

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, May 1, 2009	No. 34
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Contains: Reports and Amendments for May 6, List of House Bills Amended by the Senate,
Hearings, Meetings and Notices

HOUSE CALENDAR

MEMBERS OF THE HOUSE:

The House will next meet at 1:00 p.m. on **Wednesday, May 6th**.

As of this writing (April 30th), there are two cases of Swine Flu, medically known as H1N1, suspected in New Hampshire. I have spoken with the State House Nurses and recommend that members visit the NH Department of Health and Human Services' website at:
http://www.dhhs.nh.gov/DHHS/DHHS_SITE/swineflu.htm

As we are still learning more about the extent and severity of this flu, I caution members who have any respiratory illnesses to refrain from coming to the State House. I will provide members by email with any updates I receive from the state's public health officials.

I would like to recognize the hard work of Randy Joyner and the staff of Protective Services who do much more than just secure the State House and Legislative Office Building. I am also pleased to recognize State Troopers Chris LaPorte and Scott Phillips for all of their hard work and professionalism in serving the members of the House.

Terie Norelli, Speaker

NOTICE

There will be a meeting of committee Chairmen and Vice Chairmen on **Tuesday, May 5th** at 8:30 a.m. in Rooms 301-303, LOB.

Terie Norelli, Speaker

NOTICE

There will be a Democratic Caucus on **Wednesday, May 6** at 12:15 p.m. in Representatives Hall.
Rep. Mary Jane Wallner, Majority Leader

NOTICE

There will be a Republican Caucus on Wednesday, **May 6** at 12:30 p.m. in Rooms 305-307, LOB.
Rep. Sherman A. Packard, Republican Leader

NOTICE

HOUSE CONTINUING EDUCATION

Wednesday, May 6, 2009

Rooms 210-211

9:00 a.m. - 11:45 a.m.

Presentation on Decorum

Pride in Institution, protocol, and what it really means to be a representative.

and

Speaking from the well

Hints from members who have had years of experience speaking from the well.

Coordinators:

Representative David Welch

Representative Judith Day

NOTICE

The House Legislative Administration Committee has received several inquiries regarding mileage reimbursement. The federal plan reimburses members for mileage actually driven in the member's vehicle. Members on the federal plan are reminded to sign in for mileage only on those days they drive their own vehicles.

Lucy Weber, Chairman

House Legislative Administration Committee

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, MAY 6

CONSENT CALENDAR

COMMERCE AND CONSUMER AFFAIRS

SB 103-FN, relative to prohibited sales of alcoholic beverages. **OUGHT TO PASS.**

Rep. John B Hunt for Commerce and Consumer Affairs: This bill deals with the administrative enforcement of liquor licensees and the service of alcohol to intoxicated persons. Under current

law, according to the NH Supreme Court in the decision of Appeal of Baldoumas Enterprises, Inc., it does not matter that the server could not have reasonably known the customer was intoxicated or would be intoxicated by the service of alcohol. Licensees are still subject to discipline, fine, and loss of license. Today, licensees are strictly liable for service of alcohol. This is an unfair standard. Even the court suggested this in its opinion when it stated that, “while we recognize that strict liability imposes an onerous burden upon licensees, the courts can neither ignore the plain language of the legislation nor add words which the lawmakers did not see fit to include.” It further said, here, because the legislature imposed the burden by creating strict liability, it is the legislature, not the courts, which must decide whether to lessen the burden. The committee has taken this invitation by the court to clarify RSA 179:5, I. This bill prohibits a liquor licensee from serving alcohol to an individual who is visibly intoxicated or who a reasonable and prudent person would know is intoxicated. The committee believes this is a much fairer standard than one that holds the licensee responsible even if there was no way for a reasonable person to identify that the customer was intoxicated. Everyone at the hearing supported the bill. **Vote 17-0.**

EDUCATION

SB 26, relative to degree granting authority for St. John International University. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Nancy F Stiles for Education: This bill is the next step in the degree granting authority approval process between New Hampshire’s post secondary education and St. John International University located in Vinovo-Torino, Italy. SJIU has successfully met New Hampshire’s post secondary commission requirements for degree granting authority. International educational opportunities and partnerships are good for our state, our students, our colleges and our universities. The amendment correctly identifies the name of the city in which SJIU has its campus which was incomplete as noted in the original bill. Vinovo-Torino is located west of Milan. **Vote 16-0.**

ELECTION LAW

SB 118, relative to assistance in voting. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Kathleen M Hoelzel for Election Law: Current law forces a voter to declare he/she is illiterate or disabled prior to receiving assistance in marking his/her ballot. This bill removes the offensive language and requires the moderator to inform the voter of his/her options in receiving assistance. The committee believes that a voter should not be intimidated because of his/her disability, but should be encouraged to participate in our elections. **Vote 18-0.**

ENVIRONMENT AND AGRICULTURE

SB 137-FN-A, relative to animal population control. **OUGHT TO PASS.**

Rep. Suzanne J Smith for Environment and Agriculture: The state animal population control program (spay neuter program) is funded by a portion of dog licensing fees and typically runs out of funds before the end of the fiscal year. This bill amends RSA 437-A:2, making the NH spay neuter program exclusively means based. More animals will be eligible for the program if their owners qualify, and the cost for these owners will be reduced from \$40 to \$25. An unregulated, loose population of dogs and cats spreads disease and becomes a public health risk. The animal population control program has been very effective in keeping the cat and dog population stable. The bill also clarifies that dogs and cats purchased out of state are not eligible for the program. **Vote 10-1.**

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

SB 14, relative to the governing boards of allied health professionals. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Laurie Harding for Executive Departments and Administration: This bill, as amended, specifies that a licensee of the allied health board who is a member of any reserve component of the armed forces or National Guard and is called to active service may put his or her license on inactive status. The license may be reactivated within one year of the licensee’s release from

active service. **Vote 17-0.**

SB 156, relative to the commission to study the creation of an animal care worker classification. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Laurie Harding for Executive Departments and Administration: This bill extends the commission to study the creation of an animal care worker until November, 2010. It also adds three new positions to the commission including a representative from the veterinary technology program. The amendment requires an interim report in the fall of 2009. **Vote 17-1.**

JUDICIARY

SB 106-FN, establishing a program for mediation of civil writs in the district court and funding the program with a surcharge on the filing fee for civil writs. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Lucy M Weber for Judiciary: This bill extends mediation to civil writ actions in the district courts. The amendment funds the program by splitting the mediation fee, currently set at \$175, between the parties. **Vote 13-2.**

LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES

SB 89-FN, relative to unemployment overpayments. **OUGHT TO PASS.**

Rep. James W Craig for Labor, Industrial and Rehabilitative Services: The law currently requires that anyone who receives unemployment benefits through fraudulent or other means that do not comply with law or department rules or regulations must repay those monies. This bill grants immunity from liability for repayment to claimants who received payments through no fault of their own. The unemployment compensation trust fund, not the employer, would be charged with the overpayment. **Vote 14-0.**

SB 167-FN, relative to employee leasing companies. **OUGHT TO PASS WITH AMENDMENT.**

Rep. John Knowles for Labor, Industrial and Rehabilitative Services: This bill enforces the co-employment relationship between employee leasing companies and client companies. It clarifies the party responsible for wages, benefits and other compensation and workers compensation insurance. **Vote 13-1.**

MUNICIPAL AND COUNTY GOVERNMENT

SB 202-FN-L, relative to employee candidate background checks by municipalities. **OUGHT TO PASS.**

Rep. Raymond G Gagnon for Municipal and County Government: An unintended consequence of the original legislation required both a federal and state criminal background check. This bill provides an option for communities to choose just a state background check or a state and federal background check on volunteers and seasonal employees. Based on testimony provided, this bill will decrease expenditures for local communities and organizations wishing to do background checks. **Vote 16-1.**

RESOURCES, RECREATION AND DEVELOPMENT

SB 65-FN, relative to the acceptance of in lieu payments for the restoration or creation of wetlands. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Jim U McClammer for Resources, Recreation and Development: The bill as introduced expands in-lieu fee payments as a mechanism for compensating for unavoidable impacts to streams and rivers. This form of compensation, as with all forms of compensatory mitigation, is only available for use if all practicable means have been taken to avoid and reduce impacts to protected resources. The bill, as amended by the Resources, Recreation and Development Committee also expands the program so private projects as well as public ones are eligible and removes restrictions on the acreage of projects eligible. The Department of Environmental Services, the US Army Corps of Engineers, US Environmental Protection Agency, as well as the regulated community and environmental organizations all support the bill and the amendment. **Vote 18-0.**

SB 107-FN, relative to the leasing of state-owned real estate on public waters. **OUGHT TO**

PASS WITH AMENDMENT.

Rep. Chris Christensen for Resources, Recreation and Development: In the past, legislative policy relative to leasing of state owned shorefront properties was lacking. HB 710 of 2007 established a commission to develop such a policy, particularly as related to rail line lands under management by the department of transportation. SB 107 is the recommendation of that commission. It addresses reasons to grant leases, a timeline, and present pricing as well as future pricing based on a consumer price index. The amendment involves minor language adjustments suggested by the attorney general's office, and agreed to by stakeholders and commission representatives. **Vote 17-0.**

SB 134-FN, relative to the comprehensive shoreland protection act. OUGHT TO PASS WITH AMENDMENT.

Rep. Frank A Tupper for Resources, Recreation and Development: When changes were enacted to the Comprehensive Shoreland Protection Act last year, it was understood that after a year of experience with it, some changes would inevitably be needed. This bill represents these modifications. By amendment #1415h, owners and holders of easements on lots developed prior to the Act's enactment in July 2008 may maintain their cleared shorefront areas such as beaches and lawns. Easement holders included are public utilities and transportation facilities. These facilities can also be maintained under the amendment. Amendment #1443h, makes it possible for landowners to cut or prune vegetation for the health of the plant. **Vote 18-1.**

SCIENCE, TECHNOLOGY AND ENERGY

SB 117, establishing a committee to study the feasibility of establishing a program to provide low-cost firewood from state lands to low-income individuals. **OUGHT TO PASS.**

Rep. Charles L Townsend for Science, Technology and Energy: The division of forests and lands is developing an experimental program to allow firewood harvest from downed trees. The committee would review the experimental program for applicability to low-income population and expansion to other divisions. **Vote 14-1.**

SB 159-FN, relative to broadband technology planning and development. OUGHT TO PASS WITH AMENDMENT.

Rep. Carol H Friedrich for Science, Technology and Energy: This bill establishes the position of director of broadband technology planning and development in the department of resources and economic development (DRED). The director's duties will include the development of a comprehensive broadband plan for the state. Funding of this position is contingent on receiving federal funds, i.e., the American and Reinvestment Act of 2009. Because of the urgency of applying for these funds, the amendment simply makes the bill effective upon passage rather than 60 days after passage. **Vote 15-1.**

STATE FEDERAL RELATIONS AND VETERANS AFFAIRS

SB 15, relative to the membership of the state veterans' advisory committee. **OUGHT TO PASS.**

Rep. Dennis H Fields for State-Federal Relations and Veterans Affairs: The committee feels this is a good start to extend the membership of the veterans' advisory committee from 14 to 20 members. This would now extend to women veterans and allow them to also be heard on issues that affect them, such as benefits and training for medical-health issues. This allows for their voice for better female treatment. Future veterans' groups of other wars will also be included. **Vote 12-0.**

SB 35, establishing a commission to study creating a veterans' legal aid advocacy project in New Hampshire. **OUGHT TO PASS.**

Rep. Robert J Haley for State-Federal Relations and Veterans Affairs: Currently, approximately 10% of New Hampshire's population are veterans and a number of those live in poverty and/or are homeless. This commission will study whether it will be effective for the state to begin a legal aid project for veterans needing assistance with civil matters. The bill receives strong support from the state's veterans' council. The commission will submit a final report on or before August 1, 2010. **Vote 13-0.**

SB 57, relative to the commission to study the effects of post-traumatic stress disorder and traumatic brain injury suffered by New Hampshire soldiers and veterans returning from Iraq and

Afghanistan. **OUGHT TO PASS.**

Rep. Alfred P Baldasaro for State-Federal Relations and Veterans Affairs: This is a win-win for all veterans that served on the battlefield. We feel that the commission has done a great job studying the effects of post-traumatic stress disorder (PTSD) and traumatic brain injury (TBI). This will ensure the commission puts together a good report which ensures that lessons learned from Vietnam and Desert Storm get treated properly for PTSD and TBI. This bill extends the committee for one additional year, and adds three additional members. **Vote 13-0.**

SB 148, establishing that the state of New Hampshire recognizes the designations of Prisoner of War (POW) and Missing in Action (MIA) as valid descriptions of casualty status and category classification for military personnel. **OUGHT TO PASS.**

Rep. Todd P Smith for State-Federal Relations and Veterans Affairs: Back on December 18, 2000, the Department of Defense (DOD) eliminated these designations. It voided the promises, the privileges and immunities granted captured U.S. service personnel by the Geneva Convention. This bill sends a clear message that New Hampshire recognizes these designations. **Vote 15-0.**

WEDNESDAY, MAY 6 REGULAR CALENDAR

ENVIRONMENT AND AGRICULTURE

SB 13, declaring the chinook the state dog of New Hampshire. **OUGHT TO PASS.**

Rep. Susan E Wiley for Environment and Agriculture: This bill, a project of Bedford's Lurgio Middle School's seventh grade students, would name the Chinook the state dog of New Hampshire. The students presented compelling testimony that the Chinook deserves this honor as the only dog breed originating in NH (Tamworth 1917). Attempting to create a breed of sled dog that was strong, fast and smart, Arthur Walden bred a Husky with a Mastiff/St. Bernard mix, creating a strong and docile breed, adaptable to work as well as the family environment. **Vote 11-0.**

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

SB 108, establishing a committee to study the imposition of assessments to retirement system employers for excess benefits paid to retirees. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Patricia M McMahon for Executive Departments and Administration: This bill is a follow-up to HB 223 and HB 641 and creates a committee to continue the review of the New Hampshire Retirement System (NHRS) including loading factors, "spiking" and assessments to employers, various aspects and alternatives concerning benefits as well as earnable compensation and death benefits. **Vote 18-0.**

SB 200-FN, relative to retirement system death benefits for members who die while performing military service. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Patricia M McMahon for Executive Departments and Administration: This bill assures that the New Hampshire Retirement System (NHRS) conforms with the Uniformed Services Employment Rights Act (USERRA) and allows beneficiaries of retirement system members who die while performing qualified military service to receive ordinary death benefits, as provided in the federal Heroes Earnings Assistance and Relief Tax act (HEART) of 2008. This amendment also provides continuation of the benefit should remarriage of the surviving spouse occur. **Vote 13-5.**

JUDICIARY

SB 52, making technical corrections to laws relative to courts and court procedures. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Lucy M Weber for the **Majority** of Judiciary: This bill includes a number of technical, and other minor corrections to the court statutes, as follows: 1.) The bill removes the requirement for notices on delinquency petitions to be printed in red ink. The notices must be printed in bold type, no less than 14 point, to realize savings on printing costs. 2.) Last session, a bill was passed establishing a \$225 fee for out-of state attorneys appearing in NH for one case. These fees were to

be paid to a law library fund to make legal materials more accessible to pro se litigants. The original intent was that these appearance fees from all courts would be paid into the fund and the fiscal note was drafted on that basis. As drafted, only fees from supreme court appearances go to the fund. This bill clarifies that the fees from family, superior, district and probate courts go to this fund as well.

3.) The town of Troy is currently assigned to both the Jaffrey and Keene district courts, due to an oversight. The bill removes the reference to Troy in the Jaffrey district, as these cases are heard in Keene. 4.) Small claims, under existing statute, may be served by first class mail. This bill ensures that if prejudgment attachment is sought, as authorized by statute last year, service must be made by a sheriff. 5.) The bill clarifies that it is only the supreme court, not the superior court, that has the right to promulgate forms. 6.) The amendment adds in a section which allows payment for the mandatory child support and custody seminar to be made by credit card, provided that the seminar presenter accepts as payment in full the seminar fee less any credit card transaction costs. **Vote 11-4.**

Rep. William L O'Brien for the **Minority** of Judiciary: The technical corrections provided by this bill are outweighed in importance by the undesirable continuation of a dedicated fund with an additional dedicated source of revenue. The courts, as with all agencies of the state, should be required to submit all their fiscal needs to the legislature on a biennial basis and have them subject to oversight and judged in the context of all competing state needs. Dedicated funds are intended to protect the expenditure of government funds from being available for potentially more worthy causes. Opposing SB 52 while it retains new funding for a dedicated fund will be a useful step toward rejecting the use of dedicated funds.

LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES

SB 144-FN, allowing the unemployment compensation trust fund to be charged for benefits paid for certain employee terminations. **MAJORITY: OUGHT TO PASS WITH AMENDMENT.**

MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. Sally H Kelly for the **Majority** of Labor, Industrial and Rehabilitative Services: This legislation was brought forward by the department of employment securities to extend unemployment benefits to three new groups of recipients. These additions have been made for "family friendly" reasons that include those who are unemployed as a result of either domestic abuse, relocation or incapacitating health issues. Passage of this bill allows New Hampshire to receive 21 million dollars in federal stimulus funds which will be applied to the rapidly depleting unemployment trust fund. The department of employment security (DES) believes the costs to fund these new categories will be minor in comparison to the significant benefits these funds will provide the workers of New Hampshire. **Vote 10-4.**

Rep. Gary L Daniels for the **Minority** of Labor, Industrial and Rehabilitative Services: The minority opposes this bill because we believe it will hurt employers in the long run. This bill dangles a \$21M carrot with a federal requirement that we implement two new programs in the department of employment security. There are no guarantees that we will even get the money. Under the best case scenario, this money is used up before the end of the year and our unemployment trust fund will be in the red, with employers then trapped into having to pay increased taxes in part to pay for the two new programs, for which money will have run out. The most objectionable requirement gives unemployment compensation to a spouse who leaves a job to accompany his or her spouse to a new employment location. The minority objects to the federal government refusing to give these funds to us unless we implement the programs they demand.

MUNICIPAL AND COUNTY GOVERNMENT

SB 121, establishing a commission to study potential revenue enhancements for municipalities.

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

Rep. Suzanne S Laliberte for the **Majority** of Municipal and County Government: This bill establishes a commission to study potential revenue enhancement for communities. There are a number of small cities and towns that are centers of services and/or employment for much larger

populations. For example, a university town supplies municipal services for a large population which does not, for the most part, pay property taxes. This bill is a vehicle for communities with mutual issues to come together to work on possible local revenue solutions. The amendment made minor changes to the composition of the commission. **Vote 10-7.**

Rep. Betsey L Patten for the **Minority** of Municipal and County Government: This bill proposes to set up a commission to study potential revenue enhancement for municipalities. The commission would consist of seventeen members, ten of whom would be senior policy leaders of cities and towns. The minority feels that taking time out of their busy schedules would not be wise especially during this difficult economic climate. The minority understands that a commission for this purpose takes time and effort that would be better spent talking to individual associations, for example, police and fire associations, town administrators and managers' associations and the association of tax collectors, to gather ideas and solutions that would work. For example there is a regional association set up among municipalities that share the cost of a prosecutor that was accomplished by the municipalities alone without coming to the legislature for a study committee. The local municipalities already have the ability to create local ordinances for the smooth running of their towns, such as parking and noise ordinances, and have the authority to set fees for those ordinances. The minority agrees with the governor that commissions need to be carefully and judiciously created. The legislature in the past has not looked upon differing fees and taxes in our municipalities as a good public policy.

RESOURCES, RECREATION AND DEVELOPMENT

SB 168-FN, establishing the Coastal Watershed Alliance. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Judith T Spang for Resources, Recreation and Development: This bill establishes an alliance of the 44 communities on the Seacoast, particularly the Great Bay Watershed. After the Great Bay Estuary Commission created the Estuaries Alliance for Sewage Treatment (EAST), those communities felt a need to work cooperatively for meeting clean water regulations beyond just sewage. Seacoast municipalities need the support of the Alliance to secure federal and state funds and advice for waste water treatment, better land use, septic systems and stormwater management. The original Senate Bill was roundly opposed by the communities because of a scoring system leading to a disadvantage for funding. As a result of the public meeting held in the watershed, this was eliminated, and numerous other improvements made. The bill is now enthusiastically supported by all interested parties. **Vote 18-0.**

SCIENCE, TECHNOLOGY AND ENERGY

SB 97, establishing a committee to study the standards and procedures by which certain information should be provided to electrical service customers. **OUGHT TO PASS.**

Rep. Suzanne Harvey for Science, Technology and Energy: This bill establishes a committee to study the standards and procedures by which New Hampshire electric utilities would provide customers, the legislature, and state agencies with information describing their portfolios of energy sources. Included in this information would be environmental disclosures regarding the various sources. **Vote 11-3.**

EDUCATION

SB 149, relative to the transition of functions and amending the reporting requirements of the community college system of New Hampshire and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Kimberly C Shaw for Education: This bill as amended changes the effective date of the transition for certain administrative functions that have historically been provided by the departments of administrative services, treasury, and justice to the community college system of New Hampshire from July 1, 2009 to July 1, 2011 and extends the legislative oversight committee's functions relative to the transition period. This bill also provides for an extension of the date of the committee's report to November 1, 2011 and continues to provide appropriations to the supporting departments for their continued provision of services during the transition. **Vote**

16-0.

SB 180-FN, establishing an accountability system to ensure the opportunity for an adequate education and repealing the legislative committee on costing an adequate education. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Judith T Reeve for the **Majority** of Education: This bill establishes an accountability system to ensure schools are providing the opportunity for an adequate education and it repeals the joint legislative committee on costing an adequate education. It creates a process to establish an accountability system beginning at the end of 2009-2010 school year. Narrative reports of self assessments based on school standards established in rules, (ED 306), as they relate to adequacy, will be required, along with periodic auditing site visits by the department of education. It will also establish a task force to develop a performance-based school accountability system beginning with the 2011-2012 school year. Schools will be able to demonstrate they provide the opportunity for an adequate education by meeting either the input or output requirements. The bill fulfills the final court ordered finding that required the General Court to define, cost, fund and develop a system of accountability for providing the opportunity of an adequate education. **Vote 15-1.**

Rep. Paul Ingbertson for the **Minority** of Education: The minority still believes (along with a majority of several past legislatures) that the Claremont decisions are fundamentally flawed putting the General Court into a subservient role to the supreme court and furthering state over local control of education. The minority elects not to simply go along with bad court decisions by passing further legislation in obedience to the courts believing it is better, as with the trombones, to not encourage them.

ELECTION LAW SPECIAL ORDER

SB 116, repealing the prohibition on political contributions by insurance companies. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. David M Pierce for the **Majority** of Election Law: Current New Hampshire law prohibits corporations and insurance companies from contributing to political campaigns. However, in 1999, the US District Court ruled that the prohibition against corporate contributions is unconstitutional. The committee believes that based on the court's reasoning, the prohibition against insurance company contributions is likely also unconstitutional. SB116 would remove this unconstitutional and unenforceable law from the statute books. **Vote 10-7.**

Rep. James R Splaine for the **Minority** of Election Law: It makes absolutely no sense that we add insurance companies to the pool of money available for plunder by political campaigns. This is all about giving yet another group an opportunity to use its financial influence for political favoritism and to say anything else is just not accurate. Those working for insurance companies and those who run them and own them can already participate in politics as candidates, supporting candidates as volunteers, and contributing to candidates as individuals – but this bill would now allow the companies themselves to contribute from their treasuries. Are political campaigns so desperate that political fundraisers are looking for even more money this way? Because of a court decision in 1999, most corporations can contribute directly from their treasuries despite state law prohibiting such. But the way we should be “leveling the playing field” for political contributors is to continue the prohibition against corporations, which is already in our statutes, but allow corporations to contribute through the political action committee process. In that way, there would be a guarantee that corporations must disclose what they contribute to candidates in reports to the office of secretary of state. Right now, corporations can make political contributions directly from their treasuries and other assets, yet they do not have to make disclosure to the office of secretary of state. Bills requiring such disclosure have passed the House in recent years but have been defeated in the State Senate.

To “fix” the system, we need more public campaign finance disclosure, not less. We certainly don't need to allow for the shakedown of yet another source of campaign funds by allowing politicians to dial-for-dollars to insurance companies, just so they'll have even more political influence. It would be counterproductive, and shameful, for us to approve this legislation. Is there any other “benefit”

to come from this other than that political campaigns and political parties would have more sources from which to get funds? Since the insurance industry is carefully regulated by the state, one wonders why their lobbyists spoke so strongly at the public hearing desiring to be able to place their company money into campaigns.

HOUSE DEADLINES

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

LAID ON TABLE

HB 197, relative to apportionment of damages in civil actions. (Pending question is Ought to Pass.)

HB 248-FN, relative to establishing a single liquor commissioner. (Pending question is the committee report of Ought to Pass with Amendment.)

HB 357, relative to retention of special number plates for veterans by surviving spouses. (Pending question is the majority committee report of Ought to Pass with Amendment.)

HB 398, relative to the unauthorized use of firearms in the compact part of a city or town. (Pending question is the committee report of Ought to Pass.)

HB 426-FN-A-LOCAL, establishing the New Hampshire homestead plan. (Pending question is the motion of Ought to Pass.)

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

HOUSE BILLS AMENDED BY THE SENATE

HB 41, allowing the executive director of fish and game to donate certain hunting and fishing permits to the wildlife heritage foundation of New Hampshire. (SJ 4/8/09)

HB 44, relative to the use of alternates by local land use boards. (SJ 4/29/09)

HB 52-FN, relative to the regulation of massage therapists. (SJ 4/22/09)

HB 56-FN, renaming a bridge to honor U.S. Navy Seal Daniel Healy. (House Concurred 4/22/09)

HB 80, requiring at least one member of the pharmacy board to be a hospital pharmacist, and relative to the consecutive years of service of pharmacy board members. (SJ 4/22/09)

HB 105, relative to voting machines for the counting of ballots. (House Concurred 4/29/09)

HB 129, establishing a committee to study the incorporation of electronic filing procedures under the administrative procedures act. (SJ 4/22/09)

HB 234, establishing a committee to study the certificate of need process. (SJ 4/29/09)

HB 387, relative to observation of voter registration. (SJ 4/29/09)

HB 436-FN-L, relative to civil marriage and civil unions. (SJ 4/29/09)

HB 527, repealing the coordinated school health committee and relative to health education in kindergarten through grade 12. (SJ 4/29/09)

HB 648-FN, relative to the use of marijuana for medicinal purposes. (SJ 4/29/09)

COMMITTEE MEETINGS

MONDAY, MAY 4

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

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.

COMMISSION TO STUDY THE ISSUE OF STORMWATER MANAGEMENT (HB 1295, Chapter 71:1, Laws of 2008), Room 305, LOB

1:00 p.m. Regular meeting.

TUESDAY, MAY 5

CHILDREN AND FAMILY LAW

10:00 a.m. Visit to Sununu Youth Services Center in Manchester.

Room 206, LOB

1:15 p.m. UNH Intern's presentation.

COMMERCE AND CONSUMER AFFAIRS, Rooms 302-304, LOB

9:00 a.m. Subcommittee work session on ***SB 138-FN***, relative to insurance coverage for telemedicine services.

9:30 a.m. Subcommittee work session on ***SB 63-FN***, relative to ensuring consumer access to care upon the termination of a participating provider, ***SB 193***, relative to the interest rate on small loans and relative to the definition of lender for purposes of regulating such loans.

10:00 a.m. ***SB 153***, relative to business practices between motor vehicle manufacturers, distributors, and dealers.

Room 302, LOB

12:50 p.m. Subcommittee work session on ***SB 119***, relative to provider contract standards.

1:00 p.m. Executive session on ***SB 46***, relative to group life insurance, ***SB 138-FN***, relative to insurance coverage for telemedicine services, ***SB 119***, relative to provider contract standards, ***SB 63-FN***, relative to ensuring consumer access to care upon the termination of a participating provider, ***SB 92***, relative to the commission to study access to consumer credit for people in New Hampshire, ***SB 193***, relative to the interest rate on small loans and relative to the definition of lender for purposes of regulating such loans, ***SB 190***, relative to race track cocktail lounge licenses, ***SB 80***, establishing a committee to study requiring insurance coverage for services provided by athletic trainers, ***SB 153***, relative to business practices between motor vehicle manufacturers, distributors, and dealers.

2:00 p.m. Subcommittee work session on ***SB 55***, establishing a commission to study the collision repair industry in New Hampshire.

EDUCATION, Room 207, LOB

8:30 a.m. Subcommittee work session on retained ***HB 560***, relative to the use of state education funds for extended learning opportunities for certain pupils.

10:00 a.m. Joint meeting with legislative oversight committee on education improvement and assessment.

1:30 p.m. Subcommittee work session on ***SB 59***, relative to the renovation and replacement of school buildings.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 306, LOB

- 8:45 a.m. Subcommittee work session on **SB 98**, establishing a commission to study state regulations governing installation of boilers, pressure vessels, and related high performance HVAC equipment.
- 9:00 a.m. Subcommittee work session on **SB 171-FN**, relative to competency evaluations, **SB 178**, relative to the operation of the special school district for the education of eligible offenders held in facilities operated by the department of corrections, and establishing the director of community corrections position in the department of corrections.
- 9:45 a.m. Executive session on **SB 132**, establishing a commission to develop implementation plans for merging state agencies and programs to enhance efficiency and lower costs.
- 10:00 a.m. To review the performance audit report on fleet management.

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

- 11:00 a.m. Division of Public Health Services briefing on influenza outbreak and New Hampshire preparedness efforts.
- 12:00 p.m. Executive session on **SB 42**, establishing a committee to study the cost and feasibility of implementing a hospice benefit under Medicaid.

JUDICIARY, Room 208, LOB

- 10:00 a.m. Executive session on **SB 19**, relative to government immunity from lawsuits for municipal dog parks, **SB 53**, establishing professional guardians and removing the oath requirement in annual reports of the guardian, **SB 54**, eliminating the reference to per diem compensation of probate judges presiding over involuntary admissions hearings, **SB 174-FN**, relative to state recoveries of public assistance caused by fraud, **SB 51**, requiring confidentiality of jurors' addresses and the file in an involuntary admission proceeding, **SB 197**, decreasing the quorum for the right-to-know oversight commission.

MUNICIPAL AND COUNTY GOVERNMENT, Room 301, LOB

- 10:00 a.m. Subcommittee work session on **SB 195**, relative to procedures for the trimming, cutting, or removal of trees by utilities.
- 1:30 p.m. Subcommittee work session on retained **HB 539-L**, relative to town boundaries and the laws pertaining to such boundaries.

PUBLIC WORKS AND HIGHWAYS, Room 201, LOB

- 10:00 a.m. Information session with the Department of Labor and Administrative Services on Public Works construction procurement process.
- 10:30 a.m. **SB 69-FN**, relative to design build contracting for transportation projects.
- 11:00 a.m. **SB 75-L**, changing the formula for distribution of highway funds in the Woodsville fire district.
- 1:00 p.m. **SB 78**, relative to contractor accountability and disclosure in the public works construction procurement process.
- 2:00 p.m. **SB 186**, relative to the establishment of a statewide transportation policy and a transportation advisory commission.

SCIENCE, TECHNOLOGY AND ENERGY, Room 307, LOB (Please note room change.)

- 10:00 a.m. Executive session on **SB 85**, relative to the commission to develop a plan for the expansion of transmission capacity in the north country.
- 10:30 a.m. Full committee work session on retained **HB 643-FN**, extending the enhanced 911 system surcharge to voice over internet protocol providers and prepaid wireless telecommunications services.
- 11:00 a.m. Full committee work session on retained **HB 213-FN**, requiring the bureau of emergency communications to develop and maintain a statewide emergency notification system.

STATE FEDERAL RELATIONS AND VETERANS AFFAIRS, Room 203, LOB

9:30 a.m. Continued subcommittee work session on **SB 196**, relative to non-judicial punishment for offenses by military officers and personnel.

**STATEWIDE EDUCATION IMPROVEMENT AND ASSESSMENT PROGRAM
LEGISLATIVE OVERSIGHT COMMITTEE (RSA 193-C:7), Room 207, LOB**

10:00 a.m. Department of Education report to the committee.

WAYS AND MEANS, Room 202, LOB

10:00 a.m. **SB 114**, relative to the threshold for notification for lead levels and a window replacement program.

11:00 a.m. Executive session on **SB 22-FN**, relative to criminal mischief committed against natural geological formations which have been designated as natural landmarks, **SB 135-FN**, increasing snowmobile registration fees, OHRV dealer and rental agency registration fees, agent's fee for OHRVs and snowmobiles, and the penalty for an unregistered snowmobile, **SB 182-FN-A**, establishing a committee to study business tax credits.

WEDNESDAY, MAY 6

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

4:00 p.m. Regular meeting.

TRANSPORTATION, Room 203, LOB

11:45 a.m. Executive session on **SB 17**, relative to Selective Service registration upon driver's license application or renewal.

THURSDAY, MAY 7

COMMERCE AND CONSUMER AFFAIRS, Room 302, LOB

9:00 a.m. Subcommittee work session on **SB 147-FN**, relative to the data collection practices of health care providers and relative to the development of an uninsured health care database.

9:30 a.m. Subcommittee work session on **SB 102-FN**, relative to managed care and patient choice.

10:00 a.m. Subcommittee work session on **SB 115**, relative to eligibility for the healthy kids program.

10:30 a.m. Subcommittee work session on **SB 5**, prohibiting retailers from disclosing private customer information to foreign states in connection with the collection of certain sales and use taxes.

11:00 a.m. Executive session on **SB 5**, prohibiting retailers from disclosing private customer information to foreign states in connection with the collection of certain sales and use taxes, **SB 55**, establishing a commission to study the collision repair industry in New Hampshire, a.m. **SB 102-FN**, relative to managed care and patient choice, **SB 115**, relative to eligibility for the healthy kids program, **SB 147-FN**, relative to the data collection practices of health care providers and relative to the development of an uninsured health care database, **SB 188**, relative to establishing a commission to study hospital billing practices of health care providers.

CRIMINAL JUSTICE AND PUBLIC SAFETY, Room 204, LOB

10:00 a.m. Subcommittee work session on **SB 142**, relative to registration of criminal offenders and relative to involuntary commitment of sexually violent predators.

1:00 p.m. Executive session on **SB 142**, relative to registration of criminal offenders and relative to involuntary commitment of sexually violent predators, **SB 201-FN**,

relative to classification of misdemeanor offenses, **SB 205-FN**, making various changes to the criminal statutes.

MUNICIPAL AND COUNTY GOVERNMENT, Room 301, LOB

10:00 a.m. Executive session on **SB 195**, relative to procedures for the trimming, cutting, or removal of trees by utilities, **SB 29**, relative to review of developments of regional impact.

WAYS AND MEANS, Room 202, LOB

10:00 a.m. Full committee work session - Department of Revenue Administration revenue estimates.

1:00 p.m. Full committee work session on Revenue estimates, lottery, insurance.

FRIDAY, MAY 8

COMMISSION TO RECOMMEND POLICIES AND PROGRAMS RELATED TO INCREASING THE NUMBER OF NEW HAMPSHIRE INDIVIDUALS IN HEALTH PROFESSIONS SERVICING RURAL AND UNDERSERVED AREAS WITH A FOCUS ON PRIMARY CARE (HB 1615, Chapter 367:3, Laws of 2008), Room 205, LOB

10:00 a.m. Regular meeting.

COMPREHENSIVE CANCER PLAN OVERSIGHT BOARD (RSA 126-A:65), 125 Airport Road, Room 1A, Concord

12:00 p.m. Regular meeting.

ENERGY EFFICIENCY AND SUSTAINABLE ENERGY BOARD (RSA 125-O:5-a), NH Public Utilities Commission, 21 South Fruit Street, Suite 10, Concord

9:00 a.m. Regular meeting.

GUARDIANS AD LITEM BOARD (RSA 490-C:1), Room 102, LOB

1:00 p.m. Regular meeting.

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

1:30 p.m. Regular meeting.

TUESDAY, MAY 12

COMMISSION ON MOTOR VEHICLE FINES (RSA 262:45), Room 202, LOB

11:00 a.m. Organizational meeting.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 306, LOB

10:00 a.m. To review the performance audit for succession planning.

1:00 p.m. Executive session on **SB 68-FN**, relative to the use of state vehicles, **SB 131**, relative to state hiring of veterans, **SB 151**, relative to quorum requirements for public bodies for which a quorum is not expressly declared, **SB 173**, authorizing the commissioner of corrections to accept certain gifts, **SB 187**, relative to the administrative changes to the Nashua public works retirement system.

FINANCE, Rooms 210-211, LOB

10:00 a.m. **SB 10-FN-A-L**, making an appropriation to the town of Allenstown for disaster assistance in response to the May 2006 and April 2007 floods.

FINANCE – (DIVISION III), Room 209, LOB

9:00 a.m. Work session on **SB 67-FN-A**, relative to funding certain AIDS services organizations and relative to certain operating budget reductions for fiscal year 2009, **SB 185-FN**, relative to rates and charges for medical services to state prisoners.

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

10:30 a.m. Update by Public Health Improvement Services Council.

2:00 p.m. Subcommittee work session on retained **HB 493**, adopting the uniform emergency volunteer health practitioners act.

PUBLIC WORKS AND HIGHWAYS, Room 201, LOB

10:15 a.m. Executive session on **SB 69-FN**, relative to design build contracting for transportation projects, **SB 75-L**, changing the formula for distribution of highway funds in the Woodsville fire district, **SB 78**, relative to contractor accountability and disclosure in the public works construction procurement process, **SB 186**, relative to the establishment of a statewide transportation policy and a transportation advisory commission.

THURSDAY, MAY 14

ENVIRONMENT AND AGRICULTURE, Room 308, LOB

10:00 a.m. Subcommittee work session on retained **HB 675-FN**, requiring a refundable deposit on beverage containers.

11:00 a.m. Subcommittee work session on retained **HB 283-FN**, establishing a solid waste management fund and assessing a beverage container fee.

FRIDAY, MAY 15

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

9:00 a.m. Regular meeting.

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

1:00 p.m. Complaint hearing.

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

9:00 a.m. Regular business.

WORKERS' COMPENSATION ADVISORY COUNCIL (RSA 281-A:62), Room 303, LOB

9:00 a.m. Regular meeting.

MONDAY, MAY 18

**COLLEGE TUITION SAVINGS PLAN ADVISORY COMMISSION (RSA 195-H:2), NH
Higher Education Assistance Foundation, 4 Barrell Court, Concord**

10:00 a.m. Regular meeting including a public hearing concerning the proposed
Administrative Rules (Csp100, 200 and 300).

**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.

**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 Courts, Two Charles Doe Drive, Concord**

1:30 p.m. Regular meeting.

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

9:00 a.m. Regular meeting.

TUESDAY, MAY 19

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

THURSDAY, MAY 21

PUBLIC HEALTH IMPROVEMENT SERVICES COUNCIL (HB 491, Chapter 250:2, Laws of 2007), Department of Health and Human Services, Room 312, 29 Hazen Drive, Concord
2:00 p.m. Regular meeting.

FRIDAY, MAY 22

NEW HAMPSHIRE RAIL TRANSIT AUTHORITY BOARD OF DIRECTORS (RSA 238-A:2), Rooms 201-203, LOB
10:00 a.m. Regular meeting.

TUESDAY, MAY 26

ADVANCED MANUFACTURING EDUCATION ADVISORY COUNCIL (RSA 188-E:21), Upham Walker House, 18 Park Street, Concord
3:00 p.m. Regular meeting.

OFFICIAL NOTICES

COUNTY DELEGATION NOTICE

Merrimack County Executive Committee will meet on Monday, **May 11th** at 10:00 a.m. in the Theatre located on the main level of the new Merrimack County Nursing Home, 325 Daniel Webster Highway, Boscawen. The purpose of the meeting is to review and approve the First Quarter Financial Report and any other business that may appropriately come before them. Following the meeting, there will be a tour of the new Sheriff's Office as well as a tour of Garrish Manor.

Rep. Jessie Osborne, Chairman
Merrimack County Executive Committee

REVISED FISCAL NOTES

The following House Bills have revised fiscal notes: HBs 30, 31, 41, 52, 56, 64, 69, 86, 90, 112, 120, 140, 166, 168, 174, 187, 193, 205, 216, 223, 240, 248, 250, 256, 279, 281, 282, 296, 302, 313, 334, 345, 348, 378, 384, 391, 392, 395, 408, 419, 423, 424, 426, 429, 433, 436, 437, 441, 460, 464, 468, 481, 490, 530, 538, 564, 570, 578, 580, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 608, 610, 617, 627, 628, 629, 630, 632, 633, 637, 638, 639, 640, 641, 642, 643, 644, 647, 650, 651, 652, 653, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 668, 670, 671, 672, 673, 674, 675, 676, 677, 678, 685, 689, 690, 696.

The following Senate Bills have revised fiscal notes: SBs 5, 10, 25, 28, 39, 65, 67, 68, 79, 82, 100, 107, 114, 134, 135, 137, 144, 145, 149, 157, 163, 165, 167, 170, 178, 180, 182, 200.

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. Anthony C. Maiola, PO Box 553, Newport, New Hampshire 03773-0553.

Rep. Elisabeth N. Sanders, 61 Beach Plain Road, Danville, New Hampshire 03819-3122.

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.

We will be collecting cell phones for soldiers again this year during session days in May. There will be a box in the ante room for all cell phones and laptop computers. Once we collect them they are taken apart and the parts recycled. The monies that are received from the recycling are then used to buy phone cards that are then sent to soldiers overseas. In past years we have collected over 500 cell phones and laptops.

Rep. Ken Hawkins

The 17th Annual New Hampshire Law Enforcement Officers Memorial Ceremony will be held on Friday, **May 8th** at 10:00 a.m. on the memorial site in front of the Legislative Office Building. The ceremony will proceed rain or shine.

Rep. Dianne E. Schuett

It is time for another Legislator Orientation Day sponsored by Gun Owners of New Hampshire. This year it will be held on Monday, **May 11**. It will start at 10:00 a.m. and end at 3:00 p.m., at Sunset Mountain Fish and Game Club in Canterbury. You will have the opportunity to shoot and learn about muzzle-loading rifles, modern rifles and pistols as well as shotguns. A cowboy action demonstration, Captain Morrill's Company and their cannons, and Roland Huber with his elephant gun, are just a few of the many interesting special events planned. All in all, the day is intended to be a relaxing, informative event centered around shooting and the shooting sports.

Firearm instructors and range officers, in a variety of disciplines, will be present on site and safe firearm practices and procedures will be in place. We will provide shooting and safety instruction, ammunition, targets, eye and ear protection, and loaner firearms.

From North or South take Route 93 to exit 18. Left at end of exit. Club will be on the left after the gas station/store. If you need further information, please call me at 642-4402 or email me at repdawelch@hotmail.com.

Rep. David A. Welch

Legislators are invited to attend the Governor's Conference on Volunteerism, Tuesday, **May 12**, 8:30 a.m. to 4:00 p.m., at the NH Technical Institute in Concord. There are over 30 workshops to

choose from and the keynote will be about the Champions in Action award. Breakfast and lunch are included. The Governor will be presenting the award to the Outstanding Volunteer Manager. The conference is organized by Volunteer NH. Special registration cost for legislators only is \$30, regular cost is \$65. In order to receive the special fee for legislators, call the Volunteer NH office at 271-7200. Deadline for registration is May 4. For further information contact Rep. Carolyn Gargas.

Rep. Carolyn Gargas

Tuesday, **May 12th** will be a grand day on the State House lawn. You are invited to join the people of Coos County to learn how adaptation, collaboration and ingenuity are transforming our tourism, education, healthcare, arts and culture, telecommunications, wood and energy, and entrepreneurship. The Grand Resorts have joined with other local businesses to give you a taste of North Country Hospitality. Tour the Ways of the Woods, an 18-wheel traveling history of the woods, presented by the Northern Forest Center. Learn how technology has changed timber harvesting in the Great North Woods. Visit us throughout the day from 9:00 a.m. to 4:00 p.m. for this Grand Celebration of Coos County. An agenda of presentations will be available on May 12. Present invitation for admittance to the hospitality tent.

Rep. Larry Rappaport

The New Hampshire Optometric Association hosts its Eye-Opener Breakfast on Wednesday, **May 13th** in the State House Cafeteria. Legislators and staff are invited to stop by anytime from 8:00 to 9:30 a.m. to learn about eye health, the practice of Optometry and how the state regulates the profession of Optometry.

Rep. Mary Jane Wallner

All legislators and staff are cordially invited to attend *Spring Celebs* hosted by the NH Women's Lobby on Wednesday, **May 13th** from 5:30 to 7:30 p.m. at the Capital Center for the Arts. At our 21st annual Spring Celebs we will be awarding those who are so diligently working on behalf of women and families in New Hampshire. Join us for drinks, light fare, and fun with friends! Cost of event is \$25.00 for members and \$35.00 for the public. Please RSVP to Nikki Murphy at 603-978-1032 or nikki@nhwomenslobby.org.

Rep. Carla M. Skinder

The Rockingham County Republican Lincoln Day Reception/Dinner will be held **May 15** at 6:00 p.m. at Castleton, 92 Indian Rock Road, Windham. Sen. Judd Gregg will be the guest speaker. Tickets are \$50 per person, plus \$50 for an optional VIP reception and photo op with the Senator. Please contact Brenda Major 382-5429 for details and reservations.

Rep. Will Smith

The briefing scheduled for April 27th hosted by the NH-Canadian Trade Council featuring a presentation by PSNH regarding discussions between Northeast Utilities and Hydro Quebec, relative to the import of hydro energy, has been rescheduled to **May 18**. Details to be announced.

Rep. Raymond Gagnon

Join the Concord Energy and Environment Committee as we launch the Concord Carbon Challenge and demonstrate how individuals can save money by reducing both their energy use and their carbon footprint. The event will take place on **May 22** at the Your Home Your World store at 138 North Main Street from 1:00 to 2:30 p.m. Contact Concord Energy Committee Chair City Councilor Rob Werner at rwerner@totalnetnh.net or 225-9224 for more information. Learn how you can make a difference.

Rep. Stephen Shurtleff

General Court Lodge, America's only Legislative Masonic Lodge, will be hosting a Table Lodge Banquet on Tuesday, **May 26** at 6:00 p.m. at the Concord Masonic Temple on Iron Works Road. Tickets are \$20 and all Masons are welcome. Please see or contact Paul Smith in the House Republican Office for reservations.

Rep. Shawn N. Jasper

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

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

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.

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 **May 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 changes. **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
Deborah Rivers, Public Information Administrator

<u>DATE</u>	<u>TIME</u>	<u>GROUP</u>	<u>Group#/Grade</u>
May 4	9:30	Edward Fenn Elementary School – Gorham	40/4
May 4	10:00	Dr. Lewis Soule School – Salem	58/4
May 4	11:00	Hancock Elementary School	10/4

May 5	9:30/11:00 SH/HM	Bristol Elementary School	55/4
May 5	12:00	Sacred Heart School – Hampton	45/4
May 6	9:30	Campton Elementary School	35/4
May 6	11:00	Bridgewater Hebron School	21/4
May 6	1:30	Village Coop Home School – Goffstown	15/4
May 7	9:30	Ashland Elementary School	35/4&6
May 7	10:30	Henniker Community School	45/4
May 7	11:00	Infant Jesus School – Nashua	35/4
May 8	9:00	Sutton Elementary School	17/4
May 8	9:00	Simon School – Warner	30/4
May 8	10:15/11:30 SH/SC	Peterborough Elementary School	84/4
May 11	9:30	Lamprey River School – Raymond	60/4
May 11	10:00/11:30 SH/HM	Maple Ave School – Claremont	65/4
May 12	9:00	Concord Christian Academy	16/4
May 12	10:00/11:30 SH/HM	William T. Barron School – Salem	85/4
May 12	1:00	Salem Christian School	16/4
May 13	9:30	Gossler Park School – Manchester	50/4
May 13	11:00	Westmoreland School	28/4&5
May 13	12:00	Presentation of Mary Academy – Hudson	48/4
May 13	1:30	Alton Cub Scouts	12
May 14	9:00	Middle School at Parkside _Manchester	48/HS
May 14	10:00/11:30 SH/HM	Richards Elementary School – Newport	80/4
May 15	10:00	Antrim Elementary School	39/4
May 15	11:30	Hopkinton High School	40/HS
May 15	12:30	Pierce School – Bennington	23/4
May 18	9:30	Villa Augustina School – Goffstown	15/4
May 18	11:00	Bakersville Elementary School – Manchester	50/4
May 18	12:00	Dunbarton School	28/4
May 19	9:00	Merrimack Middle School	50/8
May 19	10:30/12:00 SH/HM	Hampstead Central School	110/4
May 20	9:00	Merrimack Middle School	50/4
May 20	10:00	Lamprey River School – Raymond	60/4
May 20	11:00	Newfields Elementary School	33/4
May 21	9:30	Bartlett Elementary School – Goffstown	50/4
May 21	10:00	Pleasant Street School – Laconia	54/4
May 21	1:00	Plainfield School	30/4
May 22	9:00	Conant School – Concord	65/4
May 22	10:00	Gilmanton Elementary School	40/4
May 22	11:00	Linwood School – Lincoln	30/4
May 26	9:00	Sutton Central Elementary School	20/4
May 26	10:00	Enfield Elementary School	45/4
May 26	11:00	Plymouth Elementary School	45/4
May 27	11:00	Madison Elementary School	21/4
May 27	11:00	Mountain Shadows School – Dublin	5/6
May 27	12:00	Saint Elizabeth of Seton School – Rochester	18/4
May 28	9:15	Jennie D. Blake Elementary - Hill	10/4

May 28	10:30/12:00 SH/HM	Auburn Village School	75/4
May 29	10:00	Bernice A. Ray School – Hanover	45/4
May 29	11:00	Mt. Pleasant Elementary School – Nashua	65/4
May 29	1:00	Holderness Central School	28/4

WEDNESDAY, MAY 6
AMENDMENTS
(LISTED IN NUMERICAL ORDER)

2009-1363h

Amendment to SB 14

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 Paragraph; Allied Health Professionals; Governing Boards; Renewals; Inactive Status.
 Amend RSA 328-F:19 by inserting after paragraph IV the following new paragraph:

V. Upon the request of a licensee who is a member of any reserve component of the armed forces of the United States or the national guard and is called to active duty, the governing board shall place the person's license on inactive status. The license may be reactivated within one year of the licensee's release from active status by payment of the renewal fee and with proof of completion of the most current continuing education requirement unless still within the renewal period.

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

AMENDED ANALYSIS

This bill requires the governing boards of allied health professionals to grant inactive status upon request of a licensee in active duty military service.

2009-1375h

Amendment to SB 26

Proposed by the Committee on Education - C

Amend the bill by replacing section 1 with the following:

1 St. John International University; Authority to Grant Degrees. The St. John International University, located in Vinovo-Torino, Italy and Concord, New Hampshire, is hereby authorized to confer degrees upon its graduates, subject to the authority of the postsecondary education commission under RSA 188-D:8, IV. The degrees shall be specified by the postsecondary education commission as provided in RSA 292:8-h, III.

2009-1313h

Amendment to SB 52

Proposed by the Majority of the Committee on Judiciary - R

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

10 Child Custody and Support Seminars; Costs. Amend RSA 458-D:7, 1 to read as follows:

I. Persons attending the seminar shall pay a seminar fee to the presenter. Fees charged by the presenter shall be fair and reasonable as directed by the administrative judge of the judicial branch family division ***and may be paid to the court by credit card in lieu of cash payment provided that the presenter agrees to accept, in full payment of the seminar fee, the fee less credit card transaction costs incurred by the court.***

2009-1337h

Amendment to SB 65-FN

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

Amend the bill by replacing section 3 with the following:

3 Aquatic Resource Compensatory Mitigation. Amend RSA 482-A:28 to read as follows:

482-A:28 Aquatic Resource Compensatory Mitigation. In lieu of other forms of compensatory mitigation, the department may accept payment for an unavoidable loss of aquatic resource functions and values from ~~[a proposed activity which at a minimum:~~

~~I. Impacts less than one acre of wetlands and meets the criteria for a United States Army Corps of Engineers state programmatic general permit.~~

~~II. Exceeds one acre of impact for a public roadway or a public utility project and meets the criteria for a United States Army Corps of Engineers state programmatic general permit]~~ **impacts to resources protected under this chapter.**

Amend RSA 482-A:29, I as inserted by section 4 of the bill by replacing it with the following:

I. There is hereby established the aquatic resource compensatory mitigation fund into which payments made under this subdivision shall be deposited. The fund shall be a separate, nonlapsing fund continually appropriated to the department to be used only as specified in this subdivision for costs related to wetlands creation or restoration, stream **and river** restoration, **stream and river enhancement** preservation of upland areas adjacent to wetlands **and riparian areas**, and the subsequent monitoring and maintenance of such areas.

2009-1419h

Amendment to SB 106-FN

Proposed by the Committee on Judiciary - C

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

AN ACT establishing a program for mediation of civil writs in the district court and funding the program with a fee to be paid by parties to civil suits who participate in mediation sponsored by the district courts.

Amend RSA 502-A:28, III as inserted by section 2 of the bill by replacing it with the following:

III. The supreme court may from time to time establish a fee to be paid by parties to civil suits who participate in mediation sponsored by the district courts. This fee shall reflect the average cost of each mediation session. These fees shall be deposited in the mediation and arbitration fund established under RSA 490-E:4. Costs of the civil writ mediation program in the district courts shall be paid from this fund, however:

- (a) Participation in the mediation session shall not be mandated by the court;
- (b) Mediation reports and proceedings shall not be released to any judge or other officers of the court who may later decide or rule on the case without the written consent of all parties participating in the mediation; and
- (c) Statements made during mediation sessions by the parties or their counsel shall not be considered competent or admissible evidence for any purpose during any subsequent proceedings in that case or any other civil or administrative proceeding.

AMENDED ANALYSIS

This bill establishes a program for mediation of civil writs in the district court and funds the program with a fee to be paid by parties to civil suits who participate in medication sponsored by the district courts.

2009-1368h

Amendment to SB 107-FN

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

Amend RSA 4:39-d, III as inserted by section 1 of the bill by replacing it with the following:

III. In addition to paragraph I, portions of real estate owned by the state and managed by a state agency that are on the shores of public waters as defined by RSA 271:20, may be leased by persons who can demonstrate the intent to provide a public use or benefit by utilizing the state land, provided the proposed lease is reviewed in accordance with all relevant procedures related to the disposal of state-owned property and provided the lease is compliant with all statutory requirements for the use of the land.

Amend RSA 4:39-d as inserted by section 1 of the bill by inserting after paragraph V the following new paragraph:

VI. Leases and renewals under this section shall be subject to all other requirements related to the disposal or lease of state-owned property, including but not limited to RSA 4:39-c and RSA 4:40. Nothing in this section shall be interpreted as limiting the ability of the state to impose reasonable conditions and restrictions or to determine a reasonable price with respect to any leased property.

2009-1393h

Amendment to SB 108

Proposed by the Committee on Executive Departments and Administration - R

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

AN ACT establishing a committee to study the imposition of assessments to retirement system employers for excess benefits paid to retirees and to study other retirement issues.

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

1 Committee Established. There is established a committee to study the imposition of assessments to retirement system employers for excess benefits paid to retirees and to study other retirement issues.

2 Membership and Compensation.

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

(a) Two members of the senate, one of whom shall be a member of the executive departments and administration committee, appointed by the president of the senate.

(b) Four members of the house of representatives, 2 of whom shall be members of the executive departments and administration committee, appointed by the speaker of the house of representatives.

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

3 Duties. The committee shall study the law requiring the imposition of assessments to retirement system employers for excess benefits paid to retirees. The committee shall explore alternatives to the procedure in RSA 100-A:16, III-a and to the so-called load factor assessed to retirement system employers. The committee shall also study earnable compensation of members, death benefits, and other relevant issues concerning the New Hampshire retirement system.

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

5 Report. The committee shall report its findings and any recommendations for proposed legislation to the president of the senate, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library on or before November 1, 2010.

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

AMENDED ANALYSIS

This bill establishes a committee to study the imposition of assessments to retirement system employers for excess benefits paid to retirees and to study other retirement issues.

2009-1436h

Amendment to SB 118

Proposed by the Committee on Election Law - C

Amend the bill by replacing section 2 with the following:

2 Assistance in Voting. Amend RSA 659:20 to read as follows:

659:20 Assistance in Voting. Any voter who declares to the moderator under oath that said voter ~~[cannot read or that, because of disability, is unable to mark]~~ ***needs assistance marking*** his or her ballot shall, upon the voter's choice and request ***after the moderator has informed the voter of the accessible voting options that are available at the polling place,*** receive

the assistance of one or both of the inspectors of election detailed for that purpose by the moderator or of a person of the voter's choice provided that the person is not the voter's employer or union official. Such person so assisting shall be sworn, shall mark the ballot as directed by said voter, and shall thereafter give no information regarding the same. Such person so assisting shall leave the space within the guardrail with the voter.

2009-1308h

Amendment to SB 121

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

Amend subparagraph I(d) as inserted by section 2 of the bill by replacing it with the following:

(d) Five selectpersons or appointed administrative officials who are geographically representative of the state as a whole, nominated by the New Hampshire Municipal Association and appointed by the governor.

Amend subparagraph I(f) as inserted by section 2 of the bill by replacing it with the following:

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

2009-1462h

Amendment to SB 134-FN

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

Amend RSA 483-B:4, XVII(a) as inserted by section 4 of the bill by replacing it with the following:

(a) For all lakes, ponds, and artificial impoundments greater than 10 acres in size, the surface elevation as listed in the Consolidated List of Water Bodies subject to the Comprehensive Shoreland Protection Act as maintained by the department.

Amend RSA 483-B:4, XXIV-b as inserted by section 8 of the bill by replacing it with the following:

XXIV-b. "Unaltered state" means native vegetation allowed to grow without cutting, limbing, trimming, pruning, mowing, or other similar activities ***except as needed to maintain the health of the plant being trimmed, as allowed by rules of the department.***

Amend RSA 483-B:5-b, V(e) as inserted by section 11 of the bill by replacing it with the following:

(e) All applications filed in accordance with the rules adopted by the department under RSA 483-B:17 and which meet the minimum standards of this chapter shall be approved and a permit shall be issued.

Amend RSA 483-B:9, V(a)(2)(D)(v)-(vi) as inserted by section 15 of the bill by replacing them with the following:

(v) Owners of lots ***and holders of easements on lots*** that were legally developed prior to July 1, 2008 may maintain but not enlarge cleared areas, including but not limited to existing lawns ~~and~~, beaches, ***and rights-of-way for public utilities, public transportation, and public access, and may repair existing utility structures*** within the waterfront buffer. Conversion to or planting of cleared areas with native species of ground cover, shrubs, saplings, and trees is encouraged but shall not be required unless it is necessary to meet the requirements of subparagraphs (g)(2) or (g)(3), or RSA 483-B:11, II.

(vi) Normal trimming, pruning, and thinning of branches to the extent necessary to ***maintain the health of the plant being trimmed***, protect structures, maintain clearances, and provide views is permitted, ***as allowed by rules of the department.*** ~~[Trimming, pruning, and thinning of branches]~~ ***Limbing of trees or saplings*** for the purpose of providing views shall be limited to the bottom 1/2 of the trees or saplings.

2009-1429h

Amendment to SB 144-FN

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

Amend the bill by replacing section 1 with the following:

1 Unemployment Benefit Eligibility. Amend RSA 282-A:32, I(a)(2)-(3) to read as follows:

(2) An individual terminates employment in good faith to accept better full-time employment, which is to begin within a reasonable period, and subsequently becomes unemployed from such employment due to unavailability of work before earning the requalifying wages set forth in this section. Notwithstanding any other provision of this chapter, such subsequent employer shall be deemed to be that individual's most recent employer; ~~or~~

(3) ~~[The leaving of employment was necessary to protect the individual from domestic abuse, as defined in RSA 173-B:1 and in accordance with rules adopted by the commissioner, and the individual made all reasonable efforts to preserve the employment, and in addition:~~

~~(A) The individual relocated to escape the abuse; or~~

~~(B) The individual, due to changed circumstances, is able to return to the individual's employment, but the employer is unable to return the individual to the individual's job, or to comparable work, due solely to:~~

~~(i) A reduction in work force; or~~

~~(ii) Other economic conditions, and the individual did all things that a reasonably prudent person would have done to continue the employer-employee relationship or the possibility of reemployment during the period the individual was unable to work due to the domestic abuse;]~~

The individual reasonably believes that separation from employment is necessary to protect himself or herself or any member of his or her immediate family from domestic abuse, as defined in RSA 173-B:1. The existence of domestic abuse shall be verified by the provision of reasonable and confidential documentation;

(4) The individual is separated from employment because he or she has become unable to perform some or all of his or her job duties due to pregnancy or to an illness or injury that is not work-related, provided that a physician has attested to the individual's inability to perform work duties in a written notice. Nothing in this section shall relieve an employer of the duty to provide reasonable accommodation as that term is defined by state or federal law;

(5) The leaving of employment was necessary to allow the individual to accompany his or her spouse to a place from which it is impractical for the individual to commute due to a change in location of the spouse's employment; or

(6) The leaving of employment was due to the illness or disability of a member of the individual's immediate family as those terms are defined by the Secretary of the United States Department of Labor.

2009-1340h

Amendment to SB 149

Proposed by the Committee on Education - R

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

AN ACT relative to the transition of certain functions and reporting requirements of the community college system of New Hampshire and making an appropriation therefor, and relative to extending the report date for the community college system legislative oversight committee.

Amend the bill by inserting after section 3 the following and renumbering the original section 4 to read as 5:

4 Community College System Legislative Oversight Committee; Report Date Extended.

Amend 2007, 361:37, VI to read as follows:

VI. Report. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the chairpersons of the house and senate education committees, the house clerk, the senate clerk, the governor, and the state library on or before November 1, ~~[2009]~~ **2011**. If the committee concludes there are substantial concerns with the operation or administration of the community college system of New Hampshire, the committee shall include in its report detailed proposed legislation to remedy such concerns, including, if appropriate, additional legislative oversight and continued

partnership with the state on certain duties and functions, or legislation necessary to return the community college system of New Hampshire to state agency status.

AMENDED ANALYSIS

This bill:

I. Changes the effective date for the transition of certain functions within the community college system of New Hampshire from July 1, 2009 to July 1, 2011.

II. Provides that the commissioner of the department of education and the chancellor of the community college system of New Hampshire shall annually issue a joint report on the proposed use and distribution of federal vocational funds.

III. Makes an appropriation for the purposes of this act.

IV. Extends the report date of the community college system legislative oversight committee to November 1, 2011.

2009-1457h

Amendment to SB 156

Proposed by the Committee on Executive Departments and Administration - C

Amend the bill by replacing section 2 with the following:

2 Study Commission Extended. Amend 2008, 194:5 to read as follows:

194:5 Report. ***The commission shall make an interim report detailing its progress to date and any significant findings to the president of the senate, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library on or before November 1, 2009.*** The commission shall ***make a final*** report of its findings and any recommendations for proposed legislation to the president of the senate, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library on or before November 1, ~~[2008]~~ ***2010.***

2009-1370h

Amendment to SB 159-FN

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

Amend the bill by replacing section 4 with the following:

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

2009-1449h

Amendment to SB 167-FN

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

Amend RSA 277-B:5, IV(a) as inserted by section 4 of the bill by replacing it with the following:

(a) Upon request of a client company, an employee leasing company insured in the voluntary market shall request that the carrier of the employee leasing company make available claims data on a client company basis to the National Council on Compensation Insurance.

Amend RSA 277-B:6, I as inserted by section 5 of the bill by replacing it with the following:

I. Every application for issuance or renewal of a license as an employee leasing company shall be accompanied by ~~[, at a minimum, a reviewed]~~ ***an audited*** financial statement prepared by an independent certified public accountant in accordance with generally accepted accounting principles. ***Such statement shall show a minimum working capital of \$100,000. At the time of application for a new license, the employee leasing company shall submit its most recent audit which may not be older than 13 months. Thereafter, an employee leasing company shall file a succeeding audit-performed*** within ~~[6]~~ ***12*** months ~~[prior to]~~ ***before*** the date of application or renewal ~~[, and such statement shall show a minimum net worth of \$100,000]~~ ***showing a minimum working capital of \$100,000. An employee leasing company with less than \$100,000 in working capital at renewal shall have 180 days to eliminate the deficiency. During that 180 days the employee leasing company shall submit quarterly financial statements to the department accompanied by an attestation of the chief executive officer that all wages, taxes, workers' compensation premiums, and employee***

benefits have been paid by the employee leasing company. As an alternative, an employee leasing company may, as approved by the commissioner, provide a surety bond, irrevocable letter of credit, or securities with a minimum market value of \$100,000 to the department. For any employee leasing company whose annual financial statements do not indicate positive working capital, the amount of the bond, irrevocable letter of credit, or securities shall be \$100,000 plus an amount sufficient to cover the deficit in working capital.

Amend RSA 277-B:8 as inserted by section 7 of the bill by replacing it with the following:

277-B:8 Renewal of License. ~~[Every license]~~ ***Licenses*** issued pursuant to this chapter shall remain in force for one year from the date of issue, unless the license has been revoked under RSA 277-B:7. ***If an employee leasing company has been continuously licensed without revocation or suspension for a period of 5 years or more following the effective date of this section, a license shall remain in force for 2 years from the date of issue provided that financial information required under RSA 277-B:6 is submitted to the department on an annual basis.*** Every licensee shall file an application for renewal 60 days before expiration of its license. The commissioner shall act upon such application for renewal within such 60-day period. ***In the event that an applicant for renewal shall qualify for a 2-year license, the licensing fee shall be twice the annual amount.***

Amend RSA 277-B:9, II(j) as inserted by section 8 of the bill by replacing it with the following:

(j) Assuming and accepting responsibility for all compensation paid to any employee that is not paid through the employee leasing relationship or reported to the employee leasing company. Responsibility shall include but shall not be limited to all payroll taxes, federal and state taxes, additional premium for insurances including but shall not be limited to workers compensation insurance and additional matching contributions if any.

Amend RSA 277-B:9 as inserted by section 8 of the bill by inserting after paragraph II the following new paragraph:

III. The employee leasing company shall notify the commissioner of employment security and the commissioner of the department of labor in writing of all new and terminated client companies within 10 days of engagement or termination.

2009-1460h

Amendment to SB 168-FN

Proposed by the Committee on Resources, Recreation and Development - R

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

AN ACT establishing the Southeast Watershed Alliance.

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

1 Estuary Alliance for Sewage Treatment. RSA 485-E is repealed and reenacted to read as follows:

CHAPTER 485-E

SOUTHEAST WATERSHED ALLIANCE

485-E:1 Findings and Purpose.

I. New Hampshire's coastal water resources have significant ecological, commercial, cultural, and recreational values for the state and its citizens. The state's coastal water resources are highly sensitive and are subject to intense and increasing pressures associated with population growth and development, including increased pollution loads from many sources, including wastewater treatment facilities, stormwater runoff, septic systems, and land use practices. Excess levels of nutrients are of particular concern, have become a significant problem in the Great Bay estuary, and are likely to result in more stringent water quality requirements that could affect activities occurring in municipalities throughout the coastal watershed. In order to improve and protect water quality and meet state and federal regulations, it is necessary for municipalities to reduce nutrient pollution loads from wastewater treatment facilities, stormwater runoff, septic systems and septage, and land use practices. It is essential that the state, and municipalities

located within the state's coastal watershed, work in a coordinated way to address these problems and protect the health and sustainability of New Hampshire's coastal resources.

II. The purposes of this chapter are to:

(a) Create better municipal, intermunicipal, and regional planning and coordination relative to wastewater and stormwater management, water quality and water supply planning, and land use;

(b) Establish a regional framework for coastal watershed communities, regional planning commissions, the state, and other stakeholders to collaborate on planning and implementation measures to improve and protect water quality and more effectively address the challenges of meeting clean water standards, particularly with respect to nutrients pollution; and

(c) Encourage coastal watershed municipalities, the state, and other stakeholders, individually and in collaboration with one another, to plan, implement, and invest in wastewater, stormwater, and land use planning and management approaches that protect the water quality, natural hydrology, and habitats of the state's coastal resources and associated waters and that advance the state's economic growth, resource protection, and planning policy, established in RSA 9-B.

(d) Seek innovative solutions to reducing pollution and enhancing water quality.

485-E:2 Definitions. In this chapter:

I. "Alliance" means the Southeast Watershed Alliance.

II. "Associated waters" means freshwater surface waters and groundwater located in the coastal watershed, which contribute flows downstream to the state's coastal water resources.

III. "Coastal watershed" means the land area in New Hampshire contributing groundwater, surface water, and stormwater to the state's coastal water resources and associated waters. The coastal watershed consists all or portions of the following municipalities: Barrington; Brentwood; Brookfield; Candia; Chester; Danville; Deerfield; Dover; Durham; East Kingston; Epping; Exeter; Farmington; Fremont; Greenland; Hampton; Hampton Falls; Kensington; Kingston; Lee; Madbury; Middleton; Milton; New Castle; New Durham; Newfields; Newington; Newmarket; Nottingham; North Hampton; Northwood; Portsmouth; Raymond; Rochester; Rollinsford; Rye; Sandown; Seabrook; Somersworth; Strafford; Stratham; and Wakefield.

IV. "Coastal water resources" means the Gulf of Maine and associated coastal embayments on the Atlantic coast of New Hampshire, and the Great Bay estuary.

V. "Department" means the department of environmental services.

VI. "Great Bay estuary" means the Piscataqua River, Great Bay and Little Bay, all tidal portions of the Bellamy, Cocheco, Lamprey, Oyster, Salmon Falls, Squamscott, and Winnicut Rivers, and the tidal portion of all minor tributaries to the Piscataqua River, Great Bay or Little Bay.

VII. "Low impact development" means development that incorporates best management practices to reduce impervious surfaces, preserve natural hydrology, and reduce stormwater volumes and pollution. Low impact development practices include, but are not limited to, project designs that reduce the amount of impervious cover, porous pavements, gravel wetlands, and green rooftops.

VIII. "Municipalities" means cities, towns, and village districts.

IX. "State's economic growth, resource protection, and planning policy" means the policy established pursuant to RSA 9-B.

X. "Stormwater utility" means a special assessment district established to generate funding specifically for stormwater management, under RSA 149-I:6-a.

485-E:3 Southeast Watershed Alliance. There is hereby established a public body corporate and politic having a distinct legal existence separate from the state and not constituting a department or agency of the state government to be known as the southeast watershed alliance, also known as the Alliance. The Alliance shall include those municipalities in New Hampshire whose boundaries include a portion of the coastal watershed and who have agreed to participate the Alliance. The public purpose of the Alliance is:

I. To engage in improved municipal, intermunicipal, and regional planning, studies, public education, and implementation measures, including potential investments, relative to water quality, water supply, wastewater and stormwater management, septic systems and septage, and land use, for the purpose of improving and protecting the water quality and natural hydrology of the state's coastal water resources and associated waters, and to more effectively address on a watershed basis the challenges of meeting state and federal regulations, including waste load limits and allocations. Such planning and investments may include, but are not limited to:

- (a) Establishing intermunicipal stormwater utilities and any associated facilities.
- (b) Establishing intermunicipal or regional wastewater districts and facilities.
- (c) Establishing and coordinating common municipal regulations for nutrient reduction and water quality protection, such as stormwater, wetlands, and buffer regulations.
- (d) Developing and implementing, in coordination with the department, innovative means to achieve compliance with nutrient and other pollutant reductions, such as a nutrients offset or trading program.

- (e) Addressing water supply and water conservation measures.

II. To foster improved municipal and intermunicipal land use planning and regulation, in coordination with the applicable regional planning commissions, such as to encourage low impact development and innovative zoning and land use management approaches, and to advance the state's economic growth, resource protection, and planning policy.

485-E:4 Advisory Committee. The Alliance shall include an advisory committee consisting of the commissioner of the department, or designee, the commissioner of the department of transportation, or designee, the Strafford, Rockingham, and Southern New Hampshire regional planning commission executive directors, or designees, and the Piscataqua Region Estuaries Partnership director, or designee. The committee shall provide technical assistance, education, scientific advice, and consultation on whether plans advance the state's economic growth, resource protection, and planning policy, and otherwise share expertise and provide resources to assist the Alliance, in accordance with available resources. Members of the advisory committee shall be non-voting members of the Alliance. The Alliance may add members to the advisory committee as it determines its needs for expertise.

485-E:5 Duties of the Department.

I. The department shall, no later than October 1, 2009:

(a) Notify the governing bodies, planning boards, conservation commissions, and public works departments of each municipality in the coastal watershed, and the applicable regional planning commissions, of the establishment of the southeast watershed alliance and of the need and purpose of the Alliance, and solicit their participation;

(b) Convene an organizing meeting or meetings, at which the department shall describe the purpose of this chapter, the challenges facing the Great Bay estuary and coastal resources, the potential scope of the Alliance's activities, and the method prescribed by this chapter for coastal watershed municipalities to join the Alliance;

(c) Provide technical and logistical assistance, as resources allow, to the Alliance until such time as it is self-supporting.

II. The department shall, no later than January 1, 2010, hold a meeting of all coastal watershed municipalities that have joined the Alliance to elect a chairperson of the Alliance and to begin the process of developing the Alliance's operating procedures and organizational structure.

485-E:6 Method of Joining Southeast Watershed Alliance. Any Alliance municipality may elect to participate or subsequently to withdraw from participation in the Alliance by vote of its governing body.

485-E:7 General Powers and Duties.

I. The Southeast Watershed Alliance may engage in:

(a) Intermunicipal and regional planning, coordination, and public education.

(b) Intermunicipal implementation measures, including but not limited to, intermunicipal investments and the establishment of intermunicipal agreements in furtherance of the purposes of this chapter.

II. The Alliance shall establish governing operating procedures and organizational structure, as follows:

(a) At the meeting required by RSA 485-E:5, II, members of the Alliance shall establish a planning committee which shall propose a board of directors and draft operating procedures and organizational structure in furtherance of the public purpose of the Alliance and this chapter, in accordance with all state laws. The planning committee shall include representatives from 8 coastal watershed municipalities and a representative of the advisory committee.

(b) The Alliance shall hold a meeting no later than 180 days following the meeting required by RSA 485-E:5, II at which the planning committee shall present the proposed operating procedures, organizational structure, and proposed board of directors for the Alliance's review, modification, and approval. The Alliance chairperson shall send the approved operating procedures and organizational structure to the attorney general and department of environmental services for their review and approval. The attorney general shall approve any proposed agreement unless it is in improper form or is incompatible with the requirements of this chapter and the laws of this state. The attorney general shall notify in writing to the governing bodies and the planning committee the details of any specific respects in which the proposed agreement fails to meet the requirements of law. Approval by the attorney general shall be required for the operating procedures and organizational structure to be legally valid. Failure by the attorney general to disapprove an agreement within 30 days of its submission shall constitute approval. The department shall provide comment, including recommendations for improvement, to the committee and governing bodies within 30 days of the proposed agreement's submission relative to its compatibility with the state water statutes and rules.

(c) The Alliance may amend its operating procedures and organizational structure, if necessary, to engage in implementation measures, including the establishment of intermunicipal agreements pursuant to RSA chapter 53-A. Any such amendments shall be presented and approved at a properly noticed public meeting, and submitted to and reviewed by the attorney general and the department consistent with subparagraph (b).

III. The Alliance shall have the power to engage in intermunicipal and regional planning, coordination, and public education in furtherance of the purpose of this chapter during and after the establishment of the Alliance's bylaws, and before the department's final adoption of water quality standards establishing applicable numeric nutrient criteria.

IV. The Alliance shall have the power to engage in implementation measures consisting of intermunicipal agreements property and investments, staff, services and facilities, and the establishment of intermunicipal or regional districts, in furtherance of the purposes of this chapter. Intermunicipal or regional districts, and implementation measures needed to fund and construct intermunicipal or regional infrastructure, including the incurring of obligations or the raising and appropriating of revenue, shall be established pursuant to cooperative agreements, which shall be valid only if established in accordance with RSA 53-A. After the department's final adoption of water quality standards establishing applicable numeric nutrient criteria, the Alliance may develop a water quality management plan and, at its discretion, establish a water quality planning committee to determine the advisability of establishing one or more intermunicipal water quality management districts to implement such water quality management plan. The Alliance may engage in implementation measures prior to the department's final adoption of water quality standards.

485-E:8 Southeast Watershed Alliance Fund. The Alliance shall establish a southeast watershed alliance fund to assist the activities of the Alliance and Alliance municipalities in furthering the purpose of the Alliance and this chapter. The fund shall be non-lapsing, and shall be used only for planning, public education and outreach, organizational assistance, and implementation and infrastructure uses consistent with the purposes of this chapter, and may consist of moneys provided by Alliance municipalities, the state and federal governments, and private sources. The fund shall be administered by the department on behalf of the Alliance until

such time as the Alliance has adopted its operating procedures and organizational structure and has the fiduciary capacity to administer the funds, as determined by the department.

485-E:9 Regional Outfall Construction; Prohibition. The Alliance shall not construct a regional outfall that transfers water out of the Great Bay estuary watershed directly into the Gulf of Maine absent legislation specifically authorizing it to do so.

485-E:10 Exemption from Taxes. Any property of the Alliance acquired and used to further the public purpose of planning, developing, and implementing wastewater and stormwater management and other water quality management solutions that protect the water quality and natural hydrology of the state's coastal resources and associated waters, is hereby declared to be public property and shall be exempt from all taxes and special assessments of the state or any of its subdivisions. No taxes or assessments shall be imposed upon the activities of the Alliance or upon any of its revenues.

485-E:11 Exemption from Regulation. The New Hampshire Public Utilities Commission shall regulate the Alliance only with regard to insurance and safety requirements.

485-E:12 Report. The Alliance shall, no later than November 1 each year, provide to the senate president, the speaker of the house, the senate energy, environment and economic development committee, and the house resources, recreation and development committee, a report on the Alliance's work and progress in carrying out the purposes of this chapter, and on recommendations for further legislation.

485-E:13 Severability. If any provision of this chapter or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the chapter which can be given effect without the invalid provisions or application, and to this end the provisions of this chapter are severable.

2 New Subparagraph; State Treasurer; Application of Receipts. Amend RSA 6:12, I(b) by inserting after subparagraph (277) the following new subparagraph:

(278) Moneys deposited in the southeast watershed alliance fund established in RSA 485-E:8.

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

AMENDED ANALYSIS

This bill repeals the estuary alliance for sewage treatment and replaces it with the Southeast Watershed Alliance.

2009-1403h

Amendment to SB 180-FN

Proposed by the Majority of the Committee on Education - R

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

1 New Sections; Accountability for the Opportunity for an Adequate Education. Amend RSA 193-E by inserting after section 3 the following new sections:

193-E:3-a Definitions. In this section:

I. "Commissioner" means the commissioner of the department of education.

II. "Department" means the department of education.

III. "Input-based school accountability system" means the certified narrative explanation describing how a school has demonstrated compliance with the school approval standards included in the opportunity for an adequate education required under RSA 193-E:3-b.

IV. "Performance-based school accountability system" means the scoring system required under RSA 193-E:3-b and implemented by the department in rules adopted pursuant to RSA 541-A.

V. "State board" means the state board of education.

193-E:3-b Accountability for the Opportunity for an Adequate Education. Beginning with the 2009-2010 school year, a school shall demonstrate by the end of the school year that it provides the opportunity for an adequate education under RSA 193-E:2-a by meeting the requirements of paragraph I of this section. Beginning with the 2011-2012 school year, a school shall demonstrate by the end of the school year that it provides the opportunity for an adequate education by meeting

the requirements of either paragraph I or II of this section. Following the adoption of the performance-based accountability system as provided in RSA 193-E:3-c and RSA 193-E:3-d, the department shall evaluate all schools using both the input-based school accountability system under paragraph I of this section and the performance-based accountability system under RSA 193-E:3-c and RSA 193-E:3-d. A school that satisfies the requirements of either system shall be providing the opportunity for an adequate education.

I. A school may demonstrate, through the input-based school accountability system, that it provides the opportunity for an adequate education as set forth in RSA 193-E:2-a by establishing that it met the following school standards in effect as of the effective date of this section:

- (a) English/language arts and reading as set forth in Ed 306.37.
- (b) Mathematics as set forth in Ed 306.43.
- (c) Science as set forth in Ed 306.45.
- (d) Social studies as set forth in Ed 306.46.
- (e) Arts education as set forth in Ed 306.31.
- (f) World languages as set forth in Ed 306.48.
- (g) Health education as set forth in Ed 306.40.
- (h) Physical education as set forth in Ed 306.41.
- (i) Technology education, and information and communication technologies as set forth in Ed 306.42 and Ed 306.47.
- (j) School year as set forth in Ed 306.18.
- (k) Minimum credits required for a high school diploma as set forth in Ed 306.27(f) and (m).

II. Beginning with the 2011-2012 school year, a school may demonstrate by the end of the school year that it provides the opportunity for an adequate education through the performance-based school accountability system to be developed and implemented by the department, pursuant to RSA 193-E:3-c and RSA 193-E:3-d and designed to measure educational outcomes.

III. In order to demonstrate that a school provides the opportunity for an adequate education through the input-based school accountability system under paragraph I:

(a) The commissioner shall require school officials to submit a narrative explanation detailing how the school has complied with each of the standards included in the opportunity for an adequate education contained in paragraph I. The school principal and school district superintendent shall certify in writing that the responses submitted are accurate. The commissioner shall develop a form which conforms to the provisions of this paragraph.

(b) The commissioner shall review the responses to each school's self-assessment required under this section and shall verify that the responses comply with the standards included in the opportunity for an adequate education specified under paragraph I.

(c) Schools that successfully demonstrate that they provide the opportunity for an adequate education through the input-based school accountability system for any year beginning with the 2009-2010 school year shall be required by the commissioner to resubmit the narrative explanations at least once every 2 years.

(d) Schools that are unable to demonstrate that they provide the opportunity for an adequate education through the input-based school accountability system for the 2009-2010 school year, or for any year thereafter, shall be required by the commissioner to resubmit the narrative explanations annually until such demonstration has been made.

(e) The commissioner shall integrate, to the maximum extent practicable, the input-based school accountability system to demonstrate the opportunity for an adequate education with the school approval process pursuant to RSA 21-N:6, V.

(f) Beginning September 1, 2012, the department shall annually conduct site visits at 10 percent of schools statewide to assess the validity of the input-based school accountability system and to determine whether those schools demonstrate the opportunity for an adequate education by meeting the school standards identified in paragraph I. To the extent feasible, the commissioner shall conduct these site visits together with other site visits conducted by the department for other purposes and programs. The commissioner may require more frequent site

visits at schools which have been unable to demonstrate that they provide the opportunity for an adequate education. To the extent that the department conducts school site visits for other state and/or federal programs after the commencement of the 2009-2010 school year, but prior to September 1, 2012, the department shall, to the maximum extent practicable, endeavor to audit the input-based school accountability self-reporting completed by the visited school.

193-E:3-c Development of the Performance-Based Accountability System.

I. There is hereby established a task force to develop a performance-based school accountability system that, beginning with the 2011-2012 school year, will serve as one method a school may use to demonstrate by the end of the school year that it is providing the opportunity for an adequate education. The commissioner shall be the chairman of the task force and shall appoint no fewer than 9 and no more than 13 members of the task force which shall consist of department personnel, one or more representatives of a school district including at least one school board member, educational experts, parents or guardians of a current public school pupil, members of a public interest group concerned with education, members of the business community, and other individuals with information or expertise of benefit to the task force's duties. The task force shall include one member of the house of representatives, appointed by the speaker of the house of representatives, and one member of the senate, appointed by the president of the senate.

II. The task force shall have the following duties:

(a) Define the performance-based accountability system to be used by schools that will ensure the opportunity for an adequate education is maintained.

(b) Identify performance criteria and measurements.

(c) Establish performance goals and the relative weights assigned to those goals.

(d) Establish the basis, taking into account the totality of the performance measurements, for determining whether the opportunity for an adequate education exists, which may include the assignment of a value for performance on each measurement.

(e) Ensure the integrity, accuracy, and validity of the performance methodology as a means of establishing that a school provided the opportunity for an adequate education as defined in RSA 193-E:2-a.

III. The task force shall develop a performance-based scoring system using only the best available data and indicators which are already provided to the department and/or performance measures that schools are already required to provide the department under other state or federal law. In establishing the performance-based system, the task force may consider one or more of the following data and indicators:

(a) Performance on state tests administered pursuant to RSA 193-C and, upon the prior approval of the department, other assessments administered at local option that are consistent with the state's curriculum standards.

(b) Number and percentage of pupils participating in an advanced placement course.

(c) Number and percentage of graduating pupils going onto post-secondary education and military service.

(d) Attendance rates.

(e) Annual cumulative drop-out rates of high school pupils.

(f) School environment indicators, such as safe schools data.

(g) Expulsion and suspension rates, including in-school and out-of-school suspensions, which shall be reported for each school year.

(h) Number and percentage of classes taught by highly qualified teachers.

(i) Teacher and administrative turnover rates at the school and district levels.

IV. No later than April 1, 2010, the task force shall submit an interim report of its findings and recommendations for future legislation for the performance-based accountability system to the chairpersons of the house and senate education committees, the speaker of the house of representatives, and the senate president. After the interim report is reviewed by the house and senate education committees, the department shall verify the integrity, accuracy, and validity of the performance-based accountability system utilizing actual school data as provided in RSA 193-E:3-d and shall submit a final report no later than November 1, 2010, including recommendations

for future legislation and legislative adoption of the performance-based accountability system, to the chairpersons of the house and senate education committees, the speaker of the house of representatives, the senate president, the governor, the house clerk, and the senate clerk.

V. During the department's verification process, the task force may further evaluate and review whether there are any new or emerging performance measures, or modifications to the performance-based accountability system based upon the verification process that should be considered by the department for implementation beginning with the 2012-2013 school year. No later than November 1, 2011, the task force shall present any further recommendations for legislation regarding the performance-based school accountability system to the same individuals receiving the final report under paragraph IV.

VI. The department shall annually prepare a detailed report documenting the results of each school on the performance-based school accountability system to be developed pursuant to RSA 193-E:3-c, and identifying all schools that can demonstrate the opportunity for an adequate education through the performance-based methodology. The report shall be submitted no later than October 1 to the same individuals receiving the final report under paragraph IV. The initial report shall be due October 1, 2012.

193-E:3-d Performance-Based School Accountability System; Verification Process. Prior to the submission of the final report pursuant to RSA 193-E:3-c, IV the department shall undertake a process to verify and test the integrity, accuracy, and validity of the performance-based accountability system utilizing the best available data from one school from each of the counties in the state. The commissioner shall ensure, to the greatest extent possible, that the verification process utilizes the best available data from a balance of elementary and secondary schools representing diverse socioeconomic conditions throughout the state. The commissioner shall work with school officials and faculty from the selected schools to implement the performance-based school accountability program and to develop a data collection system which will allow schools to easily report results to the department for analysis and reporting.

193-E:3-e Corrective and Technical Assistance. The department shall implement corrective and technical assistance to schools that do not demonstrate that they provide the opportunity for an adequate education under RSA 193-E:3-b, I or II as follows:

I. In the first year of a school being unable to demonstrate that it provides the opportunity for an adequate education under either 193-E:3-b, I or II, school officials shall submit an action plan to the commissioner. The plan shall detail the specific actions the school will take and the timeline to be followed to demonstrate that the school provides the opportunity for an adequate education. The plan shall:

(a) Identify areas where the school failed to meet the requirements under paragraph RSA 193-E:3-b, I or II.

(b) Identify and explain the strategy the school intends to implement to achieve compliance and improve performance.

(c) Detail how the school budget reflects the goals of the action plan.

II. After the second consecutive year of a school being unable to demonstrate that it provides the opportunity for an adequate education under either 193-E:3-b, I or II, school officials shall submit an action plan to the commissioner. The plan shall:

(a) Describe procedures for providing mentoring or coaching to school personnel.

(b) Include ongoing technical assistance and a liaison from the department.

(c) Provide an accounting of how education funds are being expended to provide opportunities for an adequate education as defined in RSA 193-E:2-a.

(d) Establish and explain a strategy designed to promote family and community involvement.

III. After the third consecutive year of a school being unable to demonstrate that it provides the opportunity for an adequate education under either 193-E:3-b, I or II, the commissioner shall:

(a) Assess how the school is expending its education funds and may order that adequacy funds be redirected to address those areas that are contributing to the failure of the school to provide the opportunity for an adequate education.

(b) Assign a coach or mentor to the school until the school demonstrates sufficient progress toward providing the opportunity for an adequate education.

(c) Require the school to provide an accounting of how education funds are being used to provide the opportunity for an adequate education under RSA 193-E:2-a.

(d) Require or provide, to the extent necessary, one or more of the following:

(1) Professional development that is aligned with school improvement goals.

(2) External support and resources based on their effectiveness and alignment with school improvement goals.

(3) Instructional models that incorporate research-based practices that have been proven to be effective in improving pupil achievement.

(4) Formal and informal opportunities to assess and monitor each pupil's progress.

(5) Evidence of decisions supported by data.

(6) Improvements to the school's curriculum, including curricular priorities and instructional materials.

(7) External support and resources based on their effectiveness and alignment with the school improvement plan.

(8) Extended learning opportunities for pupils.

(9) Structural reform strategies that may include changes in scheduling, organization, support mechanisms, and resources.

(10) Structural changes to school leadership to support school improvement.

(e) Meet quarterly with school officials in the affected school to assess the school's progress.

IV. The commissioner shall provide progress reports annually to the state board and the legislative oversight committee established in RSA 193-C:7 on the status and effectiveness of the corrective and technical assistance provided by the department in achieving the demonstration of adequacy by all schools.

2 Increase in Department of Education Site Visits; Report. The commissioner shall investigate the use of volunteer professional teams consisting of educational professionals to conduct site visits for the purpose of verifying that a school is providing the opportunity for an adequate education as required under RSA 193-E. The commissioner shall further investigate the feasibility of using existing department personnel who are conducting site visits to schools under other federal or state programs to assist with site visits required under RSA 193-E. No later than January 1, 2012, and biennially thereafter, the commissioner shall report its findings on these matters to the legislative oversight committee established in RSA 193-C:7.

3 New Paragraph; Statewide Education Improvement and Assessment Program; Legislative Oversight Committee. Amend RSA 193-C:8 by inserting after paragraph IX the following new paragraph:

X. Review the implementation and results of the program relative to accountability for the opportunity for an adequate education established in RSA 193-E, consult and receive reports on such program, evaluate and review existing and emergent performance-based measurement tools, and propose legislation for improvements to the accountability program, as necessary.

4 Repeal. RSA 193-E:2-d, relative to legislative committee on costing an adequate education, is repealed.

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

2009-1448h

Amendment to SB 200-FN

Proposed by the Committee on Executive Departments and Administration - R

Amend the bill by inserting after section 2 the following and renumbering the original section 3 to read as 4:

3 Ordinary Death Benefit; Remarriage of Spouse. Amend RSA 100-A:9, II to read as follows:

II. If the member has at least 10 years combined creditable service or was eligible for service retirement at the time of the member's death, there shall be payable to the member's surviving spouse an allowance, continuing until the spouse's death ~~[or remarriage]~~, equal to 50 percent of the service retirement allowance that would have been payable to the member had the member retired immediately prior to death, based on average final compensation and creditable service at the time of death. In lieu of an allowance, the surviving spouse may elect a lump sum benefit equal to the deceased member's annual earnable compensation, in addition to the amount payable under RSA 100-A:11.

AMENDED ANALYSIS

This bill allows beneficiaries of retirement system members who die while performing qualified military service to receive ordinary death benefits, as provided in the federal Heroes Earnings Assistance and Relief Tax Act of 2008. The bill also provides for continuation of the benefit after the remarriage of the surviving spouse.