engaged in sexually explicit conduct. Any expert who views any of the

images shall certify in writing that he or she has not kept any material which would qualify as an image of child sexual abuse under state or federal law, and that all materials, property, and signed non-disclosure agreements shall be returned to the state at the end of the case. A person who violates the court order or non-disclosure agreement shall be subject to prosecution under RSA 649-A:3.

Amend RSA 645:1, II(a)-(b) as inserted by section 4 of the bill by replacing them with the following:

(a) Such person purposely performs any act of sexual penetration or sexual contact on himself or herself or another in the presence of a child who is less than 18 years of age.

(b) Such person purposely transmits to a child who is less than 18 years of age, or an individual whom the actor reasonably believes is a child who is less than 18 years of age, an image of himself or herself fornicating, exposing his or her genitals, or performing any other act of gross lewdness.

2008-1460h

Amendment to SB 497-FN

Proposed by the Committee on Ways and Means - C

Amend RSA 35-A:24, IV as inserted by section 1 of the bill by replacing it with the following:

IV. Three days after receipt of the certification from the chairman or vice chairman of the bank, the state treasurer shall pay to the bank's trustee at which such unpaid municipal bond is payable, the amount of such certified overdue payment, to the extent amounts are appropriated from the general fund or the education trust fund and are payable by the state to such governmental unit during the remainder of the fiscal year, together with any amounts payable in accordance with paragraph II hereof. If any portion of such certified overdue payment has not been paid at the close of the fiscal year, the state treasurer shall pay the same as soon as practicable in the next fiscal year to the extent of amounts otherwise then appropriated by the state and payable by the state to such governmental unit during that fiscal year, together with any amounts then payable in accordance with paragraph II.