

State of New Hampshire

HOUSE RECORD

First Year of the 161st General Court Calendar and Journal of the 2009 Session

Vol. 31	Concord, NH	Friday, March 6, 2009	No. 19
Contains: Reports and Amendments for March 11, Hearings, Meetings, Notices and House Emergency Notification System			

HOUSE CALENDAR

MEMBERS OF THE HOUSE:

The House will meet at 10:00 a.m. on **Wednesday, March 11th**. The House will not meet on **Wednesday, March 18th** to give committees additional time to meet the March 19th deadline to report House bills not in a second committee. The House will meet at 10:00 a.m. on **Wednesday, March 25th**, and members should keep Thursday, March 26th open as it is unlikely the House will complete its work on the 25th.

A briefing on the American Recovery and Reinvestment Act of 2009 will be conducted by Bud Fitch, the Director of the Governor's Office of Economic Stimulus, on Monday, **March 9th** at 12:30 p.m. in Representatives Hall.

There will be no House business conducted on Tuesday, **March 10th**, Town Meeting Day.

Terie Norelli, Speaker

NOTICE

The House Finance Committee will be holding regional hearings on the state budget and members are encouraged to attend. The hearing schedule is as follows:

SALEM, Monday, **March 9** at 6:00 p.m. in the Media Center at Salem High School, 44 Geremonty Drive.

CLAREMONT, Thursday, **March 12** at 6:00 p.m. at the River Valley Community College, One College Drive.

WHITEFIELD, Monday, **March 16** at 6:00 p.m. at White Mountains Regional High School Auditorium, 127 Regional Road.

Terie Norelli, Speaker

NOTICE

There will be a Democratic Caucus on Wednesday, **March 11** at **9:00 a.m.** in Representatives Hall.

Rep. Mary Jane Wallner, Majority Leader

NOTICE

There will be a Republican Caucus on Wednesday, **March 11** at **8:45 a.m.** in Rooms 305-307, LOB.

Rep. Sherman A. Packard, Republican Leader

NOTICE

The Calendar closes at 3:00 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

WEDNESDAY, MARCH 11

CONSENT CALENDAR

CHILDREN AND FAMILY LAW

HB 66, relative to the legal age for blood donations. **OUGHT TO PASS.**

Rep. Carla M Skinder for Children and Family Law: This bill will allow 16 year olds to give blood with parental consent. The American Red Cross strongly supports this bill and stated that this year they plan to hold 81 blood drives in New Hampshire high schools in hopes of collecting 5,204 units of life saving blood. This bill will increase the number of eligible donors. There was no opposing testimony. The NH department of public health supports this bill. **Vote 15-0.**

HB 209, relative to enforcement of parenting plans. **INEXPEDIENT TO LEGISLATE.**

Rep. Mary Stuart Gile for Children and Family Law: The bill's sponsor agreed to the decision to ITL this bill. Under current law the court must hold a hearing within 30 days. The court has the flexibility to hear the most serious cases in a more timely manner. **Vote 15-0.**

HB 313-FN, relative to the assignment of right of child support enforcement. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Edward P Moran for Children and Family Law: This bill was requested by the department of health and human services to bring New Hampshire into compliance with federal law and attendant funding. It allows a recipient of state aid to have a right to child support arrearages accrued prior to the recipient receiving such aid. **Vote 13-0.**

CRIMINAL JUSTICE AND PUBLIC SAFETY

HB 230, relative to the burden of proof for a finding of abuse in domestic violence cases. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Shannon E Chandley for Criminal Justice and Public Safety: This bill provides additional safeguards for victims of domestic violence and allows the court to grant orders of protection when it believes the defendant's conduct has reasonably caused the victim to fear for his or her safety and well-being. **Vote 20-0.**

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 39-FN, relative to the authority of the state board for the licensing and regulation of plumbers. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Charlotte Houde-Quimby for Executive Departments and Administration: The original version of this bill sought to grant inactive status to plumbers in military service, impose administrative fines for misconduct, and issue fines and "cease and desist" orders for unlicensed

plumbing. As amended, the bill provides for reinstating licenses of plumbers in military service and extends the license period to biennial instead of annual re-licensure. However, the committee felt that the issuance of fines and “cease and desist” orders was premature, given the potential restructuring of boards and commissions as well as questions concerning the relationship of board members. **Vote 16-1.**

HB 52-FN, relative to the regulation of massage therapists. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Charlotte Houde-Quimby for Executive Departments and Administration: This bill clarifies language currently in the law pertaining to licensure of massage therapists. It identifies a qualification required for a massage therapist as passage of a psychometrically valid examination approved by the commissioner of health and human services and institutes mechanisms for temporary licensure, non-renewable and good for one year only, for a person licensed in another state. Further, this bill provides for the establishment of a program of continuing education, which requires 12 hours of study over a 2 year period of license renewal. Nothing in this bill prevents or restricts the practice of any person in this state who uses touch, words, movements, somatic education or other techniques within the scope of practice of other professions with established standards, provided that their services are not designated as massage therapy. The amendment removes the ability of the commissioner to exempt by rule other different and specific bodywork professions and corrects inaccurate reference on temporary licenses. **Vote 18-0.**

HB 233, relative to the membership of the board of medicine. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Russell C Day for Executive Departments and Administration: This bill was submitted with the support of the New Hampshire medical society. It is requested that the membership of the board of medicine be increased from ten to 11 members to include one member who shall represent osteopathic physicians and surgeons. By statute, allopathic or “traditional” medical doctors and osteopathic doctors are the only professionals allowed to carry the designation of “physician” within our state and both are licensed by the board of medicine. As the members of osteopathic physicians continue to grow in New Hampshire, it is important that they have representation on the board of medicine. **Vote 18-0.**

HB 252, relative to state agency rulemaking concerning expiring administrative rules. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Peter B Schmidt for Executive Departments and Administration: This bill, as introduced, would have imposed tight procedures on administrative rules writers, so as to attempt to prevent rules from expiring and to invalidate expired rules. The committee felt the proposed procedures were either unnecessary or unworkable. The amendment establishes a more appropriate process. The New Hampshire supreme court has already ruled on the validity of expired rules, and the amendment therefore drops any reference to the validity of expired rules. **Vote 18-0.**

HB 297, relative to the adoption of agency forms and other rules under the administrative procedures act. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Peter B Schmidt for Executive Departments and Administration: This bill seeks to simplify, facilitate and expedite the procedures for adopting or revising agency forms. The committee amendment improves the bill’s proposed methodology. The amendment also improves the original bill’s language regarding the non-expiration of certain rules, which are procedural or structural in nature and whose re-adoption by the agencies and review by the administrative rules committee are time-consuming and essentially unnecessary and unproductive. The amendment also omits the requirement for the submission of a legislative history of the authority for a proposed rule, which is believed to be unworkable. **Vote 18-0.**

HB 488, establishing a commission to study the efficiency and responsiveness of state government. **INEXPEDIENT TO LEGISLATE.**

Rep. Catriona D Beck for Executive Departments and Administration: This bill would establish a commission to study the efficiency and responsiveness of state government as measured by the Pew Center on the states 2008 government performance project. The prime sponsor of this bill, along with the state treasurer, and highly recommended that this particular bill be voted ITL as

department heads are meeting on a monthly basis to address breakdowns in efficiency issues and taking a look at statutes dealing with customer service upgrades. The committee agreed to comply with this request. **Vote 16-0.**

HB 514, establishing a New Hampshire other post-employment benefits (OPEB) trust and enabling political subdivisions to create or participate in OPEB trusts. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Patricia M McMahon for Executive Departments and Administration: The purpose of the amended bill is to enable the state and political subdivisions to create one or more irrevocable trusts to facilitate funding other post-employment benefits (OPEB's) to address and ultimately offset the accrued liability of those benefits. The governmental accounting standards board (GASB) issued statements 42 and 45 re: accounting and reporting requirements for post employment benefits (other than pensions) by government. This legislation will accomplish the objective to enable the establishment of OPEB trusts. **Vote 18-0.**

HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS

HB 64-FN, relative to responsibility for public medical assistance. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Cindy Rosenwald for Health, Human Services and Elderly Affairs: This bill brings the state into compliance as regards new applicants with the federal regulations which require that parental income be considered when determining a child's eligibility for aid to the needy blind (ANB). The committee heard testimony that the department had been encouraging families to apply for this program because of its cash stipend and that to remove the assistance now would cause families to put their severely disabled children into nursing homes at a greater overall cost to the state. The amendment "grandfathers" families currently enrolled in the program, and directs the department to write rules for new applicants for ANB that follow social security income methodology as of July 1, 2010. In the meantime, the department is tasked with gathering information on what other Medicaid programs affected children would be eligible for and what additional state costs might be. **Vote 17-0.**

HB 402, relative to transporting medical records. **INEXPEDIENT TO LEGISLATE.**

Rep. Peter L Batula for Health, Human Services and Elderly Affairs: This bill would require that any personal medical records, destined to be destroyed, must be shredded prior to leaving the medical facility. The objective of the bill was to protect confidentiality of patients, in case the records were lost in the act of shipping or transporting to a place of records destruction. Testimony on the bill has convinced the bill sponsors that this bill is not needed because adequate precautions are currently taken under federal disposition guidelines. **Vote 17-0.**

HB 479-FN, relative to time limits on eligibility for Temporary Assistance to Needy Families (TANF). **INEXPEDIENT TO LEGISLATE.**

Rep. Thomas E Donovan for Health, Human Services and Elderly Affairs: This bill would require the department of health and human services to limit eligibility for financial assistance under the Temporary Assistance for Needy Families (TANF) program to 24 months during any consecutive 60-month period. The committee strongly believes that this action would definitely produce severe consequences for the TANF program, its recipients, and for the cities and towns. The average stay for an individual on TANF is only 18 months, and the department projects that over 1,100 cases would be downshifted to towns and cities for relief by 2010 if this were to be implemented. While the sponsors claim that people move to New Hampshire to go on TANF after their benefits expire in other states, the committee heard testimony that only 4% of TANF applicants are new residents and that some recipients also move out of the state. **Vote 17-0.**

HB 483, establishing the developmental services quality council. **OUGHT TO PASS.**

Rep. Suzanne S Butcher for Health, Human Services and Elderly Affairs: To address the waiting list for developmental disability services, in 2007 the legislature, by enacting SB 138, Chapter 363, required the system to expand its capacity to serve all eligible adults within three years. At the same time, that bill reflected concern with the quality of those services, establishing a task force of stakeholders to develop a quality assurance and enhancement plan. The task force found that the developmental services system collects considerable information concerning quality but "in a

rather fragmented manner,” and that feedback mechanisms need to be more systematic and thorough. The task force, therefore, recommended establishment of a quality council with broad-based membership to review information on the quality of developmental services on an ongoing basis and to make recommendations to the department of health and human services and the area agencies for improving service quality and the quality assurance system. This bill establishes that council, including representatives of the department, area agencies, disability organizations, service providers, and individuals with disabilities and their families. **Vote 16-0.**

HB 497, relative to the automated external defibrillator advisory commission. **OUGHT TO PASS.**

Rep. James P Pilliod for Health, Human Services and Elderly Affairs: This bill provides meeting and forum requirements for the automated external defibrillator advisory commission, amends its duties to be solely advisory, and establishes a prospective date for repealing the commission of January 1, 2014. The bill is a request of the commission. **Vote 15-0.**

HB 536, relative to smoking in and around health care facilities. **INEXPEDIENT TO LEGISLATE.**

Rep. Kate W Miller for Health, Human Services and Elderly Affairs: This bill clarifies smoking prohibitions in health care facilities to include assisted living and long term care facilities and creates a smoke free corridor outside of all health care facilities. The committee understands the risks of smoking and second hand smoke but believes this legislation is unnecessary. The committee heard testimony demonstrating that health care facilities are already providing either designated smoking areas or prohibiting smoking altogether. Long term care facilities also testified that their residents consider themselves to be at home; this legislation could allow infringement on their individual rights. The committee also believes that requiring nursing home residents to go 50 feet outside to smoke could leave them vulnerable to other hazards. **Vote 16-0.**

HB 544, relative to data collected by health care facilities. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Cindy Rosenwald for Health, Human Services and Elderly Affairs: This bill makes changes to the health care facility reporting requirements to reflect actual practice. As amended, it allows the commissioner to set rules for the hospital discharge data reporting schedule more frequently than once a year, removes the no-longer-necessary annual hospital survey, and charges the department with writing rules for how and when financial data should be reported. **Vote 16-0.**

HB 594-FN, relative to the medicaid pharmacy benefits management program. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Frank G Case for Health, Human Services and Elderly Affairs: This bill changes the name and membership of the committee charged with advising the commissioner of the department of health and human services on the medicaid pharmacy benefits program to conform with federal law. This bill will merge the pharmacy and therapeutic advisory committee (PTAC) with the federally mandated drug use review board. The new committee shall be known as the New Hampshire drug use review board and shall follow the federal requirements for membership and activities as provided in 42 U.S.C., section 1396r-8(9)(3) (B-D). These two committees are being combined because neither committee is able to achieve or maintain a quorum very often since these pharmacists are volunteering for this purpose. The amendment provides for public hearings to be scheduled at a time and place chosen to afford opportunity for the public to present its views. **Vote 16-0.**

JUDICIARY

HB 333, relative to fences as private nuisances. **INEXPEDIENT TO LEGISLATE.**

Rep. Lucy M Weber for Judiciary: This bill would have amended RSA 476:1 to change the definition of a spite fence. The committee believed that the law as is has generally worked well since the late 1800s. **Vote 17-0.**

HB 358-FN, relative to the district court assignment for the towns of Greenville and Temple. **INEXPEDIENT TO LEGISLATE.**

Rep. Lucy M Weber for Judiciary: This bill would have moved the towns of Greenville and Temple into the Milford district. The sponsor requested ITL due to lack of support in the subject towns.

Vote 18-0.

HB 447-FN, requiring the continuation of the appointment of marital masters by election and requiring marital masters to be New Hampshire residents. **INEXPEDIENT TO LEGISLATE.**

Rep. Lucy M Weber for Judiciary: The majority of the committee recognized the difficulty of sitting in family court cases. Marital masters undergo extensive training, and, unlike judges, must be re-appointed periodically. Because one or both parties are frequently dissatisfied with the results of a contested case, we believe election of marital masters would be counter-productive. **Vote 16-1.**

HB 625-FN, relative to court security screening procedures. **INEXPEDIENT TO LEGISLATE.**

Rep. Janet G Wall for Judiciary: This bill would require the supreme court to adopt and maintain adequate court security screening procedures for the protection of court personnel and the public. The sole sponsor of the bill asked for the bill to be found inexpedient to legislate because the committee has endorsed the policy contained in the bill which is reflected in HB 682-FN, a more comprehensive bill, which has already passed the House. **Vote 18-0.**

LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES

HB 240-FN, relative to workers' compensation for death. **OUGHT TO PASS WITH AMENDMENT.**

Rep. William J Infantine for Labor, Industrial and Rehabilitative Services: This bill would have given a benefit of \$25,000 to the estate of a person who dies while on the job or the ability to sue for wrongful death up to an amount of \$50,000. Workers compensation is a no fault coverage and this bill would interfere with that long standing balance. However, the committee felt that the current burial benefit of \$5,000 is not adequate given today's costs and has increased this amount to \$10,000. **Vote 17-1.**

HB 411, relative to the safety of retirement accounts. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Gary L Daniels for Labor, Industrial and Rehabilitative Services: This bill requires employers offering retirement accounts, such as 401Ks, to offer at least one option for the investment of their funds in an account that guarantees no loss of principal. This would enable employees to move their retirement investment to a "safe" account to avoid losses normally incurred during economic downturns. **Vote 18-0.**

LEGISLATIVE ADMINISTRATION

HB 245, extending study committees and commissions. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Susi Nord for Legislative Administration: This bill extends the deadlines for 16 committees, commissions, task forces and councils. The areas of study that these cover include education, environmental issues, public health, veterans' issues and more. Our committee was in agreement that these entities were of value and should be extended. The bill also extends reporting requirements for these entities so that the knowledge gained can be shared and distributed. **Vote 15-0.**

HB 650-FN, relative to providing downloadable audio files of legislative and other documents. **INEXPEDIENT TO LEGISLATE.**

Rep. Robert H Haefner for Legislative Administration: The sponsor asked to have the bill withdrawn because he intends to pursue a different avenue to accomplish the intent. **Vote 13-0.**

MUNICIPAL AND COUNTY GOVERNMENT

HB 189, enabling municipalities to establish energy commissions. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Franklin W Sterling for Municipal and County Government: This bill, as amended, will allow for the establishment of an energy commission in the cities and towns that wish to increase the efficient use of energy resources. The bill allows for the orderly composition of it's membership and gives the municipal energy commissions a clear set of purposes and clear definition of duties. The adoption by a municipality establishes an energy fund that can be used in furtherance of the stated purposes of the commission for planning and communicating it's recommendations to the local governing body and other boards and commissions of the municipality. **Vote 14-0.**

HB 253, relative to the Gunstock area commission. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Laurie J Boyce for Municipal and County Government: This bill gives the Gunstock recreation area the ability to make the property, owned by Belknap County, more of a four season resort. The bill, as amended, gives authority to the Gunstock area to convey, lease according to RSA72:23 I, or dispose of real property with a favorable 2/3 vote of the county convention, 4 members of the Gunstock commission, and 2/3 of the county commissioners. If leased by a private company, it would be liable for property taxes to the town of Gilford and rooms and meals taxes to the state. **Vote 13-0.**

HB 445-FN-L, relative to local control of the siting of detoxification and methadone maintenance program facilities. **INEXPEDIENT TO LEGISLATE.**

Rep. Suzanne S Laliberte for Municipal and County Government: This bill would give the local governing body control over the siting of a detoxification and methadone maintenance program facility. Information from the attorney general's office showed that the majority of similar state laws violated the Americans with Disabilities Act of 1990. Title II of that act affords protection to recovering drug addicts as person with disabilities. Also, similar legislation has been struck down by the courts. **Vote 15-0.**

HB 446, defining "unnecessary hardship" for purposes of zoning variances. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Raymond G Gagnon for Municipal and County Government: This bill provides a clear set of criteria for local zoning boards to administer regarding variances. Boards will no longer have to distinguish between a use-variance and an area-variance, nor will they have to read conflicting court decisions to try to understand what standards to apply. This bill will make the job of zoning boards much easier. **Vote 14-0.**

HB 489, requiring student membership on school boards. **INEXPEDIENT TO LEGISLATE.**

Rep. Larry Brown for Municipal and County Government: Recent House action already provides for the permissive addition of a student member to a school board (HB 74). The committee agrees that a student's viewpoint and day by day experience of school is a valuable addition to the board's deliberations. On balance, the committee felt that it is more useful and productive to have such an appointment come from community interest and support, rather than an external mandate. **Vote 13-0.**

HB 534, relative to the selection of members of zoning boards of adjustment. **OUGHT TO PASS.**

Rep. Elaine M Lauterborn for Municipal and County Government: This clarifies an ambiguity in RSA 673 which regulates the establishment of a zoning board of adjustment. Members may be either elected or appointed. A change in the manner of selecting members can be accomplished by majority vote at town meeting without going through the process of amending the zoning ordinance. **Vote 14-0.**

RESOURCES, RECREATION AND DEVELOPMENT

HB 452, designating segments of the Ammonoosuc River into the rivers management and protection program. **OUGHT TO PASS.**

Rep. Frank A Tupper for Resources, Recreation and Development: There was overwhelming support for designating these segments of the river into the rivers management and protection program, with testimony from citizens, organizations and the municipalities involved. The state rivers management advisory committee reviewed and approved the designation. Data and information presented to the committee proved that the river has resources of sufficient value to warrant state protection. **Vote 13-0.**

HB 674-FN-A, relative to eliminating the water resources council, relative to dams, and authorizing the Connecticut lakes headwaters citizens committee to advise the department of environmental services on the management of Lake Francis and associated property. **OUGHT TO PASS.**

Rep. Judith T Spang for Resources, Recreation and Development: This bill eliminates a council that seldom meets because it is no longer needed - the water resources council for the Connecticut Lake area. The Connecticut Lakes headwaters citizens committee will instead advise the

department of environmental services on the management of Lake Francis and associated property. DES will also assume title of certain affected dams and contractual obligations of the water resources council. **Vote 16-0.**

SCIENCE, TECHNOLOGY AND ENERGY

HB 61, relative to a definition of "sustainable energy." **OUGHT TO PASS WITH AMENDMENT.**

Rep. Suzanne Harvey for Science, Technology and Energy: The sponsors filed this bill to ensure that our state statutes included a definition of "sustainable energy" since the term is widely used and exists in RSA 125-O:5-a. After a session of wordsmithing, the committee agreed on a final definition: "sustainable energy" means energy that supplies present energy needs without permanently depleting resources, while considering environmental impacts and without compromising the ability of future generations to meet their own energy needs. **Vote 14-0.**

TRANSPORTATION

HB 372, relative to drivers' licenses for persons with certain neurological disorders. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Jennifer M Brown for Transportation: This bill authorizes the Division of Motor Vehicles to refuse to license or to revoke the driver's license of a person with a seizure disorder that affects his or her ability to drive a motor vehicle. RSA 263:6-c allows for a medical board to review all medical cases, but the board is not up and running yet. Neurologists who have special insight into epilepsy and how it affects driving compiled the information for this bill. Epilepsy is a disorder that can be controlled by drugs and therefore, in many cases, a patient may be able to drive after meeting the conditions laid out in this section. **Vote 11-2.**

HB 406, relative to contemporary motor vehicle plates. **INEXPEDIENT TO LEGISLATE.**

Rep. Richard W Hinch for Transportation: The majority of the committee concurred with testimony that identification of the vehicles and inspection verification of the vehicles bearing these plates would be difficult. Present statute is sufficient to recognize the uniqueness of these vehicles. **Vote 13-1.**

HB 419-FN, relative to operating restrictions on youth operators. **INEXPEDIENT TO LEGISLATE.**

Rep. C. Pennington Brown for Transportation: This bill was contradictory as written. The matter to be removed from current law was not struck through. Also, wording was unclear with regard to driver age. **Vote 14-0.**

HB 462-FN, relative to signs advising motorists approaching highway emergencies. **INEXPEDIENT TO LEGISLATE.**

Rep. Jennifer M Brown for Transportation: This bill requires the department of transportation to post signs on certain highways advising motorists to give a one lane clearance when approaching an emergency vehicle in the breakdown lane. The committee felt this had been done in the weeks before the law passed with the permanent message boards and can be done on an emergency basis with the portable message boards, so this money need not be spent. **Vote 11-0.**

HB 463-FN, including low digit number plates as vanity plates. **INEXPEDIENT TO LEGISLATE.**

Rep. Karen C Umberger for Transportation: This bill called for holders of all low digit license plates pay a \$25 fee each year to keep these plates. There were two amendments provided to this bill and the final amendment considered did not include all of the necessary exemptions. Although many on the committee agree with the concept, this bill as written does not accomplish this purpose. **Vote 9-2.**

WEDNESDAY, MARCH 11

REGULAR CALENDAR

HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS

SPECIAL ORDER

HB 81, prohibiting smoking within 25 feet of playgrounds. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Charles E McMahon for the **Majority** of Health, Human Services and Elderly Affairs: This bill would prohibit smoking in and around all playgrounds in New Hampshire. Further, a violation of this measure would result in a fine. The majority, while understanding the intent and in agreement that smoking is harmful, found the bill problematic for several reasons: the obvious and numerous variables associated with an outdoors environment, the virtual impossibility of reasonable enforcement, the indeterminate cost of site control and signage, and the demographics of typical playground users. Finally, the management of public facilities such as playgrounds and the application of rules regarding their use are best addressed by the local city or town authority having jurisdiction. Therefore, upon careful consideration, the majority of the committee supported the recommendation of inexpedient to legislate. **Vote 12-7.**

Rep. Trinka T Russell for the **Minority** of Health, Human Services and Elderly Affairs: This bill as amended prohibits smoking within public playgrounds that have play equipment installed, specifically designed for children.

The American Lung Association states that 23 states including all of the New England states have passed strong laws prohibiting smoking in nearly every public place and workplace including restaurants and bars. They also state that children who breathe in second hand smoke are more likely to suffer from pneumonia and bronchitis. Cigarette smoke may cause thousands of children each year to develop asthma and children who have asthma are far more likely have asthma attacks. Children are the most vulnerable to the effects of secondhand smoke. This is a simple common sense approach to protect the health of our children.

HB 505, waiving medical records fees for persons applying for Supplemental Security Income (SSI) or Social Security Disability Income (SSDI). **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS**

Rep. Susan Emerson for the **Majority** of Health, Human Services and Elderly Affairs: This bill shifts the cost responsibility onto providers for a copy of a medical record for individuals who are applying for social security benefits. The bill does not take into account that the health care community already provides a great deal of free care to uninsured individuals. In addition, many doctors and hospitals already provide free copies of the record to their patients, and the amount that can be charged is limited by statute. Further, social security also pays for copies of records and reports. Finally, the committee heard that when applicants appeal, the lawyers who take their cases do so on a contingency fee basis and are allowed to collect 25% of the settlement later, up to \$5,300. These funds alleviate the cost burden from the patient. Finally, while anyone who is approved for social security benefits is by definition low income, there is no such requirement for those who apply for benefits. **Vote 9-7.**

Rep. Robert G Bridgham for the **Minority** of Health, Human Services and Elderly Affairs: Applicants for SSDI are coping with a disability that interferes with their ability to earn an income. While social security pays for copies of records thought relevant by their analyst in the initial determination, many applicants only qualify for benefits upon appeal. The cost of securing the additional records that would support the appeal falls to the applicant, who often cannot afford it. If an applicant is successful SSDI benefits help the disabled individual pay for necessary medical care, which otherwise might be uncompensated, so providers have an interest in a successful outcome of the application.

JUDICIARY

SPECIAL ORDER

HB 171, establishing a commission to evaluate mental health courts and establish standards for the operation of mental health courts. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Robert B Thompson for the **Majority** of Judiciary: Presently we have four (4) mental health

courts established in New Hampshire. Proponents of these courts believe they are both an effective way of addressing certain mental health issues and cost-effective as well. The commission will review the operation of these courts with a goal of evaluating their effectiveness and ensuing uniformity of standards and operation. **Vote 11-8.**

Rep. William L O'Brien for the **Minority** of Judiciary: The minority of the committee was persuaded that both instituting a commission to study health courts and the goal of establishing health courts are unwarranted. The commission would divert scarce fiscal and state employee resources from more pressing needs at a time when, as the governor noted, the number of commissions should be reduced. Instituting health courts is a proposed solution to a problem that current court resources and procedures adequately solve now by using probation and parole departments and community resources. Either as trial alternative arrangements in criminal cases or as sentencing conditions imposed following a trial, courts already may order all of the treatment and substitutes for incarceration that is anticipated could be provided through mental health courts. Moreover, state court resources are as limited as are the resources available to meet other pressing government functions and with the current drug courts, family courts, business courts, small claims sessions, and the general civil and criminal courts, those resources likely will be inadequate to now handle mental health courts.

LOCAL AND REGULATED REVENUES

SPECIAL ORDER

HB 155, allowing municipalities to adopt a non-wartime veterans' property tax credit.

INEXPEDIENT TO LEGISLATE.

Rep. Robert L Theberge for Local and Regulated Revenues: This legislation would double the amount of tax credits for veterans statewide from \$1.4 billion to \$2.8 billion resulting in an enormous tax shift and burden on other tax payers which includes the elderly on fixed-income and young families struggling to make ends meet. This shift is greatly exacerbated given the current economic recession. The committee agrees that a local control option would obligate voters not to vote against a veterans tax credit because at town meetings voice votes are public. **Vote 16-3.**

SPECIAL ORDER

HB 624-FN-A, establishing a waiver option for live-racing tracks. **INEXPEDIENT TO LEGISLATE.**

Rep. Steve Vaillancourt for Local and Regulated Revenues: Like a bill defeated last year, HB 624 would allow dog tracks to continue to simulcast and accept bets on horse and dog races from other tracks but would allow the tracks to opt out of the current requirement that they hold 50 sessions of live racing. Members had different reasons for voting against this bill. Some believed that they should ban dog racing completely; some believed that if tracks do not have live racing, they should not be allowed the simulcast privilege which in fact amounts to 98 percent of the betting at Belmont and Seabrook; and some believed the state should not be involved in regulations at all. Two other problems surfaced. This bill includes a complicated section rewriting "breakage" regulations. The committee believes that, if anything, this should be handled separately with further study. Also, the bill establishes a study committee, and the committee is cognizant of and sympathizes with the governor's call for a reduction in unnecessary study committees. **Vote 19-0.**

MUNICIPAL AND COUNTY GOVERNMENT

HB 321, delaying the effective date of 2008 SB 342-FN-LOCAL, relative to workforce housing.

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

Rep. Deborah Wheeler for the **Majority** of Municipal and County Government: This bill was brought forward at the request of planning boards because some boards felt more time was needed to comply with SB 342-FN-L, Chapter 299, Laws of 2008. This bill, as amended, extends the effective date to January 1, 2010 upon passage for workforce housing. **Vote 8-6.**

Rep. Franklin W Sterling for the **Minority** of Municipal and County Government: SB 342, Chapter 299, Laws of 2008 codified into law the elements of the state supreme court's decision in Britton v Town of Chester handed down in 1991. The principal result of Britton v Town of Chester

was that each city and town was responsible for providing the opportunity that affordable housing could be built and maintained in all the 234 cities and towns of the state. Given that SB 342 was enacted into law more than one full calendar year from its effective date of July 2009 and that *Britton v Town of Chester* was decided over seventeen years ago, delaying the effective date by an additional six months serves no useful purpose. Moving the effective date forward by six months will not encourage any city or town to review its local ordinances, make the necessary changes and come into compliance any faster than the time frame already established.

RESOURCES, RECREATION AND DEVELOPMENT

SPECIAL ORDER

HB 150-FN, relative to removing invasive aquatic growth. **INEXPEDIENT TO LEGISLATE.**

Rep. Marcia G Moody for Resources, Recreation and Development: The bill was submitted in protest over the denial of a permit to remove native aquatic weeds from Powwow Pond. The majority believes that the department of environmental services and department of agriculture acted properly, swiftly and with adequate communications with town residents. The bill blurred the line between species that are invasive exotic weeds and native species.

While the minority maintains that the process was cumbersome and unfair, the majority praised the agencies involved for their ability to work smoothly together on complex issues. **Vote 9-8.**

HB 300-FN-A, requiring the construction of a fire tower on Copple Crown Mountain and creating a position to operate the fire tower. **INEXPEDIENT TO LEGISLATE.**

Rep. David H Russell for Resources, Recreation and Development: Notwithstanding the obvious condition of the state's economy, there are other reasons why the committee chose to ITL this bill. Most reports from the fire towers are for illegal burning of brush, not dangerous fires. Cell callers have reduced the need for towers, as has residential encroachment. Wardens assigned to towers spend only 25% of their time actually spotting fires. The start-up cost of this particular tower exceeds \$200,000, which does not include the salary and benefits of a warden. **Vote 11-4.**

HB 498, relative to membership on the wetlands council. **INEXPEDIENT TO LEGISLATE.**

Rep. James D Aguiar for Resources, Recreation and Development: This bill would have changed the nature of the wetlands council by adding a member from the residential construction industry. No testimony was presented that supported the need for such a change. It was also noted that an additional member would add costs to the council. **Vote 13-3.**

SCIENCE, TECHNOLOGY AND ENERGY

HB 352, banning corn-based ethanol as an additive to gasoline sold in New Hampshire.

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

Rep. James M Garrity for the **Majority** of Science, Technology and Energy: Both the majority and minority agree with the spirit and purpose of this bill. We agree that current federal subsidies, incentives and mandates for corn-based ethanol are bad energy policy, bad economic policy, bad environmental policy, and bad agricultural policy. Washington's policies have promoted the inefficient and expensive production of corn-based ethanol while discriminating against more environmentally-efficient alternatives such as sugar cane based ethanol. The diversion of corn from a food source to a fuel source has resulted in spiking feed and food-prices. Unfortunately, it appears that federal corn-based ethanol preferences will not soon change. This bill seeks to ban corn-based ethanol from being sold in New Hampshire. That goal is unattainable given current federal laws, EPA rules, and regional petroleum distribution capacity in New England. New Hampshire simply does not represent a large enough market to warrant its own boutique gasoline mix, and even if it did, there are currently few affordable alternatives to corn-based ethanol in the marketplace. Although the majority feels that we need to "send a message to Washington" expressing our disapproval of current corn-based ethanol policy, we did not feel that passing this unenforceable legislation is the proper way to send that message. We feel it is more prudent to ITL this bill, send an official policy letter to our congressional delegation, and perhaps follow-up in 2010 with a House Resolution on the same subject. **Vote 8-7.**

Rep. Charles L Townsend for the **Minority** of Science, Technology and Energy: Gasoline in New

Hampshire is currently mixed with 10% corn-based ethanol in order to meet EPA fuel oxygenate standards. We heard testimony that manufacture of corn-based ethanol diverts cropland from food to fuel, and that the diversion has contributed to a world-wide increase in food prices. We heard that the emissions from clearing and tilling land to increase corn production, together with processing corn into ethanol, has climate change and health costs that may more than offset the emissions reduction from using it in a gasoline mix. We heard that sugar cane-based ethanol, cellulosic ethanol and butanol are possible alternatives to use in place of corn-based ethanol. We heard that fuel suppliers did not know how they would obtain an adequate supply of an alternative, and that they would have difficulty supplying a different mix in New Hampshire than is supplied to surrounding states. The minority believe that these current difficulties are not sufficient reason to ITL a bill that addresses food shortage and human costs issues and protects our environment, a goal that all members believe is important.

STATE FEDERAL RELATIONS AND VETERANS AFFAIRS

SPECIAL ORDER

HCR 1, urging congress to withdraw the United States from the Security and Prosperity Partnership of North America. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Dennis H Fields for the **Majority** of State-Federal Relations and Veterans Affairs: The majority of the committee appreciates the sponsor's intent; however at this time we do not wish to alienate our allies in North America by hindering trade or dissolving international treaties. **Vote 13-5.**

Rep. Alfred P Baldasaro for the **Minority** of State-Federal Relations and Veterans Affairs: The stated purpose of the Security and Prosperity Partnership (SPP) is to increase security and enhance prosperity through greater cooperation among Canada, Mexico and the United States. The ultimate result will be to abandon our national borders in return for the external borders of the three countries. A report by the Council on Foreign Relations (CFR) called for foreign investments in Mexico's petroleum sector, common external tariffs, access to the resources of the three countries, and greater labor mobility. The consequence of these policies will be to siphon investments in energy from within the U.S. and divert them to locations where they can earn the greatest profit for multinational companies; permanently remove tariffs on Canadian and Mexican imports, thus forcing U.S. workers to compete with low wage labor in Mexico; and to exploit natural resources in any of the three countries for the benefit of multinational companies. At risk will be labor and environmental agreements which will have to be harmonized with those of Mexico; cross-border security which will have to be relaxed to facilitate the movement of people, goods and products; and efforts to control the flow of illegal drugs due to the disregard for clearly identifiable national borders. The SPP was launched at a meeting of President George W. Bush, Vincente Fox of Mexico and Canadian Prime Minister Paul Martin. It was further developed during 2006 and 2007 in an informal meeting of heads of state in Cancun, a ministerial meeting in Canada, and a secret meeting of high level military and business people in Banff. In conclusion, the SPP is leading to the formation of a North American Union being negotiated outside the U.S. Constitution and the purview of the U.S. Congress. It is to be supported by a common currency as called for by the CFR. The SPP is the key to the formation of a regional government and will result in the loss of our national and state sovereignty.

SPECIAL ORDER

HCR 3, recommending a statement of principles on international trade. **INEXPEDIENT TO LEGISLATE.**

Rep. Alfred P Baldasaro for State-Federal Relations and Veterans Affairs: We feel that the U.S. Constitution gives authority to the U.S. Senate to satisfy all treaties and agreements on international trade. Our two senators and two congress people have a voice on all international trade agreements and look out for the best interests of New Hampshire. **Vote 14-4.**

SPECIAL ORDER

HCR 5, urging Congress to enact a system of voluntary public funding for all federal elections. **INEXPEDIENT TO LEGISLATE.**

Rep. Cynthia P Sweeney for State-Federal Relations and Veterans Affairs: While we appreciate the idea of federal funding for elections, this economic climate is not conducive at this time. **Vote 17-1.**

TRANSPORTATION

HB 357, relative to retention of special number plates for veterans by surviving spouses.

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

Rep. Richard W Hinch for the **Majority** of Transportation: The majority concurred that out of respect for veterans and their surviving spouses, current license plates may be used by the surviving spouse until he or she remarries. **Vote 8-7.**

Rep. Karen C Umberger for the **Minority** of Transportation: The minority supports veterans and in that support would like to keep the sanctity of veteran plates for veterans only. Current law would allow a widow of a deceased veteran to keep the veteran plate for one year upon the death of the veteran. The minority feels current law is adequate and respectful to all veterans in reserving veterans' plates for veterans.

WAYS AND MEANS

SPECIAL ORDER

HB 533-FN-A, reducing the rates of the business profits tax and the business enterprise tax.

MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS

Rep. Ron J Mack for the **Majority** of Ways and Means: This bill reduces the business profits tax (BPT) from 8.5% to 7.65% and the business enterprise tax from $\frac{3}{4}$ of one percent (.75%) to $\frac{27}{40}$ of one percent (.675%). If enacted this bill would reduce the education trust fund revenues by \$61,384,600. The majority of the committee felt that this is not the time to reduce any significant revenue streams without a lucrative revenue to replace the reduction. The minority's contention that the revenues lost would be immediately made up by economic expansion is not borne out by history or economic theory. **Vote 15-4.**

Rep. David J Bettencourt for the **Minority** of Ways and Means: There has been a great deal of discussion recently about what are the best strategies and policies to stimulate our economy. History has clearly established that the most effective way to stimulate a sagging business environment is to lower the demands that government places on them. This is accomplished by reducing business taxes. This legislation attempts to do just that. It is important to note that the fiscal note, which the majority has cited as their primary motivation for dismissing this policy, is inaccurate. Information from the LBAO suggested a marked correlation between a reduction in the BPT and an increase in revenues in subsequent business cycles. Greater money and freedom for business to do business is the best and most lasting way to stimulate the economy, create jobs, and boost state revenues.

SPECIAL ORDER

HB 679-FN-A, establishing an exemption from the interest and dividends tax for individuals who are 62 years of age or older. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Robert M Walsh for the **Majority** of Ways and Means: There have not been changes to the exemption allowed for the interest and dividends tax in many years. Also there is no provision for the effects for inflation. However, this bill would decrease state revenues by some \$13,000,000 when it becomes effective and by larger amounts in later years. This loss of revenue is not appropriate at this time, with serious reductions in many state revenue areas. At a future time, when state revenues improve, consideration of changes to the interest and dividends tax exemptions would be appropriate. **Vote 16-3.**

Rep. Jordan G Ulery for the **Minority** of Ways and Means: This so-called interest and dividends tax is, by statute, an income tax. This is an income tax on elderly who have paid taxes and fees their entire life. This income tax affects most harshly those who, too often, suffer the most in their waning years. This income tax hurts those who are often least able to pay property taxes and the myriad of other fees afflicting residents. Our tax base is diverse and has many components to

single out one, small group of senior citizens to pay the insult of the only personal income tax is grossly unfair. While the fiscal note suggests the loss of \$13M, returning real money to our citizens only stimulates the economy and generates more revenue to operate the state.

CHILDREN AND FAMILY LAW

HB 165, relative to the number of children in a licensed foster home. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Beth R Arsenault for the **Majority** of Children and Family Law: This bill seeks to create a waiver to place a child, sibling or group of siblings in a foster home that already has the six child limit. An exemption for a sibling or sibling groups already exists in law. The committee felt the bill was unnecessary. **Vote 12-3.**

Rep. Daniel C Itse for the **Minority** of Children and Family Law: The minority of the committee believes that there are occasions where a foster child ought to be placed in a home with more than 6 children, and therefore, the department ought to have the discretion to make that decision.

HB 207, relative to modification of parental rights and responsibilities. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Mary Stuart Gile for the **Majority** of Children and Family Law: This bill would allow additional provisions for modification of parental rights and responsibilities. The committee felt this provision would lead to re-litigation of cases which would not be in the best interest of children. Currently there are 5 provisions in law for modifying parental rights and responsibilities. Parents divorced prior to October 2005 are able to create a parenting plan if they agree. This bill is not necessary for those parents. The parents who cannot agree are the ones who would re-litigate their orders. In addition, testimony from the court indicated this bill, which does not have fiscal note, would require one because there would be increased court costs due to re-litigation. **Vote 12-3.**

Rep. David A Bickford for the **Minority** of Children and Family Law: First, this bill would allow parents with orders written prior to October 5, 2005 to have the benefit of the new family court system and a standardized parenting plan; second, it would allow for modification of parenting plan every 3 years to accommodate the change of the child(ren)'s age and consequently modify schedules that might need to be adjusted. It recognizes that the best interests of children can't always be done in one negotiation at an early age.

CRIMINAL JUSTICE AND PUBLIC SAFETY

SPECIAL ORDER

HB 127, relative to the treatment of pregnant inmates. **WITHOUT RECOMMENDATION**

ELECTION LAW

SPECIAL ORDER

HB 417, relative to electoral college electors. **INEXPEDIENT TO LEGISLATE.**

Rep. Shawn N Jasper for Election Law: This bill would have New Hampshire enter into an interstate agreement, which would go into effect when states whose combined electoral college votes equal 270 adopt this agreement. At that time those states would cast their electoral college votes based on the national popular vote. Under our federal system of government we are a sovereign state. It should not matter to us how other states vote. It is unlikely that the Union would have been formed if small states had been forced to have all decisions made by their proportional population. This is a slippery slope, what would be next? Would we be asked that the membership of U.S. Senate be based on population? Would we then be asked to have amendments to the U.S. Constitution adopted based on population? The theory is the same in all three cases; it is not fair that our say in national affairs is disproportional to our population. The majority of the committee believes that we should preserve the principles upon which the Union was created.

Vote 16-2.

SPECIAL ORDER

HB 439, requiring that the question relative to the necessity for a convention to revise the New Hampshire constitution be presented to the voters in the November 2010 general election.

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

Rep. Richard B Drisko for the **Majority** of Election Law: This bill is intended to advance the date of the next constitutional convention from 2012 to 2010. It has to go on the ballot in 2010, so the majority felt why not sooner than later. **Vote 10-7.**

Rep. Robert J. Perry for the **Minority** of Election Law: The question of whether to call for a constitutional convention is already scheduled to be on the 2012 general election ballot. This bill would require the question be moved up two years to be on the 2010 general election ballot. The minority believes that a question as momentous as whether to hold a constitutional convention should be considered by the greatest number of voters rather than fewer. Because more voters participate in a general election in a presidential election year, this question should be left to the 2012 general election ballot.

SPECIAL ORDER

HB 614, relative to domicile of students for voting purposes. MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. David M Pierce for the **Majority** of Election Law: The current domicile statute and federal constitutional law make clear that students, active duty military personnel, homeless persons and others who do not have a fixed intention to remain at their New Hampshire domicile nonetheless have a fundamental right to vote in New Hampshire. This bill does nothing more than to affirm this right. The committee believed that the determination of fundamental rights should not be left solely to the courts and that the legislature should be the first line of defense of the fundamental right to vote. **Vote 11-7.**

Rep. Shawn N Jasper for the **Minority** of Election Law: While the minority concedes that the amendment improves the bill, we believe that the bill is unnecessary, as the secretary of state's representative testified that the perceived problems which the bill attempts to address have been dealt with through training sessions, held for local election officials. The minority is concerned that we are heading down a path with our registration process that will lead to disaster for certain communities and possibly entire counties. While everyone domiciled in New Hampshire has a right to vote, the legislature has the duty to set the qualifications to meet the domicile test, within certain parameters. It is not an unreasonable restriction to require that a voter hold a New Hampshire drivers license and car registration, for the purpose of domicile, rather than allowing them to continue to maintain out of state licenses and registrations, but that is no longer a requirement. It is not a stretch of ones imagination to envision that in a college town students could take over the governments and budgets of those towns, if they were so motivated. In fact, we have seen it happen on a limited basis in one county. Students in dorms have none of the rights afforded tenants under our laws, yet we consider them domiciled here for voting purposes. If they are domiciled here shouldn't they be protected equally under the laws of our state?

SPECIAL ORDER

HB 620, disqualifying certain persons from performing duties as an election official. INEXPEDIENT TO LEGISLATE.

Rep. Richard B Drisko for Election Law: The intent of this bill is to prevent a person whose name appears on the ballot as a candidate from performing official duties as an election official in that election. A temporary replacement shall be appointed as provided in RSA 658:19. This has not been a problem at most polling places. Statewide, there is a serious problem recruiting poll workers. **Vote 13-3.**

ENVIRONMENT AND AGRICULTURE

SPECIAL ORDER

HB 148, relative to the sale and vaccination of animals. OUGHT TO PASS WITH AMENDMENT.

Rep. Leigh A Webb for Environment and Agriculture: This bill came to the committee from the state veterinarian, with the intent to change all words in the existing statute meaning "sale" to the word "transfer" which is now defined in statute as "change of ownership." Further, this bill clarifies that any business being licensed by the state must also conform to local zoning ordinances, and further defines a health certificate as evidence of a transfer of an animal. All these changes

were necessary to facilitate legal action in a court of law should that action be required for enforcement. **Vote 15-2.**

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 121-FN, relative to regulating residential building and remodeling contractors and subcontractors. **INEXPEDIENT TO LEGISLATE.**

Rep. Carol M McGuire for Executive Departments and Administration: This bill would register and regulate building contractors and home remodelers. The committee determined that the consumer protection advantages of registration would be overwhelmed by the harassment of registering over 13,000 contractors in the state, in order to identify the few predatory contractors. A senate bill addresses some of the contractual requirements and would be the appropriate place to address consumer protection. **Vote 14-5.**

HB 519, relative to supervision of state employees who are related by birth or marriage. **OUGHT TO PASS.**

Rep. Laurie Harding for Executive Departments and Administration: This bill is one of the changes recommended by the board of medicine audit. It amends the code of ethics in the executive department and prohibits the hiring of, or appointment of individuals who are close family relatives. Close family relatives include a spouse, a parent by birth or adoption, a son or daughter by birth or adoption, a stepson or stepdaughter, a brother or sister by whole or half blood or by adoption or a mother in law or father in law, sister in law, brother in law, daughter in law or son in law. This bill is based on research done on the practices of other states and will affect employment going forward only. **Vote 15-2.**

HOUSE DEADLINES

Thursday, March 19, 2009	Last day to report all House bills not in a second committee, except budgets
Thursday, March 26, 2009	Last day to act on all House bills not in a second committee, except budgets
Thursday, April 2, 2009	Last day to report all remaining House bills Last day to report list of retained House bills
Thursday, April 9, 2009	Last day to act on House bills: CROSSOVER
Thursday, April 30, 2009	Last day to report Senate bills going to a second committee
Thursday, May 7, 2009	Last day to act on Senate bills going to a second committee
Thursday, May 28, 2009	Last day to report all remaining Senate bills Last day to report list of retained Senate bills
Thursday, June 4, 2009	Last day to act on Senate bills
Wednesday, June 10, 2009	Last day to form Committees of Conference
Thursday, June 18, 2009	Last day to sign Committee of Conference reports
Thursday, June 25, 2009	Last day to act on Committee of Conference reports

LAI D ON TABLE

HR 6, affirming revenue estimates for fiscal years 2009, 2010, and 2011. (Pending question is adoption of the motion of Ought to Pass.)

COMMITTEE MEETINGS

SUNDAY, MARCH 8

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

1:00 p.m. Regular meeting.

MONDAY, MARCH 9

COMMERCE AND CONSUMER AFFAIRS, Room 302, LOB

9:00 a.m. Subcommittee work session on **HB 659-FN**, relative to insurance fraud.
9:30 a.m. Subcommittee work session on **HB 416**, relative to insurance examinations.
10:00 a.m. **HB 529-FN**, relative to the healthy kids program.
10:30 a.m. **HB 158**, relative to the membership on the healthy kids board.
11:00 a.m. **HB 336**, establishing a committee to study the law regarding insurance coverage for dependent children.
11:30 a.m. **HB 569-FN**, requiring insurance coverage for diagnosis and treatment of autism spectrum disorders.
1:30 p.m. **HB 478-FN**, relative to remotely readable devices and relative to the illegal use of a payment card scanning device or reencoder.

COMMISSION TO PROPOSE A RETIREE HEALTH CARE BENEFITS FUNDING MODEL (HB 1645, Chapter 300:13, Laws of 2008), Room 306, LOB

10:00 a.m. Regular meeting.

COUNCIL TO STUDY THE RELATIONSHIP BETWEEN PUBLIC HEALTH AND THE ENVIRONMENT (RSA 125-P), Room 206, LOB (Please note room change.)

9:30 a.m. Regular meeting.

CRIMINAL JUSTICE AND PUBLIC SAFETY, Room 204, LOB

9:00 a.m. Subcommittee work session on **HB 621**, relative to court procedures for persons with mental illness charged with crimes.
10:00 a.m. Continued executive session, as needed, from March 5.
Executive session on **HB 204**, relative to discovery in driving while intoxicated cases, **HB 471-FN**, relative to organized retail crime in New Hampshire, **HB 575-FN**, prohibiting driving with any amount of certain controlled drugs or metabolites in the blood or urine, **HB 645-FN**, requiring police officers to complete certain mental health training and requiring the police standards and training council to develop and implement an advanced training curriculum for specialized crisis intervention teams, **HB 665-FN**, relative to driving under the influence of drugs, **HB 398**, relative to the unauthorized use of firearms in the compact part of a city or town.

ELECTRONIC BALLOT COUNTING DEVICE ADVISORY COMMITTEE (HB 285, Chapter 134:1, Laws of 2008), HAVA Conference Room Archives and Records Management Building, 71 South Fruit Street, Concord

10:00 a.m. Regular meeting.

FINANCE JOINT WITH WAYS AND MEANS, Media Center, Salem High School, 44 Geremonty Drive, Salem

6:00 p.m. Public hearing on **HB 1-A**, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 2010 and June 30, 2011 and **HB 2-FN-A-L**, relative to state fees, funds, revenues and expenditures.

FINANCE – (DIVISION I), Room 212, LOB

Budget work session:

9:30 a.m. Retirement
11:00 a.m. Department of State
11:30 a.m. Department of Justice
1:00 p.m. Department of Administrative Services
3:00 p.m. Employment Security

FINANCE – (DIVISION III), Room 209, LOB

Budget work session:

9:00 a.m. Office of Medicaid and Business Policy
11:00 a.m. Division of Family Assistance
1:00 p.m. Division of Public Health Services
2:30 p.m. Division for Juvenile Justice Services

HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS, Room 205-207, LOB

9:00 a.m. Subcommittee work session on **HB 301**, establishing a task force to study access to dental care, **HB 414**, establishing a commission to study preventing dental disease among New Hampshire's children.
10:00 a.m. **HB 648-FN**, relative to the use of marijuana for medicinal purposes.
12:00 p.m. Subcommittee work session on **HB 619**, relative to medical records and patient information.
1:30 p.m. Executive session on **HB 371**, establishing a commission to study the issue of a registry for joint replacement devices, **HB 458-FN**, relative to the estates of persons with long-term care policies, **HB 501**, relative to recovery of assistance by the department of health and human services, **HB 592-FN**, relative to "adverse events" in hospitals, **HB 619**, relative to medical records and patient information, **HB 658-FN**, relative to housing assistance for recipients of Temporary Assistance to Needy Families (TANF).
Continued executive session on **HB 542**, relative to a health information exchange,
2:30 p.m. Subcommittee work session on **HB 693**, relative to emergency generators in residential care facilities.
3:30 p.m. Subcommittee work session on **HB 577-FN**, relative to recovery of public assistance and third party liability.

JUDICIARY, Room 208, LOB

11:00 a.m. Executive session on **HB 219**, relative to hearings for incapacitated persons admitted to state institutions by their guardians, **HB 374**, limiting the filing of petitions for trust accountings, **HB 438**, relative to admission into evidence of certain medical bills, reports, and records, **HB 456**, establishing a committee to study the definition of surviving issue, **HB 480-FN**, relative to the definition of "public use" regarding eminent domain, **HB 574-FN-L**, authorizing liens for unpaid building code violations and requiring landlord agents for restricted rental property, **HB 686**, relative to complaint procedures in cases before the commission for human rights, **HB 50**, repealing the law relative to screening panels for medical injury claims, **HB572-FN**, making pretrial screening panels optional for parties to a medical injury action, **HB 203**, eliminating the requirement that the trial judge present unanimous findings of the screening panel to the jury in medical injury actions.

RESOURCES, RECREATION AND DEVELOPMENT, Room 305, LOB

9:30 a.m. Subcommittee work session on **HB 384**, creating urbanization and timber harvesting exemptions for prime wetlands.
10:30 a.m. **HB 353**, designating Hampton Beach as a historic seaside recreational area.
11:00 a.m. **HB 293**, amending the Hampton Beach area commission.

1:30 p.m. Subcommittee work session on **HB 307**, allowing the construction of grey water systems on private property.

TASK FORCE TO STUDY EMPLOYEE MISCLASSIFICATION (SB 500, Chapter 378:7, Laws of 2008), Room 207, LOB

2:00 p.m. Regular meeting.

WAYS AND MEANS, Room 202, LOB

9:30 a.m. **HB 696-FN-L**, relative to fees for registration of criminal offenders.

10:00 a.m. **HB 296-FN-A**, relative to fees for fuel oil discharge prevention and cleanup.

10:30 a.m. **HB 672-FN-A**, relative to the oil discharge and disposal cleanup fund.

11:00 a.m. **HB 383**, relative to passenger restraints.

1:00 p.m. Subcommittee work session on **HB 225**, relative to room and board scholarships for children of firefighters and police officers.

1:20 p.m. Subcommittee work session on **HB 441-FN**, relative to CART providers and sign language interpreters.

1:40 p.m. Subcommittee work session on **HB 608-FN**, establishing a committee to oversee the design and construction of a public works employee memorial for public works employees who died in the course of performing public duties.

2:00 p.m. Subcommittee work session on **HB 168**, relative to disposition of electricians' fees.

2:30 p.m. Subcommittee work session on **HB 407-FN**, establishing a lobster and crab landing license, and increasing the fee for the nonresident commercial salt water license.

Room 308, LOB

1:00 p.m. Subcommittee work session on **HB 211-FN**, relative to drivers' licenses and relative to the definition of "drivers' school."

1:20 p.m. Subcommittee work session on **HB 40**, requiring sanctions against hospitals for failing to report infection rates.

1:40 p.m. Subcommittee work session on **HB 69**, relative to submission of health care data.

2:00 p.m. Subcommittee work session on **HB 97**, relative to the lottery commission's ability to make rules concerning the Multi-State Lottery Association.

2:30 p.m. Subcommittee work session on **HB 392-FN**, establishing an on-premises cigar, beverage, and liquor license.

TUESDAY, MARCH 10

FINANCE – (DIVISION I), Room 212, LOB

Budget work session:

9:30 a.m. Department of Environmental Services

11:00 a.m. Liquor Commission

1:00 p.m. Plumbers Board

1:30 p.m. Executive Branch

2:00 p.m. Pease Development Authority

3:00 p.m. Office of Information Technology

FINANCE – (DIVISION II), Rooms 210-211, LOB

Budget work session:

10:00 a.m. Department of Fish and Game

1:00 p.m. Department of Safety

FINANCE – (DIVISION III), Room 209, LOB

8:30 a.m. Tour of Anna Philbrick Center

Budget work session:

10:00 a.m. Bureau of Behavioral Health

11:00 a.m. Tobey School

1:00 p.m. Bureau of Elderly and Adult Services

2:00 p.m. Bureau of Developmental Services

THURSDAY, MARCH 12

ADVANCED MANUFACTURING EDUCATION ADVISORY COUNCIL (RSA 188-E:21), Room 100, State House

3:00 p.m. Organizational meeting.

CHILDREN AND FAMILY LAW, Room 206, LOB

- 10:00 a.m. Executive session on **HB 195**, relative to relocation of a residence of a child, **HB 342**, establishing a commission to study the juvenile court diversion law, **HB 467-FN**, relative to the review and adjustment of child support orders, **HB 694**, adopting the uniform child abduction prevention act, **HB 695**, adopting the uniform child custody jurisdiction and enforcement act.
- 1:00 p.m. Subcommittee work session on **HB 139**, relative to the determination of parental rights and responsibilities.

COMMERCE AND CONSUMER AFFAIRS, Room 302, LOB

- 9:00 a.m. Subcommittee work session on **HB 100**, relative to homeowner's insurance.
- 9:30 a.m. Subcommittee work session on **HB 373**, relative to insurance reimbursement for acupuncturists.
- 10:00 a.m. Subcommittee work session on **HB 376**, relative to condominium governance.
- 11:00 a.m. Executive session on **HB 75**, prohibiting the use of information concerning education level to underwrite insurance coverage, **HB 101**, prohibiting the use of credit reports for certain insurance purposes, **HB 120-FN-L**, relative to the installation of carbon monoxide detectors in single and multi-family dwellings, **HB 158**, relative to the membership on the healthy kids board, **HB 181**, relative to disclosure of contaminants prior to the sale of real property, **HB 187-FN**, relative to manufactured housing, **HB 244**, relative to automobile insurance premiums, **HB 299**, prohibiting banks from requiring blood samples, fingerprints, and DNA samples in order to complete a banking transaction, **HB 331**, relative to advertisements of property and casualty insurance, **HB 336**, establishing a committee to study the law regarding insurance coverage for dependent children, **HB 366**, relative to retail vehicle dealers, **HB 373**, relative to insurance reimbursement for acupuncturists, **HB 376**, relative to condominium governance, **HB 416**, relative to insurance examinations, **HB 442**, relative to the review and amendment of condominium bylaws, **HB 499**, relative to insurance payments for ambulance services, **HB 535**, requiring dwelling units to have functioning smoke detectors upon their sale or transfer, **HB 561-FN**, relative to insurance coverage for persons having deafness and hearing loss.

CRIMINAL JUSTICE AND PUBLIC SAFETY, Room 204, LOB

- 9:00 a.m. Subcommittee work session on **HB 582-FN**, relative to DNA testing of sexual offenders, **HB 523-FN**, requiring DNA testing of all persons convicted of a felony, **HB 474-FN**, prohibiting the trafficking in persons for the purposes of sexual or labor exploitation.
- 10:00 a.m. Executive session on **HB 512**, establishing a temporary moratorium on executions and establishing a commission to study the death penalty in New Hampshire, **HB 520**, establishing a commission to study the death penalty in New Hampshire, **HB 556-FN**, repealing the death penalty, **HB 557**, requiring the attorney general to request a life sentence instead of the death penalty in certain circumstances, **HB 582-FN**, relative to DNA testing of sexual offenders, **HB 523-FN**, requiring DNA testing of all persons convicted of a felony.
- Continued executive session, as needed, from March 9.
- 1:00 p.m. Subcommittee work session on **HB 348**, relative to criminal penalties and

alternatives to incarceration.

ELECTION LAW, Room 308, LOB

10:00 a.m. **SB 118**, relative to assistance in voting.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 306, LOB

10:00 a.m. **HB 302**, relative to making various changes to the New Hampshire practice act.

11:00 a.m. **SB 122**, relative to membership and the quorum of the commission to oversee and negotiate issues relative to NAFTA and the WTO and relative to the quorum of the real estate appraiser board.

1:15 p.m. **SB 36**, relative to the inspection of electrologist offices.

2:00 p.m. Continued executive session on **HB 149**, relative to benefit eligibility of certain members of the city of Manchester employees' contributory retirement system, **HB 464-FN**, relative to certain duties of the department of administrative services and relative to credit card contracts for state agencies.
Executive session on **HB 248-FN**, relative to establishing a single liquor commissioner, **HB 255**, relative to the filing of statements of financial interest, **HB 289**, relative to the requiring financial and business management experience for membership on the board of trustees of the New Hampshire retirement system, **HB 356**, relative to required training for chiropractors performing spinal manipulation or spinal adjustment, **HB 381**, prohibiting preferences in recruiting, hiring, promotion, or admission by state agencies, the university system, the community college system, and the postsecondary education commission, **HB 401-FN**, relative to the membership of the retirement system board of trustees.

FINANCE JOINT WITH WAYS AND MEANS, River Valley Community College, One College Drive, Claremont

6:00 p.m. Public hearing on **HB 1-A**, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 2010 and June 30, 2011 and **HB 2-FN-A-L**, relative to state fees, funds, revenues and expenditures.

FINANCE – (DIVISION I), Room 212, LOB

Budget work session:

9:30 a.m. Bank Commission
10:00 a.m. Public Employees Labor Relations Board (PELRB)
10:30 a.m. Board of Manufactured Housing
11:00 a.m. Pari-mutuel
1:00 p.m. Highway Safety Agency
1:30 p.m. Insurance Department
2:00 p.m. Department of Labor
2:30 p.m. Public Utilities Commission

FINANCE – (DIVISION II), Rooms 210-211, LOB

Budget work session:

10:00 a.m. Department of Safety

FINANCE – (DIVISION III), Room 209, LOB

Budget work session:

9:00 a.m. Department of Health and Human Services, Administratively Attached Boards, Jean Barnes presenting.
10:00 a.m. Work session on **HB 113**, extending the moratorium on nursing home beds and rehabilitation beds.
10:30 a.m. Office of Medicaid and Business Policy
1:00 p.m. Bureau of Drug and Alcohol Services
2:00 p.m. Bureau of Homeless and Housing Services

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

- 9:00 a.m. Subcommittee work session on **HB 380**, relative to long-term care.
- 9:30 a.m. Work session on policy issues contained in the budget bills.

JUDICIARY, Room 208, LOB

- 10:00 a.m. Continued executive session, as needed, from March 5.
- 12:00 p.m. Subcommittee work session on **HB 260**, relative to quieting title in certain trust circumstances, **HB 261**, relative to the conveyance of real property to or from trusts.

LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES, Room 307, LOB

- 9:00 a.m. Subcommittee work session on **HB 631-FN-L**, relative to public employee collective bargaining negotiations under the public employee labor relations act.
- 9:30 a.m. Subcommittee work session on **HB 133**, requiring employers to report certain information regarding outsourcing to the department of labor.
- 10:00 a.m. Executive session on **HB 46**, relative to dispute resolution within the context of public employee dispute resolution, **HB 108**, establishing an employers' private right of action to enforce the payment of workers' compensation coverage, **HB 133**, requiring employers to report certain information regarding outsourcing to the department of labor, **HB 305**, relative to public employees' right to strike.

LEGISLATIVE ADMINISTRATION, Room 104, LOB

- 9:00 a.m. Executive session on **HB 128**, relative to the enrollment of bills and their presentation by the secretary of state, **HB 349**, relative to legislator email records. Continued executive session on **HB 360**, relative to members of the general court participating in the state group health insurance plan, **HJR 3**, recognizing the historic milestone represented by the New Hampshire senate being the first legislative body in the United States with women as the majority of its members.

LOCAL AND REGULATED REVENUES, Room 303, LOB

- 9:30 a.m. Subcommittee work session on **HB 311**, allowing municipalities to adopt a homestead exemption for property tax assessments on a person's principal place of residence.

Room 301, LOB

- 9:30 a.m. Subcommittee work session on **HB 596-FN-L**, relative to establishing a property tax credit for all taxpayers whose property taxes exceed 10 percent of household income.

Room 303, LOB

- 10:00 a.m. Subcommittee work session on **HB 522**, allowing municipalities to adopt a road maintenance property tax credit for resident unit owners in an over-55 condominium community.
- 10:30 a.m. Continued public hearing on **HB 553-FN**, relative to hours of operation of state liquor stores.
- 10:40 a.m. Continued public hearing on **HB 82**, establishing a committee to study the homestead right.
- 10:45 a.m. Executive session on **HB 107**, making technical corrections to the law on taxation of farm structures and land under farm structures, **HB 167**, relative to the guidelines for revaluations used by the assessing standards board, **HB 242**, relative to taxpayer inventory blanks, **HB 382**, establishing a committee to study property tax exemptions and credits, **HB 421-FN**, establishing an oversight committee to monitor liquor enforcement, **HB 448**, allowing municipalities to adopt a property tax credit to persons over 60 years of age in exchange for volunteer services, **HB 553-FN**, relative to hours of operation of state liquor stores, **HB 82**, establishing a committee to study the homestead right.
- 1:30 p.m. Subcommittee work session on **HB 429-FN**, relative to cider.
- 2:00 p.m. Subcommittee work session on **HB 309**, enabling towns and cities to establish a

local revenue option as an alternative to property taxation for the funding of local government costs.

MUNICIPAL AND COUNTY GOVERNMENT, Room 301, LOB

- 10:00 a.m. Full committee work session on **HB 290**, authorizing fluvial erosion hazard zoning.
- 10:30 a.m. Public hearing on proposed amendment to **SB 39-FN-L**, relative to municipal deposits and special meetings for considering an appropriate response to the American Recovery and Reinvestment Act of 2009. This non-germane amendment adds to the original bill and a germane committee amendment, a provision that provides the governor authority to waive administrative rules and to adopt temporary alternative rules upon a finding that such changes are necessary to use federal stimulus funds. Copies of the proposed amendment are available from the Sergeant-at-Arms office.
- 11:00 a.m. Full committee work session on **HB 33**, amending the Concord school district charter and **HB 319**, revising the charter of the union school district of Concord.
- 1:00 p.m. Executive session on **HB 393-L**, authorizing municipalities to publish electronic legal notices, **HB 156-L**, authorizing planning boards to require third party review and inspection, **HB 262**, relative to recording development restrictions.

PUBLIC WORKS AND HIGHWAYS, Room 201, LOB

- 10:15 a.m. **HB 178**, naming a bridge on U.S. route 4 in Lebanon the Terri Dudley Bridge.
- 10:45 a.m. **HB 552**, renaming a bridge across the Connecticut River the Judge Harlan Fisk Stone Bridge.
- 11:15 a.m. **HB 554**, renaming the Sewalls Falls Road Bridge after John W. Storrs.
- 11:45 a.m. **HB 564-FN**, relative to wheelchair van accessible parking spaces.
- 1:15 p.m. **SB 77**, renaming the Christa McAuliffe planetarium the McAuliffe-Shepard discovery center.
- 1:20 p.m. Executive session on **SB 77**, renaming the Christa McAuliffe planetarium the McAuliffe-Shepard discovery center.
- 1:45 p.m. **HB 604-FN-A**, relative to tolls.

RESOURCES, RECREATION AND DEVELOPMENT, Room 305, LOB

- 9:00 a.m. Subcommittee work session on **HB 384**, creating urbanization and timber harvesting exemptions for prime wetlands.
- 10:30 a.m. Executive session on **HB 293**, amending the Hampton Beach area commission, **HB 314-L**, relative to municipalities contracting for impact studies for large groundwater withdrawals, **HB 353**, designating Hampton Beach as a historic seaside recreational area, **HB 364**, relative to municipalities' authority to contract with the department of environmental services for dam maintenance, **HB 443**, relative to underground storage facility operator training, **HB 502**, modifying the definition of "dam", **HB 681-FN**, relative to aquatic resource compensatory mitigation.
- 1:30 p.m. Subcommittee work session on **HB 222**, relative to fill and dredge permits in wetlands.

SCIENCE, TECHNOLOGY AND ENERGY, Room 304, LOB

- 9:00 a.m. Subcommittee work session on **HB 395**, requiring electric utilities to offer a renewable default energy service option.
- 10:00 a.m. **HB 697**, relative to the penalty against public utilities.
- 1:00 p.m. Subcommittee work session on **HB 585-FN**, relative to outdoor lighting efficiency.

STATE FEDERAL RELATIONS AND VETERANS AFFAIRS, Room 203, LOB

- 9:00 a.m. Executive session on **HB 517**, relative to the definition of "armed forces", **HB 550**, encouraging the Museum of New Hampshire History to fly the state flag, **HJR 1**, requesting that Congress appropriate funds to revitalize public facilities for access to the ocean and seashore, **HCR 8**, urging the President and Secretary of Defense

- to withdraw all New Hampshire national guard troops from Iraq in the absence of a valid and subsisting Congressional mandate for such service, and withholding the consent of the governor and New Hampshire state legislature from any further deployment of the New Hampshire national guard to Iraq in the absence of such mandate, **HCR 10**, urging the federal government to withdraw the United States from the North American Free Trade Agreement, **HJR 2**, urging Congress to modify Medicare payments to enhance the compensation of primary care providers.
- 10:00 a.m. **HB 524-FN**, establishing a permanent state defense force.
- 1:00 p.m. **HCR 9**, urging the United States Senate to ratify the Comprehensive Test Ban Treaty.

TRANSPORTATION, Room 207, LOB (Please note room change.)

- 8:30 a.m. Subcommittee work session on **HB 272**, relative to operation of OHRVs on state highways in Coos county.
- 9:15 a.m. Continued public hearing on **HB 273**, relative to submission of electronic data by municipal and county inspection stations.
- 9:30 a.m. Executive session on **HB 179**, requiring automobile insurance to register a vehicle, **HB 485**, establishing a committee to study enforcement of walking disability placard violations, **HB 579-FN**, establishing motor vehicle learners' permits and relative to youth operators' licenses, **HB 639-FN**, relative to mandatory motor vehicle liability insurance, **HB 525**, prohibiting smoking in vehicles when child passenger restraints are required, **HB 272**, relative to operation of OHRVs on state highways in Coos county, **HB 578-FN-L**, relative to testimony by video teleconference, **HB 613**, establishing a committee to study the advantages and disadvantages of state acquisition of the remaining rail corridors, **HB 34**, relative to rules of the road, **HB 518**, relative to driver's license application forms. Continued executive session on **HB 186**, relative to rulemaking concerning rafts on public waters.

WAYS AND MEANS, Room 202, LOB

- 9:00 a.m. Public hearing on proposed amendments to **HB 638-FN-A**, increasing the tobacco tax and dedicating certain tobacco tax revenues to the comprehensive cancer plan fund. Amendment number 0565h is relative to the funding and operating of liquor stores by the liquor commission.
- 10:00 a.m. Amendment number 0568h establishes a tax on gambling winnings.
- 11:00 a.m. Amendment number 0566h increases the rate of the meals and rooms tax.
- 11:30 a.m.- Amendment number 0570h increases the filing fee for complaints about unfair labor practices.
- 1:00 p.m. Amendment number 0577h relative to fees for certain food and beverage licenses.
- 1:30 p.m. Amendment number 0575h increases fees for health facilities and community living facilities.
- 2:00 p.m. Amendment number 0573h amends the department of transportation's oversize and overweight permit fee schedule.
- 2:30 p.m. Amendment number 0572h establishes a driveway permit review and inspection fee.
- 3:00 p.m. Amendment number 0562h relative to subdivision fees and environmental services' subsurface systems program.
- 3:15 p.m. Amendment number 0563h establishes the motor vehicle air pollution abatement fund and increasing the motor vehicle inspection fee.
- 3:30 p.m. Amendment number 0564h relative to administrative costs of the state water pollution control and drinking water revolving loan funds.
- Copies of the proposed amendments are available from the Sergeant-at-Arms office.

FRIDAY, MARCH 13

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

9:00 a.m. Training session for JLCAR members.

ENERGY EFFICIENCY AND SUSTAINABLE ENERGY BOARD (RSA 125-O:5-a), Room 304, LOB

9:00 a.m. Regular meeting.

GOVERNOR'S COMMISSION ON ALCOHOL AND DRUG ABUSE PREVENTION, INTERVENTION, AND TREATMENT (RSA 12-J), Rooms 305-307, LOB

9:30 a.m. Regular meeting.

FINANCE, Rooms 210-211, LOB

9:00 a.m. Stimulus briefing with Bud Fitch, Office of Economic Stimulus, Governor's Office.

9:30 a.m. Full committee work session on **HB 433-FN-A**, making an appropriation to fund the reporting of hospital infections by the department of health and human services and **HB 649-FN**, relative to the governor's authority to expend funds for heating assistance.

10:00 a.m. Executive session on **HB 433-FN-A**, making an appropriation to fund the reporting of hospital infections by the department of health and human services and **HB 649-FN**, relative to the governor's authority to expend funds for heating assistance, **HB 113**, extending the moratorium on nursing home beds and rehabilitation beds, **HB 140-FN**, making charter schools eligible for grants for leased space, **HB 282-FN-A**, relative to compensation for the medical/vision advisory board and making an appropriation therefor, **HB 403**, clarifying the intent of a transfer of general funds to the highway fund, **HB 599-FN**, relative to reclassification of the position of forensic toxicologist in the department of safety, **HB 688**, relative to the chartered public school approval process and relative to open enrollment schools, **HB 689-FN-A-L**, directing aid to isolated small schools.

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

9:00 a.m. Regular meeting.

WAYS AND MEANS, Room 202, LOB

9:00 a.m. **HB 644-FN-A-L**, increasing the rate of the road toll, establishing the New Hampshire road and bridge account, limiting the uses of road toll revenues, and establishing a commission to study revenue sources for funding improvements to highways and bridges.

11:00 a.m. Subcommittee work session on **HB 543-FN-A**, establishing an inheritance tax on property received by collateral heirs.

11:15 a.m. Subcommittee work session on **HB 691-FN-A**, relative to the New Hampshire estate tax.

MONDAY, MARCH 16

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

1:00 p.m. Regular meeting.

COMMISSION TO STUDY LAND DEVELOPMENT REGULATIONS AND THE EFFECTS OF LAND DEVELOPMENT WITHIN UPLAND AREAS THAT MAY AFFECT WETLANDS AND SURFACE WATER OF THE STATE (HB 1579, Chapter 294:1, Laws of 2008), Room 305, LOB

1:00 p.m. Regular meeting.

EQUALIZATION STANDARDS BOARD (RSA 21-J:14-c), Department of Revenue Administration, 109 Pleasant Street (Medical and Surgical Building), Concord

1:00 p.m. Regular meeting.

FINANCE JOINT WITH WAYS AND MEANS, White Mountains Regional High School Auditorium, 127 Regional Road, Whitefield

6:00 p.m. Public hearing on **HB 1-A**, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 2010 and June 30, 2011 and **HB 2-FN-A-L**, relative to state fees, funds, revenues and expenditures.

FINANCE – (DIVISION I), Room 212, LOB

Budget work session:

9:30 a.m. Real Estate Commission
10:00 a.m. Real Estate Appraisers Board
10:30 a.m. Commission on the Status of Women
11:00 a.m. Board of Accountancy
11:30 a.m. Joint Board of Licensure and Certification
12:00 p.m. Boxing and Wrestling Commission
1:00 p.m. Developmental Disabilities Council

FINANCE – (DIVISION III), Room 209, LOB

10:00 a.m. Budget work session.

HEALTH AND HUMAN SERVICES OVERSIGHT COMMITTEE, (RSA 126-A:13), Room 205, LOB

10:00 a.m. Regular meeting.

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

9:00 a.m. Regular meeting.

INTERBRANCH CRIMINAL AND JUVENILE JUSTICE COUNCIL (RSA 651-E), Administrative Office of the Court Conference Room, Two Charles Doe Drive, Concord

1:30 p.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.

STATE PARK SYSTEM ADVISORY COUNCIL (RSA 216-A:3-k), NH Charitable Foundation, 37 Pleasant Street, Concord

11:00 a.m. Regular meeting.

TUESDAY, MARCH 17

CHILDREN AND FAMILY LAW, Room 206, LOB

10:00 a.m. Informational meeting – perspective on New Hampshire divorce laws.
1:15 p.m. Informational meeting – impact of Governor’s budget on children’s programs and services.

COMMERCE AND CONSUMER AFFAIRS, Room 302, LOB

9:00 a.m. Subcommittee work session on **HB 680**, making technical changes in the insurance laws.
10:00 a.m. **HCR 2**, endorsing the National Health Insurance Act.
10:30 a.m. **HJR 4**, requesting the Macquarie Bank to withdraw its rate hike request relating to the Aquarion Water Company in Hampton, North Hampton, and Rye.
11:00 a.m. **HB 678-FN**, relative to establishing a minimum medical loss ratio.
11:30 a.m. **HB 434-FN**, relative to a health insurance access program.
12:00 p.m. **HB 359**, requiring health care provider bills to state the portion of payment covering costs of the uninsured.
1:00 p.m. Executive session on **HB 334-FN**, relative to consumer credit, **HB 478-FN**, relative

to remotely readable devices and relative to the illegal use of a payment card scanning device or reencoder, **HB 529-FN**, relative to the healthy kids program, **HB 530-FN**, relative to inspection of public buildings for compliance with access standards, **HB 569-FN**, requiring insurance coverage for diagnosis and treatment of autism spectrum disorders, **HB 605**, relative to employment of minors by liquor licensees, **HB 607-FN**, relative to residential pharmaceutical waste, **HB 616**, relative to banking overdraft fees, **HB 659-FN**, relative to insurance fraud, **HB 660-FN**, relative to the life settlements act, **HB 668-FN**, relative to a life settlements model act, **HB 680**, making technical changes in the insurance laws, **HB 692**, relative to emergency generators in manufactured housing parks.

CRIMINAL JUSTICE AND PUBLIC SAFETY, Room 204, LOB

9:00 a.m. Subcommittee work session on **HB 160**, relative to physical force in defense of a person.

ENVIRONMENT AND AGRICULTURE, Room 308, LOB

10:00 a.m. Continued public hearing on **HB 347**, relative to use of weights and measurements at farmers markets.

FINANCE – (DIVISION I), Room 212, LOB

Budget work session:

9:30 a.m. Department of Resources and Economic Development

11:00 a.m. LCHIP

11:30 a.m. Board of Tax and Land Appeals

1:00 p.m. Department of Revenue Administration

2:00 p.m. Treasury

FINANCE – (DIVISION I): General Government; Administration of Justice and Public Protection; Resources Protection and Development (Categories, I, II, and III), **Rooms 202-204, LOB**

4:00 p.m. Public hearing on **HB 1-A**, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 2010 and June 30, 2011 and **HB 2-FN-A-L**, relative to state fees, funds, revenues and expenditures.

FINANCE – (DIVISION II), Rooms 210-211, LOB

Budget work session:

10:00 a.m. Department of Fish and Game

1:00 p.m. Department of Transportation

FINANCE – (DIVISION II), Safety; Fish and Game; Transportation; Education, **Rooms 205-207, LOB**

4:00 p.m. Public hearing on **HB 1-A**, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 2010 and June 30, 2011 and **HB 2-FN-A-L**, relative to state fees, funds, revenues and expenditures.

FINANCE – (DIVISION III), Room 209, LOB

10:00 a.m. Budget work session:

FINANCE – (DIVISION III), Health and Social Services, **Rooms 210-211, LOB**

4:00 p.m. Public hearing on **HB 1-A**, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 2010 and June 30, 2011 and **HB 2-FN-A-L**, relative to state fees, funds, revenues and expenditures.

LOCAL AND REGULATED REVENUES, Room 303, LOB

10:00 a.m. Executive session on **HB 309**, enabling towns and cities to establish a local revenue option as an alternative to property taxation for the funding of local government costs, **HB 311**, allowing municipalities to adopt a homestead exemption for property tax assessments on a person's principal place of residence, **HB 351**, relative to the interest rate on late and delinquent property tax payments and

subsequent payments, **HB 429-FN**, relative to cider, **HB 484**, relative to the definition of charitable organizations for raffles and games of chance, **HB 487**, allowing municipalities to adopt a property tax exemption for compliance with green building standards, **HB 522**, allowing municipalities to adopt a road maintenance property tax credit for resident unit owners in an over-55 condominium community, **HB 596-FN-L**, relative to establishing a property tax credit for all taxpayers whose property taxes exceed 10 percent of household income, **HB 676-FN-L**, relative to the reappraisal for tax purposes of property damaged by a natural disaster.

MUNICIPAL AND COUNTY GOVERNMENT, Room 301, LOB

10:00 a.m. Executive session on **HB 33**, amending the Concord school district charter, **HB 319**, revising the charter of the union school district of Concord, **HB 290**, authorizing fluvial erosion hazard zoning, **HB 320-L**, relative to agreements between central business service districts and municipalities for infrastructure improvements, **HB 377**, relative to extending certain dates for town budget preparation, **SB 39-FN-L**, relative to municipal deposits and special meetings for considering an appropriate response to the American Recovery and Reinvestment Act of 2009.

PUBLIC WORKS AND HIGHWAYS, Room 201, LOB

10:15 a.m. Continued executive session on **HB 437**, relative to the operation of the Chesterfield welcome and information center.
Executive session on **HB 178**, naming a bridge on U.S. route 4 in Lebanon the Terri Dudley Bridge, **HB 552**, renaming a bridge across the Connecticut River the Judge Harlan Fisk Stone Bridge, **HB 554**, renaming the Sewalls Falls Road Bridge after John W. Storrs, **HB 564-FN**, relative to wheelchair van accessible parking spaces, **HB 604-FN-A**, relative to tolls, **HB 570-FN-A**, requiring the department of transportation to convey ownership of Skyhaven airport to the Pease development authority, **HB 657-FN-L**, relative to the responsibility of the state for the infrastructure of state roads that run through certain towns.
11:15 a.m. **HB 25-FN-A**, making appropriations for capital improvements.

STATE FEDERAL RELATIONS AND VETERANS AFFAIRS, Room 104, LOB

1:00 p.m. Executive session on **HCR 9**, urging the United States Senate to ratify the Comprehensive Test Ban Treaty, **HB 524-FN**, establishing a permanent state defense force.

TRANSPORTATION, Room 203, LOB

10:00 a.m. Executive session on **HB 272**, relative to operation of OHRVs on state highways in Coos county.
Continued executive session, as needed, from March 12.

WEDNESDAY, MARCH 18

CHILDREN AND FAMILY LAW, Room 206, LOB

10:00 a.m. Executive session on **HB 131**, relative to meetings and reports of the juvenile justice advisory board, **HB 139**, relative to the determination of parental rights and responsibilities, **HB 409**, relative to identification required for participation in youth recreation programs, **HB 504**, relative to the termination of guardianship of a minor.

COMMERCE AND CONSUMER AFFAIRS, Room 302, LOB

11:00 a.m. Continued executive session, as needed, from March 17.

FINANCE – (DIVISION I), Room 212, LOB

Budget work session:

9:30 a.m. Department of Corrections

10:00 a.m. Work session on **HB 174-FN**, establishing a performance measurement system for state agencies, **HB 420-FN**, relative to the determination of gainful occupation for a group II member receiving an accidental disability retirement allowance from the retirement system, **HB 590-FN**, relative to the retirement age for group II members, 10:03 a.m. **HB 632-FN**, relative to including fully certified police officers of the New Hampshire hospital campus force in group II of the retirement system.

Budget work session:

1:00 p.m. Judicial Branch

1:30 p.m. Work session on **HB 310-FN**, relative to reimbursement of mileage for judges and marital masters, **HB 344-FN**, establishing the number of associate justices of the superior court, **HB 682-FN**, relative to court security and court security officers.

FINANCE – (DIVISION III), Room 209, LOB

9:00 a.m. Work session on **HB 468-FN-L**, relative to caps on total billings by the state to the counties for nursing home care.

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

9:30 a.m. Executive session on **HB 250**, relative to access to information in the abuse and neglect of adults registry and relative to persons providing child care or child placing services who are charged with a crime, **HB 301**, establishing a task force to study access to dental care, **HB 380**, relative to long-term care, **HB 414**, establishing a commission to study preventing dental disease among New Hampshire's children, **HB 577-FN**, relative to recovery of public assistance and third party liability, **HB 580-FN**, relative to health information and patient rights, **HB 595-FN-L**, relative to eligibility for long-term care, **HB 648-FN**, relative to the use of marijuana for medicinal purposes, **HB 693**, relative to emergency generators in residential care facilities.

THURSDAY, MARCH 19

COMMERCE AND CONSUMER AFFAIRS, Room 302, LOB

10:00 a.m. Executive session on **HB 359**, requiring health care provider bills to state the portion of payment covering costs of the uninsured, **HB 434-FN**, relative to a health insurance access program, **HB 678-FN**, relative to establishing a minimum medical loss ratio, **HCR 2**, endorsing the National Health Insurance Act, **HJR 4**, requesting the Macquarie Bank to withdraw its rate hike request relating to the Aquarion Water Company in Hampton, North Hampton, and Rye.

EDUCATION JOINT WITH HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS, Representatives Hall

3:00 p.m. Film screening of “Including Samuel” and discussion with filmmaker.

FINANCE – (DIVISION I), Room 212, LOB

Budget work session:

10:00 a.m. Department of Cultural Resources

11:00 a.m. Department of Agriculture

1:00 p.m. Adjutant General

2:00 p.m. Office of Energy and Planning

FINANCE – (DIVISION II), Rooms 210-211, LOB

9:30 a.m. Work session on **HB 391**, authorizing the department of transportation to convey a portion of interstate highways to the bureau of turnpikes, redefining the eastern New Hampshire turnpike, increasing the aggregate amount of bonds the state may issue, and authorizing the department of transportation to install open road tolling.

Budget work session:

10:00 a.m. Department of Transportation

FINANCE – (DIVISION III), Room 209, LOB

9:30 a.m. Budget work session.

**HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS JOINT WITH EDUCATION,
Representatives Hall**

3:00 p.m. Film screening of “Including Samuel” and discussion with filmmaker.

FRIDAY, MARCH 20

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

9:00 a.m. Regular meeting.

FINANCE – (DIVISION II), Rooms 210-211, LOB

Budget work session:

1:00 p.m. Department of Transportation

Fish and Game Department

FINANCE – (DIVISION III), Room 209, LOB

9:30 a.m. Budget work session.

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

9:00 a.m. Regular business.

**NEW HAMPSHIRE RAIL TRANSIT AUTHORITY BOARD OF DIRECTORS (RSA 238-A:2),
Rooms 201-203, LOB**

10:00 a.m. Regular meeting.

RIGHT-TO-KNOW OVERSIGHT COMMISSION (RSA 91-A:11), Room 208, LOB

10:00 a.m. Regular meeting.

MONDAY, MARCH 23

**COMMISSION TO PROPOSE A RETIREE HEALTH CARE BENEFITS FUNDING MODEL
(HB 1645, Chapter 300:13, Laws of 2008), Room 306, LOB**

10:00 a.m. Regular meeting.

**COMMISSION TO STUDY AIR QUALITY ISSUES IN PUBLIC SCHOOL BUILDINGS (HB
1171, Chapter 242:1, Laws of 2008), Department of Education, 101 Pleasant Street,
Concord**

10:00 a.m. Regular meeting.

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

10:00 a.m. Regular meeting.

FINANCE – (DIVISION II), Rooms 210-211, LOB

Budget work session:

10:00 a.m. University System, NH

11:00 a.m. Community College System of NH

2:00 p.m. Planetarium

FINANCE – (DIVISION III), Room 209, LOB

9:30 a.m. Budget work session.

**TASK FORCE ON HOMELESS TEENAGERS (HB 537, Chapter 273:1, Laws of 2008),
Room 206, LOB**

10:00 a.m. Regular meeting.

TUESDAY, MARCH 24

FINANCE – (DIVISION II), Rooms 210-211, LOB

Budget work session:

- 10:00 a.m. University System of NH
 Community College System of NH
 Planetarium
- 1:00 p.m. Lottery Commission
- 2:00 p.m. Police Standards and Training Council
- 3:00 p.m. Postsecondary Education Commission

FINANCE – (DIVISION III), Room 209, LOB

10:00 a.m. Budget work session.

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

3:00 p.m. Regular business.

THURSDAY, MARCH 26

FINANCE – (DIVISION II), Rooms 210-211, LOB

Budget work session:

- 10:00 a.m. Lottery Commission
 Postsecondary Education Commission
 Police Standards and Training Council

FRIDAY, MARCH 27

ASSESSING STANDARDS BOARD (RSA 21-J:14-a), Department of Revenue Administration, 109 Pleasant Street (Medical and Surgical Building), Concord

9:30 a.m. Regular meeting.

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

1:00 p.m. Complaint hearing.

WORKERS' COMPENSATION ADVISORY COUNCIL (RSA 281-A:62), Room 305, LOB

9:00 a.m. Regular meeting.

TUESDAY, MARCH 31

FINANCE, Rooms 210-211, LOB

- 10:00 a.m. Executive session on *HB 174-FN*, establishing a performance measurement system for state agencies, *HB 310-FN*, relative to reimbursement of mileage for judges and marital masters, *HB 344-FN*, establishing the number of associate justices of the superior court, *HB 420-FN*, relative to the determination of gainful occupation for a group II member receiving an accidental disability retirement allowance from the retirement system, *HB 590-FN*, relative to the retirement age for group II members, *HB 632-FN*, relative to including fully certified police officers of the New Hampshire hospital campus force in group II of the retirement system, *HB 682-FN*, relative to court security and court security officers, *HB 391*, authorizing the department of transportation to convey a portion of interstate highways to the bureau of turnpikes, redefining the eastern New Hampshire turnpike, increasing the aggregate amount of bonds the state may issue, and authorizing the department of transportation to install open road tolling, *HB 468-FN-L*, relative to caps on total billings by the state to the counties for nursing home care, *HB 1-A*, making appropriations for the expenses of certain departments of the state for

fiscal years ending June 30, 2010 and June 30, 2011, **HB 2-FN-A-L**, relative to state fees, funds, revenues, and expenditures.

WEDNESDAY, APRIL 1

EDUCATION OF CHILDREN WITH DISABILITIES ADVISORY COMMITTEE (RSA 186-C:3-b), Department of Education, Londergan Hall, Room 15, 101 Pleasant St., Concord
4:15 p.m. Regular meeting.

FRIDAY, APRIL 3

ADMINISTRATIVE RULES (RSA 541-A:2), Room 100, State House
9:00 a.m. Continued regular meeting.

MONDAY, APRIL 6

CITIZENS TRADE POLICY COMMISSION (RSA 19-L), Room 307, LOB
9:00 a.m. Regular meeting.

COMMISSION ON THE PREVENTION OF CHILDHOOD OBESITY (HB 1422, Chapter 219:1, Laws of 2008), Room 205, LOB
3:15 p.m. Regular meeting.

FRIDAY, APRIL 10

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

OFFICIAL NOTICES

COUNTY DELEGATION NOTICE

Hillsborough County Executive Committee will meet on Friday, **March 27** at 9:00 a.m. at the Hillsborough County Complex, Bouchard Building, Goffstown. Immediately following this meeting there will be the bi annual budget orientation meeting which is open to the entire Hillsborough County Delegation. Please let me know if you are attending the orientation as lunch will be provided.

Rep. Maurice Pilotte, Chairman
Hillsborough County Executive Committee

COUNTY DELEGATION NOTICE

Merrimack County Executive Committee will meet on Monday, **March 9** at 9:00 a.m. in the lower level conference room of the McDonnell Building, 4 Court Street, Concord. The purpose of the meeting is as follows: 1. 2009 Budget Review as follows: a. Corrections. b. Administration and Others. c. Human Services and Others. d. County Attorney/Med. Referee/Pre-Trial/Adult Diversion/Sheriff Dispatch. e. Nursing Home. 2. Any other business.

Rep. Jessie Osborne, Chairman
Merrimack County Executive Committee

REVISED FISCAL NOTES

The following House Bill has revised fiscal notes: HBs 30, 31, 56, 64, 166, 216, 223, 282, 348, 392, 419, 423, 426, 441, 468, 564, 582, 583, 584, 586, 587, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599,

600, 602, 608, 627, 628, 629, 630, 632, 633, 639, 640, 643, 650, 651, 652, 653, 655, 656, 657, 658, 659, 660, 663, 664, 666, 670, 672, 674, 675, 677, 678, 696, SB 25.

Karen O. Wadsworth, Clerk of the House

Pursuant to RSA 326-B:10-a,IV, the Joint Health Council will meet at the NH Board of Nursing Office, Walker Building, 21 South Fruit Street, Concord, on Monday, **March 9** at 6:00 p.m.

Karen O. Wadsworth, Clerk of the House

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. Anne K. Priestly, 4 Bluff Street, Salem, New Hampshire 03079-1501.

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

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.

The components of the NH Dental Society will be inviting legislators to events in their area in order to educate legislators regarding oral health issues in New Hampshire. Events are being scheduled for the month of March. Please watch for invitations in the mail.

Reps. Mary Jane Wallner and Sherman A. Packard

Anyone interested in participating in a legislative ski day this year please contact Rep. Frank Sapareto (894-7083) or Bruce Berke.

Rep. Frank V. Sapareto

MS Awareness Week is **March 2-8** and is a great opportunity to spread the word and raise awareness for multiple sclerosis. Multiple sclerosis interrupts the flow of information from the brain to the body, and can stop people from moving forward in their lives. There are at least 2,500 people in the State of New Hampshire who have MS, and for each person diagnosed, there can be as many as seven whose lives are significantly affected. Join the National Multiple Sclerosis Society in helping to create a world free of MS. No matter what you do, no matter how you do it, you'll keep all of us moving forward. To learn about ways to be a part of MS Awareness Week and to encourage others to move it too, check out www.MSnewengland.org, or call 1-800-344-4867.

Rep. Carol Williams

The Legislative Youth Advisory Council will be conduct its last public forum to discuss and gather more information about bills of interest to young people. It will be held Wednesday, **March 11** at 7:00 p.m. at Manchester City Hall. The Council invites legislators to attend this forum. The regular meeting of the Council will be Sunday, **March 8**, 1:00 p.m. at the NH Technical Institute in Concord. All meetings are open to the public. Please contact Rep. Carolyn Gargas for further information.

Rep. Carolyn Gargas

Everyone is invited to help celebrate Granny D's 99th birthday on Wednesday, **March 11**, from 11:00 a.m. to 1:30 p.m. in the Executive Council Chamber. Please stop by for refreshments and to offer your best wishes to Granny D on this remarkable milestone in her life.

Rep. Barbara Hull Richardson

All legislators and staff are invited to the 8th Annual NH Capital St. Patrick's Day Breakfast and Roast with Governor John Lynch and the legislative leadership to benefit Children's Hospital at Dartmouth on Thursday, **March 12** at 7:00 a.m. at the Courtyard Marriott-Grappone Center in Concord. To obtain your complimentary ticket, please RSVP james.demers@thedemersgroup.com.

Rep. Mary Jane Wallner

The New Hampshire Department of Health and Human Services Legislative Orientation has been **rescheduled for Thursday March 12th** at St. Paul's Church from 11:30 a.m. to 1:00 p.m. Come to learn more about the Department and its many programs and services that benefit the citizens of New Hampshire. Lunch will be provided, prepared by the New Hampshire Hospital Food and Nutritional Services, but donations will be gladly accepted to the hospital's Resident Benefit Fund. Please RSVP to John Williams, DHHS Legislative Coordinator, at jwilliam@dhhs.state.nh.us or 271-0552.

Rep. Cindy Rosenwald

All legislators are invited to attend a presentation by the Dartmouth Policy Research Center about identifying and combating voter suppression tactics on Thursday, **March 12** at noon in LOB 306-308. Lunch will be provided.

Rep. David M. Pierce

A New Hampshire Legislative Forum featuring five Nashua Republican Representatives will be held on **March 12** at Nashua City Hall Auditorium, 3rd Floor, 229 Main Street. The forum begins at 7:00 p.m. The panel includes Reps. Carl Seidel, Michael McCarthy, Edith Hogan, Peter Silva and Pam Price. Among the issues to be discussed are the New Hampshire state budget, parental consent and home schooling. Questions will be taken from the audience.

Rep. Carl Seidel

The Mental Health Caucus will meet on Wednesday, **March 18** from 3:00 to 4:30 p.m. at the Upham Walker House. Refreshments are being provided by the Mental Health Council. All members are encouraged to attend and hear from the Department of Health and Human Services on their 10-year plan to improve mental health services in the state plus we will discuss upcoming bills.

Rep. Liz H. Merry

The Department of Transportation will hold the following meetings:

March 19 – Hooksett Municipal Building, 35 Main Street, Hooksett, 7:00 p.m. – Public hearing commission meeting – Hooksett, reconstruction and widening of US 3/NH 28 with drainage improvements.

March 25 – McKelvie Middle School, 108 Liberty Hill Road, Bedford, 7:00 p.m. Public hearing special meeting. Bedford, US Route 3 bridge replacement over FE Everett Turnpike.

Rep. Candace CW Bouchard, Chairman
Public Works and Highways Committee

A blood drive will be held at the State House on Tuesday, **March 24th**, from 9:00 a.m. to 3:00 p.m. Donations will be made in the Red Cross Bloodmobile, which will be parked in front of the plaza. They are able to process three donors at a time. Please contact the Health Services office and reserve a time slot so that you will not have to wait. You can contact the Health Service at 271-2757 or at dianne.bergquist@leg.state.nh.us or ellen.neilley@leg.state.nh.us. We encourage everyone to consider making the gift of life.

Rep. Cindy Rosenwald

The University of New Hampshire President, Mark W. Huddleston and the UNH Alumni Association are pleased to invite members of the New Hampshire General Court and Staff to the annual UNH Legislative Breakfast on Wednesday, **March 25th** from 7:30 to 9:00 a.m. at the Holiday Inn, 172 North Main Street, Concord.

Rep. Marjorie K. Smith

All legislators and staff are welcome to the annual massage therapy day for a free chair massage in Room 212, LOB from 9:30 a.m. to 2:00 p.m. on Tuesday, **March 31**. This event is sponsored by the NH Chapter of the National Association of Massage Therapists.

Rep. Benjamin C. Baroody

All legislators and staff are cordially invited to the New Hampshire Automobile Dealers Association's annual legislative reception on Wednesday, **April 1** at the Grappone Conference Center, Marriott Courtyard, 70 Constitution Avenue, Concord, beginning at 3:00 p.m. or following session. NHADA has historically hosted this event which offers legislators a wonderful opportunity to unwind and enjoy the company of fellow legislators and staff in a fun, social gathering.

Reps. Mary Jane Wallner and Sherman A. Packard

The House Republican Alliance will meet every Tuesday at 8:30 a.m. at the Upham Walker House, Park Street, Concord.

Rep. Nancy J. Elliott

The Main Street Republicans will meet every Tuesday at 8:30 a.m. in Room 212, LOB. All Republicans are welcome.

Rep. Cynthia J. Dokmo

NH OWLS will meet the third Thursday of every month at 3:00 p.m. at the Upham Walker House. Guest Speakers will be announced. If you know a non-traditional student who would like to apply for an OWL Scholarship, applications are available on the 4th floor of the LOB. Applications must be returned by April 15, 2009.

Rep. Nancy F. Stiles

STATE HOUSE VISITATION SCHEDULE

As a convenience to the members of the NH General Court, the Visitors' Center offers the following schedule of schools and other groups visiting the State House in **March 2009**. 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 change**. **Please contact the Visitors' Center concerning school tour booking information.** Legislators planning to meet with students should notify the Visitor Center. 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>Size/Grade</u>
Mar. 9	10:15	Pelham Elementary School	50/4
Mar. 9	2:00	Sacred Heart Church Home School Group- Concord	30
Mar. 10	8:45	Oyster River HS-Russian Students	10/HS
Mar. 10	10:00/11:30 SH/HM	Horne Street School – Dover	80/4
Mar. 11	9:30	Village Coop Home School-Goffstown	16/4
Mar 11	10:00/11:30 SH/HM	Marston Elementary School – Hampton	65/4
Mar. 11	1:00	Concord Leadership	28/Adult
Mar. 12	10:00/11:15 SH/HM	Derry Village School	80/4
Mar. 13	9:30/11:00 SH/SC	Symonds School – Keene	60/4
Mar. 13	10:30	Moultonborough Central School	50/4
Mar. 13	1:30	Taylor Community	22/Adult
Mar. 13	2:15	Antrim Senior Center	15/Adult
Mar. 16	9:00	Bow Elementary School	40/4
Mar. 16	10:15	Pelham Elementary School	50/4
Mar. 17	9:00	Bow Elementary School	40/4
Mar. 17	10:00	Cornerstone Christian Academy – Ossipee	9/4

Mar. 17	11:00/12:30	Appleton Elementary School – New Ispwich	66/4
Mar. 18	9:00	Bow Elementary School	40/4
Mar. 18	10:00	Dondero School – Portsmouth	46/4
Mar. 18	1:00	Sant Bani School – Sanbornton	14/4
Mar. 19	10:00	East Kingston Elementary School	26/4
Mar. 19	10:30	Moore Center Community Living – Manchester	12
Mar. 19	11:30	New Durham School	28/4
Mar. 19	1:15	Vesta Roy Group	10/Adults
Mar. 20	9:30/11:00 SH/SC	Henry Moore School – Candia	60/4
Mar. 20	10:30	North Walpole School	30/4
Mar. 23	10:15	Pelham Elementary School	50/4
Mar. 23	11:30	Sanbornton Central School	45/4
Mar. 24	9:00	Greenland Elementary School	46/4
Mar. 24	10:00/11:30 SH/HM	Ledge Street School – Nashua	86/4
Mar. 25	10:00/11:30 SH/HM	Marston Elementary School – Hampton	80/4
Mar. 25	10:30	Crotched Mountain School	12
Mar. 26	9:30/11:00 SH/HM	Barnstead Elementary School	60/4
Mar. 27	9:30/11:00 SH/HM/SC	Jaffrey Grade School	66/4
Mar. 27	11:30	Wells Memorial School – Harrisville	12/4
Mar. 27	1:00	Strafford Elementary School	53/7
Mar. 30	10:00/11:30 SH/Pierce Manse	Atkinson Academy	90/4
Mar. 31	9:30/11:00 SH/HM	Webster Elementary School – Manchester	90/4

NOTICE

HOUSE EMERGENCY NOTIFICATION SYSTEM

In past sessions, a plan was developed for the House Leadership to communicate with members of the House at night and at such other times as the members are at home.

In most emergencies the individual member will be aware that an emergency exists, though may be in doubt as to its extent.

The following procedure has been developed:

1. Notice of an emergency message will be given to State Police Headquarters in Concord and commercial wire services.
2. State Police Headquarters will send the message via computer to the stations listed.
3. Reliance will be placed on each individual legislator to call the terminal station nearest his or her home and inquire for any emergency message to legislators in times of emergency or suspected emergency. This will include, but not be limited to cancellation of sessions due to severe weather conditions.

Gilford	Police Station	527-4737
Laconia	Police Station	524-5252

Keene	Police Station	352-2222
Lebanon	Police Station	448-1212
Manchester	Police Station	668-8711
Nashua	Police Station	594-3500
Concord	Police Station	225-8600
Rockingham County	County Sheriff	679-2225
Portsmouth	Police Station	427-1500
Dover	Police Station	742-4646
Claremont	Police Station	542-9538
Newport	Police Station	863-3232
Merrimack	Police Station	424-2222
Salem	Police Station	893-1911
Ossipee	County Sheriff	539-2284
Derry	Police Station	432-6111

In addition to the above listed numbers you can also call the numbers listed below nearest you.

State Police Headquarters

Department of Safety
33 Hazen Drive
Concord, NH 03305
Tel: 271-3636

Rockingham & Strafford Counties

Troop - A
Route 125
Epping, NH 03042
Tel: 679-3333

Cheshire & Sullivan Counties

Troop - C
Box 272
Keene, NH 03431
Tel: 358-3333

Belknap & Carroll Counties

Troop - E
Box 235
W. Ossipee, NH 03890

Hillsborough County

Troop - B
4 Meadowbrook Drive
Milford, NH 03055
Tel: 672-3333

Merrimack County

Department of Safety
33 Hazen Drive
Concord, NH 03305
Tel: 271-3636

Coos & Grafton Counties

Troop - F
Box 440
Twin Mountain, NH 03595

Tel: 323-3333

Tel: 846-3333

Also in the event members wish to obtain road or weather conditions during periods of inclement weather they should call the nearest Troop Station to their residence or Headquarters Communications in Concord. When calling Headquarters Communications, they should ask to speak with the Communications Supervisor. When calling a Troop Station, inquiries will be handled by the Communications Specialist on duty at the time.

The caller should specify the information he or she wishes to obtain. This information should be readily available to communications personnel and every effort will be made to accommodate these requests in a timely manner.

Please be advised when calling State Police Headquarters to call **271-3636** and not any of the 800 lines, which are used for emergency purposes only.

A toll-free road conditions on all state roads is available at **511**.

WEDNESDAY, MARCH 11

AMENDMENTS

(LISTED IN NUMERICAL ORDER)

2009-0420h

Amendment to HB 39-FN

Proposed by the Committee on Executive Departments and Administration - C

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

1 New Section; Inactive Status During Active Military Service. Amend RSA 329-A by inserting after section 11 the following new section:

329-A:11-a Inactive Status During Active Military Service.

I. Upon the request of a person licensed or certified by the board who is called to active military service for the United States, the board shall place such person's license or certificate on inactive status. The inactive status shall continue until the person is discharged from active military duty.

II. If the holder of a license or certificate inactivated under this section wishes to reactivate the license or certificate she or he shall so notify the board. Upon such notification the board shall extend the period for renewal of the license or certificate and for meeting the eligibility standards for renewal, by the length of time that the license or certificate was inactive.

2 New Paragraph; Rulemaking; Military Service. Amend RSA 329-A:14 by inserting after paragraph IX the following new paragraph:

X. Procedures for placing the licenses and certificates of those on active military duty on inactive status and for reactivating such licenses and certificates.

3 Plumbers Board; Water Treatment Technicians; Fees; Two Year Renewal. Amend RSA 329-A:5-a to read as follows:

329-A:5-a Fees. The board shall establish fees for licensure, renewal of licensure, and late renewal of licensure to practice under this chapter, for certification, renewal of certification, and late renewal of certification under this chapter, for initial apprentice identification cards and renewal of apprentice identification cards, for inspections done pursuant to RSA 329-A:17, for copies of the state plumbing code, for letters of verification requested by other jurisdictions relating to licensure and certification, for any courses, workshops, and seminars offered by the board, and for transcribing and transferring records and other services. The fees established by the board shall be sufficient to produce estimated revenues equal to 125 percent of the direct operating expenses of the board for the previous fiscal year. The fee for the ~~[annual]~~ **biennial** renewal of certification issued to persons certified as water treatment technicians shall not be more than the fee for the ~~[annual]~~ **biennial** renewal of licenses issued to journeyman plumbers.

4 Licenses and Certificate; Two Year Renewal. Amend RSA 329-A:11 to read as follows:

329-A:11 Expiration and Renewal.

I. Licenses and certificates issued by the board shall expire ~~[each year]~~ on the last day of the month of the holder's birth ***in the year 2 years following the year of issuance.***

II. Licenses issued to corporations, partnerships, and limited liability companies shall expire on the last day of January ~~[of each year]~~ ***2 years following the year of issuance.***

III. The board shall renew the licenses and certificates of eligible applicants upon the payment of the required fee and documentation of having met continuing education requirements and any other eligibility requirements established by the board pursuant to RSA 541-A.

IV. The board is authorized to offer continuing education courses, workshops, and seminars.

5 Effective Date. This act shall take effect January 1, 2010.

AMENDED ANALYSIS

This bill allows the plumbers' board to grant inactive status to plumbers in military service. The bill also provides for a 2-year period for licenses and certificates issued by the board.

2009-0430h

Amendment to HB 52-FN

Proposed by the Committee on Executive Departments and Administration - C

Amend RSA 328-B:5-a, I(c) as inserted by section 9 of the bill by replacing it with the following:

(c) Has met the requirements of RSA 328-B:6, I(a) and (c);

Amend the bill by replacing section 12 with the following:

12 Exemptions; Application of Chapter. Amend RSA 328-B:10 to read as follows:

328-B:10 Exemptions; ***Application of Chapter.***

I. Nothing in this chapter shall prevent a person licensed by this state pursuant to any other provision of law, or any person employed by such a licensee as an assistant, from performing the occupation for which he ***or she*** is licensed.

II. ~~[This chapter shall not apply to athletic trainers to the extent they are performing bona fide training services for an athletic team located or training within this state.]~~

III. ~~The commissioner may by rule exempt other classes of persons from all or part of the provisions of this chapter if the commissioner finds that the public interest will be served by such exemption.]~~ ***Nothing in this chapter shall be construed to prevent or restrict the practice of any person in this state who uses touch, words, and directed movement to deepen awareness of existing patterns of movement as well as to suggest new possibilities of movement, while engaged within the scope of practice of a profession with established standards and ethics, provided that their services are not designated as or implied to be massage or massage therapy. Such practices include, but are not limited to the Feldenkrais method of somatic education, the Trager approach to movement education, the Alexander technique, and body-mind centering.***

III. Nothing in this chapter shall be construed to prevent or restrict the practice of any person in this state who uses energy or superficial touch to affect the energy systems of the human body while engaged within the scope of practice of a profession with established standards and ethics, provided that their services are not designated as or implied to be massage or massage therapy. Such practices include, but are not limited to, polarity therapy, therapeutic touch, and reiki.

2009-0525h

Amendment to HB 61

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

Amend the bill by replacing section 1 with the following:

1 New Paragraph; Energy Efficiency and Sustainable Energy Board. Amend RSA 125-O:2 by inserting after paragraph IX the following new paragraph:

IX-a. "Sustainable energy" means energy that supplies present energy needs without permanently depleting resources, while considering environmental impacts, and without compromising the ability of future generations to meet their own energy needs.

2009-0541h

Amendment to HB 64-FN

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

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

AN ACT relative to eligibility for Aid to the Needy Blind.

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

1 Rulemaking; Methodology for Determining Eligibility for Aid to the Needy Blind.

I. The department of health and human services shall adopt rules pursuant to RSA 541-A to utilize the Social Security Income methodology which deems parental income in determining financial eligibility for any new applicants under the age of 18 for Aid to the Needy Blind (ANB). The new methodology adopted pursuant to this section shall take effect on July 1, 2010 and shall apply only to applicants who apply to the program on or after July 1, 2010.

II. With the exception of the change required under paragraph I, the department shall not change the eligibility requirements or income methodologies, including any application of parental deeming of income in determining eligibility for current ANB recipients under the age of 18.

2 Review of ANB Program. No later than September 30, 2009, the department of health and human services shall determine whether each current recipient of ANB who is under the age of 18 would lose Medicaid eligibility if parental deeming were applied and whether the recipient is eligible for Medicaid under any other alternative Medicaid eligibility category. In complying with this section, the department shall work with each recipient and his or her family to determine the recipient's Medicaid eligibility under ANB if parental deeming applied and the recipient's eligibility for Medicaid through alternative Medicaid eligibility categories, other than ANB.

3 Legislative Report on ANB Program. On or before November 1, 2009, the department of health and human services shall submit a report to the chairperson of the house health and human services and elderly affairs committee, the chairperson of the senate health and human services committee, and the clerks of the house of representatives and the senate which shall:

I. Detail the department's findings under section 2 of this act.

II. Identify the number of current ANB recipients under the age of 18 who would be eligible for Medicaid under an alternative Medicaid eligibility category and the number that would not be so eligible.

III. Identify the number of current ANB recipients who would lose Medicaid eligibility if parental deeming as implemented in the Social Security Income program were used to determine ANB eligibility and who would not be eligible for Medicaid under an alternative program.

IV. Calculate, based on each recipient's past Medicaid expenditure data, the total annual Medicaid costs of current ANB recipients who would be ineligible for ANB if parental deeming methodologies were applied and who would not be eligible under any alternative Medicaid eligibility category.

V. Detail the amount of any additional costs that would be incurred by an ANB recipient as a result of receiving Medicaid through an alternative Medicaid eligibility category, other than ANB, including but not limited to estimated spend down amounts required for the current ANB recipient to obtain Medicaid through an alternative program.

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

AMENDED ANALYSIS

This bill:

I. Directs the department of health and human services to adopt rules under RSA 541-A relative to deeming parental income of new applicants for Aid to the Needy Blind who are under 18 years of age.

II. Requires the department to review current program participation to determine the effect the change in financial eligibility would have on current participants and to determine their eligibility for alternative Medicaid eligibility category.

III. Requests that the department submit a report to the legislature on its assessment of the Aid to the Needy Blind program.

2009-0204h

Amendment to HB 81

Proposed by the Minority of the Committee on Health, Human Services and Elderly Affairs - R

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

AN ACT prohibiting smoking within public playgrounds.

Amend RSA 155:42-a as inserted by section 1 of the bill by replacing it with the following:

155:42-a Smoking Within Public Playgrounds Prohibited.

I. In this subdivision "playground" means any park or recreational area specifically designed to be used by children that has play equipment installed, or any similar facility located on public school grounds, or on city, county, or state park grounds.

II. Smoking is prohibited within a playground.

III. Any person who violates paragraph II of this section shall be guilty of a violation and subject to a fine of not less than \$100.

AMENDED ANALYSIS

This bill prohibits smoking within public playgrounds.

2009-0540h

Floor Amendment to HB 127

Proposed by Reps. Winters and Cushing

Amend RSA 622:33-b, III as inserted by section 1 of the bill by replacing it with the following:

III. Unless the inmate presents a substantial flight risk or other extraordinary circumstances dictate otherwise, no mechanical restraints shall be used on a pregnant inmate who has been declared by the attending health care practitioner to be in active labor. The inmate shall remain unrestrained after delivery and while in recovery. If the commissioner of the department of corrections determines that restraints are necessary while the inmate is in labor, after delivery, or while in recovery, the commissioner shall make written findings as to the reasons why mechanical restraints were necessary and present such findings to the inmate and the inmate's family.

Amend the bill by inserting after section 1 the following and renumbering the original section 2 to read as 3:

2 New Section; County Departments of Corrections; Care and Custody of Pregnant Inmates.

Amend RSA 30-B by inserting after section 24 the following new section:

30-B:24-a Care and Custody of Pregnant Inmates.

I. The superintendent of the county department of corrections shall ensure that all reasonable and appropriate measures consistent with public safety are taken in transporting a pregnant inmate. Such care shall, to the greatest extent possible:

(a) Prevent physical and psychological trauma.

(b) Respect the inmate's right to privacy.

(c) Represent the least restrictive means necessary for the safety of the inmate, medical and correctional personnel, and the public.

II. The county department of corrections shall not routinely restrain pregnant inmates who are beyond the first trimester of pregnancy in the same manner as other inmates, but shall seek an alternative means of restraint if necessary, consistent with public safety and protecting the pregnant inmate's health.

III. Unless the inmate presents a substantial flight risk or other extraordinary circumstances dictate otherwise, no mechanical restraints shall be used on a pregnant inmate who

has been declared by the attending health care practitioner to be in active labor. The inmate shall remain unrestrained after delivery and while in recovery. If the superintendent of the county department of corrections determines that restraints are necessary while the inmate is in labor, after delivery, or while in recovery, the superintendent shall make written findings as to the reasons why mechanical restraints were necessary and present such findings to the inmate and the inmate's family.

2009-0341h

Amendment to HB 148

Proposed by the Committee on Environment and Agriculture - R

Amend the bill by replacing section 3 with the following:

3 Definitions; Transfer of Household Pets. Amend RSA 437:2, I-a - V to read as follows:

I-a. "Commercial kennel" means any person, business, corporation, or other entity that ~~[sells or]~~ transfers 10 or more litters or 50 or more puppies in any 12-month period.

II. "Department" means the state department of agriculture, markets, and food.

III. "Pet shop" means any establishment licensed to keep, maintain, and ~~[sell]~~ **transfer** certain live animals, birds, and fish at retail to the public.

IV. "S.P.C.A." means the Society for the Prevention of Cruelty to Animals.

V. "Broker" means any individual or entity acting as agent or intermediary in negotiating~~[-~~ ~~buying, selling,~~ or transferring dogs, cats, or ferrets when transfer to the final owner occurs in New Hampshire.

VI. "Transfer" means transfer of ownership of live animals, birds, or fish from any person, firm, corporation, or other entity to a member of the public.

Amend RSA 437:13-a, I as inserted by section 10 of the bill by replacing it with the following:

I. No cat shall be transferred by any person in the state or out of the state for a fee without first being inoculated against infectious diseases using a vaccine approved by the state veterinarian and unless accompanied by an official health certificate issued by a licensed veterinarian within 14 days. Said health certificate shall be in triplicate, of which one copy shall be sent to the state veterinarian **in accordance with RSA 437:8**, one copy shall be kept by the person transferring ownership of said cat for a period of at least 3 years, and one copy shall be given to the new owner.

Amend RSA 466:6-a, I as inserted by section 11 of the bill by replacing it with the following:

I. No dog shall be ~~[sold]~~ **transferred** in the state or out of the state by a breeder without first being inoculated against infectious canine diseases using a vaccine approved by the state veterinarian and unless accompanied by an official health certificate issued by a licensed veterinarian within 14 days. Said certificate shall be in triplicate, one copy of which shall be sent to the state veterinarian, one copy of which shall be kept by the breeder of said dog for a period of at least 3 years and one copy of which shall be given to the purchaser. **If an official health certificate is produced, it shall be prima facie evidence of transfer.**

2009-0407h

Amendment to HB 189

Proposed by the Committee on Municipal and County Government - C

Amend the bill by replacing section 1 with the following:

1 New Chapter; Energy Commissions. Amend RSA by inserting after chapter 38-C the following new chapter:

CHAPTER 38-D

ENERGY COMMISSIONS

38-D:1 Method of Adoption. Any governing or legislative body of a municipality may adopt or rescind the provisions of this chapter at any duly warned meeting.

38-D:2 Energy Commission. A city or town may establish an energy commission, hereinafter called the commission, for the study, planning, and utilization of energy resources for municipal buildings and built resources of such city or town.

38-D:3 Membership. The commission shall consist of no fewer than 3 nor more than 10 members. In cities, the members of the commission shall be appointed by the city council subject to the provisions of the city charter, and in towns the members of the commission shall be appointed by the board of selectmen. Alternate members may be appointed in a like manner and when the alternate serves in the absence or disqualification of a regular member, the alternate shall have full voting powers. When a commission is first established, terms of the members shall be for one, 2, or 3 years, and so arranged that the terms of approximately 1/3 of the members will expire each year, and their successors shall be appointed for terms of 3 years each. Any member of a commission so appointed may, after a public hearing, if requested, be removed for cause by the appointing authority. A vacancy occurring other than by expiration of a term shall be filled for the unexpired term in the same manner as an original appointment. Members of an energy commission shall be residents of the city or town which they represent. Members of an energy commission also may serve on other municipal boards and commissions, including but not limited to, a conservation commission under RSA 36-A, local planning boards under RSA 672, historic district commission established under RSA 673:4, and a heritage commission established under RSA 673:4-a.

38-D:4 Duties.

I. The commission shall:

(a) Research municipal energy use and cost and make such information available to the town on at least an annual basis.

(b) Make recommendations to local boards and committees pertaining to municipal energy plans and sustainable practices such as energy conservation, energy efficiency, energy generation, and zoning practices.

II. The commission may appoint subcommittees as it may from time to time require.

38-D:5 Appropriations Authorized.

I. A town or city, having established an energy commission, may appropriate money as necessary for the purpose of this chapter. All or any part of money so appropriated in any year and any gifts of money received under this chapter may be placed in an energy commission fund and allowed to accumulate from year to year. Money may be expended from such fund by the energy commission for the purposes of this chapter without further approval of the town meeting; however, acceptance of gifts over \$500 and disbursements over \$500 shall require a public hearing and approval of the governing body.

II. The town treasurer, under RSA 41:29, shall have custody of all moneys in the energy fund and shall pay out the same only upon order of the energy commission. The disbursement of energy commission funds following the approval required under paragraph I shall be authorized by a majority of the energy commission.

38-D:6 Energy Commission Support. The office of energy and planning and New Hampshire regional planning commissions may establish programs to assist, at their request, the cities and towns which have established an energy commission.

2009-0291h

Amendment to HB 230

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

Amend RSA 173-B:1, I(h) as inserted by section 1 of the bill by replacing it with the following:

(h) Such conduct by the defendant, regardless of its proximity in time to the filing of the petition, which, in the discretion of the court, reasonably causes, or has caused, the plaintiff or members of the plaintiff's household to fear for their safety and well-being.

2009-0185h

Amendment to HB 233

Proposed by the Committee on Executive Departments and Administration - C

Amend RSA 329:4, II as inserted by section 2 of the bill by replacing it with the following:

II. The remaining [9] **10** members of the board shall be appointed, as their terms expire, by the governor with the advice and consent of the council. Their terms of office shall be 5 years and until their successors are appointed and qualified. No member shall be appointed to more than 2 consecutive terms. Appointments to fill vacancies shall be for the unexpired term.

Appointees to the unexpired portion of a full term shall become members of the board on the day following such appointment. Time served in filling an unexpired term shall not affect an appointee's eligibility to serve 2 consecutive full terms. The governor and council may remove any appointed member of the board for malfeasance, misfeasance, or nonfeasance.

2009-0427h

Amendment to HB 240-FN

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

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

1 Workers' Compensation; Compensation for Death. Amend RSA 281-A:26, IV to read as follows:

IV. The employer shall pay burial expenses not to exceed [~~\$5,000~~] **\$10,000**.

2 Effective Date. This act shall take effect January 1, 2010.

AMENDED ANALYSIS

This bill increases the amount an employer pays for burial expenses under workers' compensation.

2009-0170h

Amendment to HB 245

Proposed by the Committee on Legislative Administration - C

Amend the bill by replacing section 5 with the following:

5 Commission to Examine Driving While Impaired Education and Intervention Programs.

Amend 2008, 256:10, V to read as follows:

V. The commission shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before November 1, [~~2008~~] **2010**.

Amend the bill by inserting after section 14 the following and renumbering the original section 15 to read as 16:

15 Commission to Develop Alternatives to the Disposal of Medical Sharps in Household Waste. Amend 2008, 259:6 to read as follows:

259:6 Report. The commission shall report its findings and any recommendations for proposed legislation to the president of the senate, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library ***in the form of an interim report*** on or before [~~April~~] **November** 1, 2009 ***and a final report on or before November 1, 2010.***

2009-0515h

Amendment to HB 252

Proposed by the Committee on Executive Departments and Administration - C

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

1 New Section; Administrative Procedures Act; Expiring Rules. Amend RSA 541-A by inserting after section 20 the following new section:

541-A:20-a Initiating Rulemaking Prior to Expiration Date of Existing Rule; Expired Rule.

I. Provided that the relevant statute granting rulemaking authority for an existing rule is valid and in effect and requires the agency to adopt the rule, the agency to which such authority is granted shall act expeditiously to commence rulemaking pursuant to RSA 541-A to prevent expiration of such rules and to allow adequate time for the committee to consider the rules.

II. If an agency consistently fails to readopt its rules prior to their expiration as provided in paragraph I, the committee may direct the agency to contact the director to develop a timetable of readoption or readoption with amendments.

III. An agency shall not be precluded from adopting an interim rule pursuant to RSA 541-A:19, I(d) to keep rules from expiring or RSA 541-A:19, I(e) to put expired rules back into effect.

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

AMENDED ANALYSIS

This bill establishes a procedure for review of agency rulemaking prior to expiration of the rules.

2009-0386h

Amendment to HB 253

Proposed by the Committee on Municipal and County Government - C

Amend the bill by replacing section 2 with the following:

2 Gunstock Area; Powers Amended. Amend 1959, 399:10(f) to read as follows:

(f) ***Notwithstanding RSA 28:8-c***, to acquire in the name of the county of Belknap by purchase, lease or otherwise, real property and rights or easements therein, deemed by it necessary for the purpose hereof, and to use such property[-] ***and, to convey, lease in accordance with RSA 72:23, I, or dispose of real property or the rights or easements therein under terms and conditions as shall be negotiated by the commission, provided that no conveyance or disposal shall occur unless authorized by the county convention by a 2/3 vote of those members present and voting after a public hearing, and upon a vote of the commission with at least 4 members of the commission voting in favor, and upon approval of the Belknap county commissioners with at least 2 commissioners voting in favor.***

2009-0510h

Amendment to HB 297

Proposed by the Committee on Executive Departments and Administration - C

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

AN ACT relative to the adoption of agency forms under the administrative procedures act and relative to the notice of the expedited repeal of rules.

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

1 Administrative Procedure Act; Definition of Form. Amend RSA 541-A:1 by inserting after paragraph VII the following new paragraph:

VII-a. "Form" means a document that establishes a requirement for persons outside the agency to provide information to an agency and the format in which such information must be submitted. The term does not include any document, regardless of what the document is called, that (a) is provided by an agency to facilitate the submission of information that is required to be submitted to the agency by federal or state statute, regulation, or rule and does not add to or modify such requirement or (b) that is used only by the agency to provide information to persons outside the agency.

2 Administrative Procedure Act; Definition of Rule; Exclusion of Forms Removed. Amend RSA 541-A:1, XV to read as follows:

XV. "Rule" means each regulation, standard, ***form as defined in paragraph VII-a***, or other statement of general applicability adopted by an agency to (a) implement, interpret, or make specific a statute enforced or administered by such agency or (b) prescribe or interpret an agency policy, procedure or practice requirement binding on persons outside the agency, whether members of the general public or personnel in other agencies. The term does not include (a) internal memoranda which set policy applicable only to its own employees and which do not affect private rights or change the substance of rules binding upon the public, (b) informational pamphlets, letters, or other explanatory material which refer to a statute or rule without affecting its substance or interpretation, (c) personnel records relating to the hiring, dismissal, promotion, or

compensation of any public employee, or the disciplining of such employee, or the investigating of any charges against such employee, **or** (d) declaratory rulings~~[-or (e) forms]~~. The term “rule” shall include rules adopted by the director of personnel, department of administrative services, relative to the state employee personnel system. Notwithstanding the requirements of RSA 21-I:14, the term “rule” shall not include the manual described in RSA 21-I:14, I or the standards for the format, content, and style of agency annual and biennial reports described in RSA 21-I:14, IX, which together comprise the manual commonly known as the administrative services manual of procedures. The manual shall be subject to the approval of governor and council.

3 Expedited Repeal of Rules; Notice in Rulemaking Register. Amend RSA 541-A:19-a, III through V as follows:

III. The notice required by paragraph II shall be:

~~(a) Published in the rulemaking register and in a newspaper of daily statewide circulation.~~

~~(b) Filed~~ **filed** with the director of legislative services ~~[no later than 7 calendar days before the date of]~~ **for** publication in the rulemaking register.

~~(c) Published in a newspaper of daily statewide circulation no later than the date of publication in the rulemaking register.]~~

IV. ~~[At the same time that the notice required by RSA 541-A:19-a, III is filed, the]~~ **The** agency shall file the text of the rule to be repealed with the ~~[director of legislative services]~~ **notice filed pursuant to paragraph III.**

V. There shall be a public comment hearing on the proposed repeal no sooner than 7 calendar days after the date of publication of the notice in the rulemaking register. There shall be a period for the submission to the agency of written or electronic public comment ending ~~[on]~~ **no sooner than** the 3rd calendar day after the date of the public comment hearing. Copies of the text of the rules subject to repeal shall be available at the public comment hearing.

4 New Sections; Adoption of Forms; Expedited Revisions to Forms. Amend RSA 541-A by inserting after section 19-a the following new sections:

541-A:19-b Adoption of Forms. An agency may adopt a form as defined in RSA 541-A:1, VII-a by incorporating the actual form by reference or by setting forth the requirements of the form in rules adopted according to the procedures in this chapter. Such forms shall be non-expiring unless required to be revised by statutory change as specified in RSA 541-A:17, II.

541-A:19-c Revisions to Forms; Expedited Procedure.

I. An agency may make editorial changes to a previously adopted form without following the procedures required in RSA 541-A:19-b, in this section, or in RSA 541-A:3.

II. An agency may revise a form as defined in RSA 541-A:1, VII-a without meeting the requirements of RSA 541-A:5-7 and RSA 541-A:9-14 either in accordance with RSA 541-A:19-b or by providing notice and adopting the form in accordance with paragraphs III through VII.

III. Notice of an agency’s intent to adopt a form or amendment to a form shall include:

(a) The name and address of the agency.

(b) The statutory authority for the form.

(c) An explanation of the reason for the proposed adoption or amendment of a form.

(d) The name, address, electronic address, and telephone number of an individual in the agency able to answer questions about the proposed form.

(e) The deadline for receipt by the agency of written or electronic public comment, which shall be no sooner than the 7th calendar day after the date of publication of the notice in the rulemaking register.

IV. The notice required by paragraph III shall be filed with the director of legislative services for publication in the rulemaking register. A copy of the form to be adopted shall be filed with the notice.

V. If on the basis of public comment the official or the group of individuals with rulemaking authority determines that the form should not be adopted, the agency shall so notify the director of legislative services and the form shall not be adopted.

VI. The proposed form shall be placed on the agenda of the committee for review at the first regularly scheduled or special meeting at least 5 calendar days after the close of the period for written or electronic comment described in subparagraph III(e). The committee may approve or object to the form. The committee may object to the adoption of the form if the form is:

- (a) Beyond the authority of the agency;
- (b) Contrary to the intent of the legislature; or
- (c) Deemed by the committee not to meet the requirements of this section.

VII. Subsequent review and adoption of the form shall be as provided in RSA 541-A:13 for final proposed rules.

5 Time Limit; Non-Expiration of Certain Rules. RSA 541-A:17, II is repealed and reenacted to read as follows:

II. Notwithstanding the provisions of paragraph I, any procedural rules proposed and adopted pursuant to RSA 541-A:16, I and any forms adopted pursuant to RSA 541-A:19-b or RSA 541-A:19-c shall not expire, provided that they have been approved by the committee. No changes to such rules or forms may be made by the agency, other than editorial changes not affecting the substance of the rules or forms, without following the rulemaking procedures required in this chapter. However, if the adoption or amendment of a statute governing the agency renders the agency's procedural rules adopted under RSA 541-A:16, I or forms adopted pursuant to RSA 541-A:19-b or RSA 541-A:19-c no longer accurate, such rules or forms shall expire one year after the effective date of the statute that makes such change, unless such rules or forms are amended, superseded, or repealed before such expiration. The agency shall commence rulemaking to amend its rules no later than 90 days after the effective date of such statute. If the agency reorganizes its organization and responsibilities in such a way that the agency's rules under RSA 541-A:16, I(a) describing its organization are no longer accurate, the agency shall amend its rules as soon as is practicable, but shall commence rulemaking not later than 90 days after such changes occur.

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

AMENDED ANALYSIS

This bill establishes a procedure for the expedited adoption of forms by agencies and the review by the joint legislative committee on administrative rules. The bill also clarifies the notice required for the expedited repeal of rules and the non-expiration of certain rules.

2009-0191h

Amendment to HB 313-FN

Proposed by the Committee on Children and Family Law - C

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

1 Assignment of Right of Support Enforcement. Amend RSA 161-C:22, I to read as follows:

I. The receipt of public assistance for a child shall constitute an assignment by the recipient to the department of any and all rights, title, and interest in and to support obligation owed to or for the recipient or, the child or children, or both the recipient and any child or children, up to the amount of public assistance money paid for or on behalf of such child or such children[~~including any support unpaid at the time of assignment as long as public assistance is paid~~] **which accrues during the period that the public assistance is provided. Such assignment includes only those arrearages which accrue during the period that the public assistance is provided to the family.**

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

2009-0433h

Amendment to HB 321

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

Amend the bill by replacing section 1 with the following:

1 Effective Date Delayed. Amend 2008, 299:4 to read as follows:

299:4 Effective Date. This act shall take effect [July] **January** 1, [2009] **2010**.

AMENDED ANALYSIS

This bill delays for 6 months the effective date of 2008 SB 342-FN-LOCAL, relative to workforce housing.

2009-0647h

Amendment to HB 357

Proposed by the Majority of the Committee on Transportation - R

Amend the bill by replacing section 1 with the following:

1 Special Number Plates for Veterans; Surviving Spouse. Amend RSA 261:87-b, I to read as follows:

I. The director is hereby authorized to issue special number plates to be used on motor vehicles owned by veterans of the United States armed services, in lieu of other number plates. The design of these special plates shall be determined by the commissioner, and shall be distinct from the design or designs of those plates issued under RSA 261:86. Such plates shall be issued only to veterans as defined in RSA 21:50, I(a) upon application, proof of veteran status in a form authorized by RSA 21:50, I(b), and payment of the regular motor vehicle registration fee and the \$4 per plate fees under RSA 261:75. The director shall also issue such plates to any person providing proof of honorable discharge from the armed services of any nation allied with the United States during World War II and proof of such person's service during World War II. Renewals of such special number plates shall be charged the fee assessed for standard motor vehicles as prescribed under RSA 261:141. The plates furnished pursuant to this section are non-transferable and shall expire upon the death of the veteran, except that the surviving spouse may use the plates ~~[for one year after the death of the veteran and shall be eligible to replace the plates during that year at no charge under RSA 261:75]~~ **until he or she remarries.**

AMENDED ANALYSIS

This bill allows the surviving spouse to retain the special number plates for veterans until the spouse remarries.

2009-0613h

Amendment to HB 372

Proposed by the Committee on Transportation - C

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

AN ACT relative to drivers' licenses for persons with certain seizure disorders.

Amend the bill by replacing section 1 with the following:

1 New Section; License Suspension or Revocation; Seizure Standards. Amend RSA 263 by inserting after section 59 the following new section:

263:59-a Seizure Standards.

I. In this section:

(a) "Aura" means a sensation experienced before the onset of a seizure episode.

(b) "Medical examination report" means a general summary, which shall not include specific medical information, of the results of a medical examination based on the following information:

(1) Age at onset of seizures, diagnosis, and history.

(2) Aftereffects of seizures.

(3) EEG findings, if any.

(4) Description, cause, frequency, duration, and date of most recent seizure.

(5) Current medications, including dosage, side effects, and serum level.

(6) The physician's medical opinion as to whether or not the seizure disorder will affect the person's ability to operate a motor vehicle. A seizure disorder does not affect a person's ability to operate a motor vehicle safely if any of the following are true:

(A) Any seizure occurring within the last 3 months was due to a change in anticonvulsant medication ordered by a physician and whether or not seizure control after the change in medication has been established with reasonable medical certainty.

(B) Any seizure occurring within the last 3 months was a single event that a physician concludes with reasonable medical certainty will not recur in the future.

(C) If the seizures are likely to occur or have an established pattern of occurring only during sleep.

(D) If the seizures have an established pattern of an aura of sufficient duration to allow the person safely and immediately to cease operating a motor vehicle upon the onset of the aura.

(c) "Seizure" means a neurological disorder characterized by a sudden alteration in consciousness, sensation, motor control, or behavior, due to an abnormal electrical discharge in the brain.

II. The division shall revoke a person's driver's license or nonresident driving privileges if a medical examination report shows that the person has a seizure disorder that affects the person's ability to operate a motor vehicle.

AMENDED ANALYSIS

This bill authorizes the division of motor vehicles to revoke the driver's license of a person with a seizure disorder that affects his or her ability to drive a motor vehicle.

2009-0090h

Amendment to HB 411

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

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

1 New Subdivision; Cash Option for Retirement Accounts. Amend RSA 275 by inserting after section 69 the following new subdivision:

Cash Option for Retirement Accounts

275:70 Cash Option for Retirement Accounts. Any employer offering a retirement plan or account established under the Employee Retirement Income Security Act of 1974 and as such act may be further amended, shall provide at least one option for the investment of such funds in an account that guarantees no loss of principal.

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

AMENDED ANALYSIS

This bill declares that employers offering certain retirement programs shall offer at least one option for investing such funds that guarantees no loss of principal.

2009-0088h

Amendment to HB 446

Proposed by the Committee on Municipal and County Government - C

Amend the bill by replacing section 1 with the following:

1 Powers of Zoning Board of Adjustment; Variance. RSA 674:33, I(b) is repealed and reenacted to read as follows:

(b) Authorize, upon appeal in specific cases, a variance from the terms of the zoning ordinance if:

(1) The variance will not be contrary to the public interest;

(2) The spirit of the ordinance is observed;

(3) Substantial justice is done;

(4) The values of surrounding properties are not diminished; and

(5) Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship. For purposes of this paragraph, "unnecessary hardship" means that, owing to special conditions of the property that distinguish it from other properties in the area, either (i) there is no reasonable and economically viable use that can be made of the property that would be in strict compliance with the ordinance; or (ii) no fair and substantial relationship exists between the general purposes of the zoning ordinance and the specific application of the ordinance to the property, and the proposed use is otherwise a reasonable one. This definition of "unnecessary hardship" shall apply whether the provision of the ordinance from which a variance sought is a

restriction on use, a dimensional or other limitation on a permitted use, or any other requirement of the ordinance.

AMENDED ANALYSIS

This bill defines an unnecessary hardship for a zoning variance as an application of the ordinance that denies the landowner a reasonable and economically viable use of a property and that has no fair and substantial relationship between the public purposes of the ordinance and its application to the property.

2009-0512h

Amendment to HB 514

Proposed by the Committee on Executive Departments and Administration - C

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

1 Statement of Purpose.

I. The Governmental Accounting Standards Board (GASB) has issued Statements 43 and 45, which set forth standards on accounting and reporting for post-employment benefits other than pensions by governments;

II. The new standards will require the state and other political subdivisions to account for such post-employment benefits on an accrual basis during an employee's career rather than on a pay-as-you-go basis during an employee's retirement; and

III. The general court has determined that it would be advisable to clearly authorize the state and political subdivisions of the state to create one or more irrevocable trusts to facilitate funding those benefits in advance to address and ultimately offset the accrued liabilities for such benefits.

2 New Chapter; New Hampshire Other Post-Employment Benefits Trust. Amend RSA by inserting after chapter 101-B the following new chapter:

CHAPTER 101-C

NEW HAMPSHIRE OTHER POST-EMPLOYMENT BENEFITS TRUST

101-C:1 New Hampshire OPEB Board Established; Authorization to Establish OPEB Trust.

I. There is hereby established the New Hampshire other post-employment benefits (OPEB) fund board.

(a) The board shall consist of 5 members:

(1) The state treasurer.

(2) The commissioner of the department of administrative services.

(3) One individual appointed by the governor with the approval of the executive council.

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

(5) One senate member appointed by the president of the senate.

(b) Members appointed pursuant to subparagraphs (a)(3)-(5) shall be appointed for a term which ends on January 1 of each odd-numbered year. The members of the board shall serve as the trustees of any trust created pursuant to this section.

II. In this chapter, 'OPEB trust' means any trust or equivalent arrangement as defined in RSA 101-C:3.

III. The board, with the approval of governor and council, shall have the power to create one or more OPEB trusts under the laws of this or any other state to receive funds and to pay or provide for post-employment benefits for current and former employees of the state and participating political subdivisions, if any, and their beneficiaries.

101-C:2 Authorization for Political Subdivisions to Establish OPEB Trusts.

I. The legislative body of a political subdivision shall have the power to create one or more OPEB trusts under the laws of this or any other state to receive funds and to pay or provide for post-employment benefits for current and former employees of the political subdivision and other participating political subdivisions, if any, and their beneficiaries.

II. Any OPEB trust created by a political subdivision pursuant to this section for its own purposes shall have a board of trustees composed of at least 3 members who shall include the chief financial officer of the political subdivision, the treasurer of the political subdivision, and at least one other person who shall be a citizen of the state with proven integrity, business ability, and demonstrated experience in cash management and investment of funds. If the political subdivision does not have a chief financial officer, then that position may be filled by the chief administrative officer of the political subdivision, or by a citizen who meets the qualifications set forth in this paragraph. If the political subdivision does not have a treasurer, then that position may be filled by the chairman of the political subdivision's governing body or by a citizen who meets the qualifications set forth in this paragraph, as determined by the political subdivision. The citizen member shall be appointed initially by the governing body of the political subdivision for a term of 2 years' and if more than one citizen is appointed to serve on any such board, then the governing body may appoint those citizens for staggered terms of one and 2 years. Subsequent appointments shall be for 2-year terms or to fill the balance of any unexpired term. The board of trustees shall annually elect one of its members as chairman and another as vice-chairman. The board shall meet at least 4 times a year, and a majority of the members shall constitute a quorum.

III. If the legislative body of a political subdivision decides to participate in a multi-employer OPEB trust established by another entity to pay post-employment benefits, except when using the New Hampshire OPEB trust fund established in RSA 101-C:1, such trust shall have a board of trustees of no less than 5 members all of whom shall have proven integrity, business ability, and demonstrated experience in cash management and investment of funds and a majority of the trustees shall represent participating political subdivisions.

101-C:3 Characteristics of OPEB Trusts.

I. An OPEB trust shall be an independent trust fund for the exclusive benefit of retirees and their beneficiaries for post-employment benefits, and shall be segregated from all other funds of the state or the political subdivision. Funds deposited in any OPEB Trust and any earnings on those deposits shall be irrevocable. OPEB trust fund shall be exempt from taxation and execution, attachment, garnishment, or any other process. Neither the general court nor the state, the legislative body of a political subdivision or the political subdivision itself, any public officer, employee, agency, or political subdivision shall divert, use, or authorize the use of OPEB trust funds for any purpose other than to pay or provide for post-employment benefits as provided in this chapter and the administrative costs and expenses relating to trust. An OPEB trust may provide that its assets may be distributed to the state or the participating political subdivisions, as the case may be, only to the extent that the OPEB trust's obligations have been fulfilled or otherwise provided for.

II. The power of the trustees of an OPEB trust to invest and reinvest the assets of an OPEB trust and types of investments shall not be limited by RSA 6:8. Such trustees shall invest, reinvest, and manage the assets of an OPEB trust with the care, skill, prudence, and diligence under the circumstances then prevailing that a prudent person acting in a like capacity and familiar with such matters would use in the conduct of an enterprise of a like character and with like aims. Such trustees shall diversify such investments so as to minimize the risk of loss and to maximize the rate of return unless under the circumstances it is clearly prudent not to do so. Such trustees may engage a trust administrator, investment consultants, and other qualified professionals to assist with the administration, management, and investment of the OPEB trust fund and may pay for these services out of the OPEB trust fund. OPEB trustees shall discharge their duties with respect to the OPEB trust solely in the interest of retirees and their beneficiaries and for the exclusive purpose of providing post-employment benefits to retirees and their beneficiaries and paying appropriate and reasonable expenses of administering the OPEB Trust.

III. OPEB trusts may establish or provide for the establishment of separate rights, powers and duties with respect to the funds contributed by the state or political subdivisions and the obligations of the OPEB trust with respect to the post-employment benefits to their current and former employees or their beneficiaries.

IV. OPEB trusts shall be subject to the provisions of RSA 91-A.

V. OPEB trusts shall annually complete and make available, not later than 120 days after the close of each fiscal year, a comprehensive annual financial report concerning the preceding fiscal year in a manner consistent with generally accepted accounting principles. The comprehensive annual financial report shall be audited annually in accordance with generally accepted governmental auditing standards by a qualified independent auditor selected by the trustees.

VI. OPEB trusts may have additional terms and conditions that are not inconsistent with the provisions of this chapter.

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

2009-0438h

Amendment to HB 544

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

Amend RSA 126:25, I(d) as inserted by section 1 of the bill by replacing it with the following:

(d) For hospitals, the data now collected ***not less than annually*** through the uniform hospital discharge data set ~~[and the annual hospital survey]~~ ***as amended by rule pursuant to RSA 541-A;***

AMENDED ANALYSIS

This bill clarifies the data required to be collected by health care facilities.

2009-0482h

Amendment to HB 594-FN

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

Amend the bill by replacing section 1 with the following:

1 Department of Health and Human Services; Medicaid Pharmacy Benefits Management Program. 2002; 281:9, III(a) and (b) as amended by 2003: 319:176 to be paragraph VI is repealed and reenacted to read as follows:

VI.(a) The pharmacy and therapeutics advisory committee shall be joined with the Drug Use Review Board mandated by 42 U.S.C., section 1396r-8(g)(3). The new committee shall be known as the New Hampshire drug use review board and shall follow the federal requirements for membership and activities as provided in 42 U.S.C., section 1396r-8(g)(3)(B-D). The drug use review board shall also advise the department on the operation of the Medicaid pharmacy benefits management program, including the medications subject to prior authorization, the criteria for approving prior authorization including consideration of medical necessity, and the criteria for the pharmacy lock-in program designed to prevent recipients from obtaining excessive quantities of, or from inappropriately using, prescription drugs through multiple pharmacies.

(1) The membership of the board shall include health care professionals who have recognized knowledge and expertise in one or more of the following areas:

(A) The clinically appropriate prescribing of covered outpatient drugs.

(B) The clinically appropriate dispensing and monitoring of covered outpatient drugs.

(C) Drug use review, evaluation, and intervention.

(D) Medical quality assurance.

(2) The membership of the board shall be made up of at least 1/3, but no more than 51 percent licensed and actively practicing physicians and at least 1/3 of licensed and actively practicing pharmacists.

(b) In determining which medications shall be subject to prior authorization and in establishing the criteria for approving prior authorization or any changes thereto, the board shall hold a public hearing to be scheduled at a time and place chosen to afford opportunity for the public to present its views. The board shall give public notice of any hearing at least 30 days in advance of the hearing. Public notice shall include a public notice advertisement in a publication of daily statewide circulation.

(c) The commissioner shall adopt rules, pursuant to RSA 541-A, to implement this paragraph.

AMENDED ANALYSIS

This bill changes the name and membership of the committee charged with advising the commissioner of the department of health and human services on the Medicaid pharmacy benefits program to conform with federal law.

2009-0353h

Amendment to HB 614

Proposed by the Majority of the Committee on Election Law - R

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

AN ACT relative to domicile for voting purposes.

Amend the bill by replacing section 1 with the following:

1 New Paragraph; Voters and Checklists; Eligibility; Domicile. Amend RSA 654:1 by inserting after paragraph I the following new paragraph:

I-a. A claim of domicile by a student enrolled at any institution of learning or by any other person who may entertain an intention to change his or her domicile at some indefinite future time, including, but not limited to, active duty military personnel, homeless persons, hospital interns or residents, and workers on a time-limited assignment, shall be accepted by the supervisors of the checklist if such person's claim otherwise meets the requirements of RSA 654:1, I.

AMENDED ANALYSIS

This bill authorizes students and certain other persons to claim domicile for voting purposes in a town or city that the person may have an intention to leave at an indefinite future time.

2009-0497h

Floor Amendment to HB 624-FN-A

Proposed by Rep. Wendelboe

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

1 Employees; Live Running or Harness Horse Racing. Amend RSA 284:3 to read as follows:

284:3 Employees. At least 85 percent of the persons employed by a person, association, or corporation conducting a racing plant **or simulcasting** under the provisions hereof shall have resided in this state for a period of not less than one year. The provisions of this section shall not apply to the construction of a racing plant or its equipment.

2 Rulemaking; Live Running or Harness Horse Racing. Amend RSA 284:12, III to read as follows:

III. The operation of race tracks on which running or harness horse or dog races or meets **or simulcasting** are held.

3 License Required; Live Running or Harness Horse Racing. Amend RSA 284:12-a to read as follows:

284:12-a License Required; Investigation Fees.

I. No person, association, corporation, or any other type of entity shall hold **or simulcast** any running or harness horse or dog race or meet at **or for** which pari-mutuel pools are sold without a license from the commission.

II. Investigation fees shall be collected by the commission and shall be continually appropriated to the commission and used by the commission to offset the costs of conducting background checks and monitoring of license applicants and licensees as required under this section, RSA 284:16, RSA 284:16-a, RSA 284:18-a, RSA 284:19, RSA 284:20, ~~and~~ RSA 284:20-b, **RSA 284:22, and RSA 284:22-a**. Funds received hereunder and not expended for such investigations shall lapse to the general fund 2 years after receipt of such funds.

4 License; Live Running or Harness Horse Racing. Amend the introductory paragraph of RSA 284:15, I to read as follows:

I. Any person, association, or corporation desiring to hold **or simulcast** a running or harness horse race or meet for public exhibition, at **or for** which pari-mutuel pools are to be sold, shall apply to said commission for a license to do so. The application shall be signed and sworn to by the person or executive officer of the association or corporation and shall contain the following information:

5 Requirements; Simulcast Racing. Amend RSA 284:15-a to read as follows:

284:15-a Requirements. Any person, association, or corporation desiring to hold **or simulcast** a dog race for public exhibition at **or for** which pari-mutuel pools are to be sold, shall apply to said commission for a license to do so. The application shall be signed and sworn to by the person or executive officer of the association or corporation and shall contain the information set forth in RSA 284:15. Any New Hampshire agricultural fair association certified as such, by the commissioner of agriculture, markets, and food, shall be entitled to one special 6 day racing license annually.

6 Issuance of Licenses; Simulcast Racing. Amend RSA 284:16 to read as follows:

284:16 Issuance of Licenses. If the commission is satisfied that all the provisions hereof and the rules and regulations prescribed have been and will be complied with by the applicant and that the financial backing upon which said application is predicated is sound and is committed in support of said application, it may issue a license which shall expire on the thirty-first day of December. The license shall set forth the name of the licensee, the place where the races or race meets **or simulcasting** are to be held, and the time and number of days during which racing **or simulcasting** may be conducted by said licensee. Any license issued shall not be transferable nor assignable. Said commission shall have power to revoke any license for good cause upon reasonable notice and hearing. The commission may at any time for cause require the removal of any employee or official employed by any licensee hereunder. The license of any corporation shall automatically cease upon the change in ownership, legal or equitable, of 50 percent or more of the voting stock of the corporation and the corporation shall not hold a running or harness horse race or meet for public exhibition without a new license.

7 Issuance of Licenses; Simulcasting Races. Amend RSA 284:16-a to read as follows:

284:16-a Issuance of Licenses. If the greyhound racing commission is satisfied that all the provisions hereof and the rules and regulations prescribed have been and will be complied with by the applicant and that the financial backing upon which said application is predicated is sound and is committed in support of said application, it may issue a license which shall expire on the thirty-first day of December. The license shall set forth the name of the licensee, the place where the races or race meets **or simulcasting** are to be held, and the time and number of days during which racing **or simulcasting** may be conducted by said licensee. Any license issued shall not be transferable nor assignable. Said commission shall have power to revoke any license for good cause upon reasonable notice and hearing. The commission may at any time for cause require the removal of any employee or official employed by any licensee hereunder. The license of any corporation shall automatically cease upon the change in ownership, legal or equitable, of 50 percent or more of the voting stock of the corporation and the corporation shall not hold a dog race or meet for public exhibition without a new license. Any New Hampshire agricultural fair association certified as such, by the commissioner of agriculture, markets, and food, shall be entitled to one special 6-day license annually to hold a dog race meet.

8 Pari-Mutuel Pools; Live Running and Harness Horse Racing; Simulcast Racing. Amend RSA 284:22-a, I-II to read as follows:

I. In this section:

(a) "State" means each state of the United States, the District of Columbia, the Commonwealth of Puerto Rico and any territory or possession of the United States.

(b) "Simulcast" means a licensee's receipt of the transmission of races conducted at a racetrack other than the licensee's racetrack and which races are exhibited simultaneously at the licensee's racetrack by television or other means of electronic reproduction with the conduct of such races at the point of origin and on which races the licensee sells pari-mutuel pools.

(c) "Licensee" means any individual, association, partnership, joint venture, corporation, or other organization or other entity which holds a license under RSA 284 to conduct a race meet, ***or if the election is made pursuant to RSA 284:22-a, II(c), "licensee" means any individual, association, partnership, joint venture, corporation, or other organization or entity which holds a license under RSA 284 to conduct simulcasting at a facility at which live running or harness horse racing or live dog racing was conducted in 2008.***

II.(a) During the calendar years 1941-2029, a licensee may sell pari-mutuel pools on races held at racetracks other than the racetrack at which the licensee conducts its race meet provided:

(1) Such sales are within the enclosure of the racetrack at which the licensee holds a license for the current year to conduct live racing in this state;

(2) Wagers are made on races which are exhibited by television or other means of electronic reproduction at the licensee's racetrack simultaneously with the conduct of each such race at its point of origin with the agreement or approval of the racetrack which provides the transmission of the races to be simulcast and the racetrack which conducts the races to be simulcast;

(3) The licensee has scheduled at least 50 calendar days of live racing in the calendar year in which the licensee simulcasts, or if the licensee does not have scheduled at least 50 calendar days of live racing in such calendar year, the licensee conducts live racing on the day on which the licensee simulcasts; and

(4) The licensee obtains the consents and approvals set forth in RSA 284:22-a, III.

(b) [Repealed.]

(c) Notwithstanding subparagraph II(a), an individual, association, partnership, joint venture, corporation, or other organization or entity may be issued a license to conduct simulcasting without conducting live racing provided such person makes such election with the approval of the commission and such person or entity is licensed by the commission to conduct simulcasting at a race track or facility at which live running or harness horse racing or live dog racing was conducted in 2008.

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