

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 15, 2009	No. 38
Contains: Reports and Amendments for May 20, List of House Bills Amended by the Senate, Hearings, Meetings and Notices			

HOUSE CALENDAR

MEMBERS OF THE HOUSE:

The next House session is scheduled to be held **Wednesday, May 20th** at 10:00 a.m. We will meet again on Wednesday, June 3rd, the deadline to act on all remaining Senate bills.

Committees are finishing up work on Senate bills. You may keep track of House bills amended by the Senate on the House website.

The feedback from last week's Continuing Education program was very positive. I encourage members to attend next Tuesday morning's presentation on two very timely topics. See below for details.

I would like to recognize Virginia Drew and Debbie Rivers in the Visitor's Center for their service to the members of the House and the public, particularly how quietly they slip fourth graders into and out of the House Gallery.

State Trooper Chris LaPorte, a member of the State House security team, will be retiring on Friday, May 15th. Best wishes, Chris, and thank you for your service to the Legislature.

Terie Norelli, Speaker

NOTICE

There will be a meeting of committee Chairmen and Vice Chairmen on **Tuesday, May 19th** at 8:30 a.m. in Rooms 301-303, LOB.

Terie Norelli, Speaker

NOTICE

There will be a Democratic Caucus on Wednesday, **May 20** at **9:00 a.m.** in Representatives Hall.
Rep. Mary Jane Wallner, Majority Leader

NOTICE

There will be a Republican Caucus on Wednesday, **May 20** at **8:45 a.m.** in Rooms 305-307, LOB.
Rep. Sherman A. Packard, Republican Leader

NOTICE

HOUSE CONTINUING EDUCATION

Tuesday, May 19, 2009
Rooms 210-211, LOB
9:30 a.m. ~ 12:00 noon

Committees of Conference

Learn about the role of the House in this important legislative process.

and

Study Committees

Learn about Retained, Chaptered, Task Forces and Commissions and the roles of members.

Coordinators:

Representative David Welch
Representative Judith Day

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 20

CONSENT CALENDAR

COMMERCE AND CONSUMER AFFAIRS

SB 46, relative to group life insurance. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Susi Nord for Commerce and Consumer Affairs: This bill updates and modernizes existing statutes pertaining to group life insurance to reflect the current products available. It changes the minimum group size from 10 down to 2 and allows entities other than employers to offer group plans. **Vote 18-0.**

SB 63-FN, relative to ensuring consumer access to care upon the termination of a participating provider. **INEXPEDIENT TO LEGISLATE.**

Rep. Stephen T DeStefano for Commerce and Consumer Affairs: This bill seeks to ensure that

health insurance subscribers and customers in areas considered medically underserved are provided access to updated network adequacy reports in the event that a provider contract is not renewed. A network adequacy report provides information about which physicians are in an insurer's network, and health insurers are required to produce an updated network adequacy report annually on March 1st. During a contract dispute, the insurance department can request an updated report to ensure that the insurer continues to meet network adequacy requirements. Supporters of this bill felt that customers should have access to the information contained in the updated reports to assist them in determining whether the physicians remaining in the network would continue to meet their anticipated needs as an employer group or as an individual or whether changing insurance companies was necessary as a result of the non-renewal. Although there appeared to be some confusion as to whether these reports are public information, the department of insurance clarified that under existing law these updated reports are considered public information, and are available to the public upon request. With this clarification, the committee felt that this issue is addressed under current law and this legislation was unnecessary at this time. **Vote 18-0.**

SB 92, relative to the commission to study access to consumer credit for people in New Hampshire. **OUGHT TO PASS.**

Rep. Edward A Butler for Commerce and Consumer Affairs: This bill simply extends the time for the existing commission to continue to study access to consumer credit. After the passage of the 36% cap on short term loans last session, which had the effect of closing payday lenders, this commission was established to study the availability of credit and need for other financing products for the population of citizens who accessed those types of short term loans. The amendment adds a financial education expert. **Vote 19-0.**

SB 119, relative to provider contract standards. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Jill Shaffer Hammond for Commerce and Consumer Affairs: This bill sought to require health carriers to identify all the health benefits which are subject to jurisdiction of the state insurance commissioner (i.e., those subject to state mandates) to participating providers, so those providers can determine if services rendered to a covered insured (patient) meet those mandates. The nub of the problem, though, is the basic difference in the two types of health insurance offered by employers in NH: those plans where businesses buy health coverage from insurance companies, plans which are subject to state regulation; and those plans where businesses self-insure under federal ERISA rules, and are not subject to state insurance regulation, and thus not subject to state mandated coverage. The House amendment instead gives the insurance commissioner rule-making authority to require notification in those state-regulated health policies and on health benefits ID cards issued to covered persons (patient/consumer). This will give the consumer and any care provider they go to ready access to the nature of that patient's health benefits. **Vote 18-0.**

SB 188, relative to establishing a commission to study hospital billing practices of health care providers. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Edward A Butler for Commerce and Consumer Affairs: This bill establishes a commission to study health care provider billing practices. Billing can vary widely between practices and between institutions. For example we heard testimony that some facilities can bill twice, for the procedure and also for the room in which the procedure is done, and that the insurance companies will pay those charges. This commission is charged with exploring how providers charge and to study how those billing systems impact the cost and delivery of health care in our state. **Vote 14-0.**

CRIMINAL JUSTICE AND PUBLIC SAFETY

SB 142, relative to registration of criminal offenders and relative to involuntary commitment of sexually violent predators. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Stanley E Stevens for Criminal Justice and Public Safety: This bill seeks to correct conflicts in RSA 651-B, the registration of criminal offenders, and to clarify the procedural time limits for establishing probable cause to hold in custody sexually violent predators. The amendment to SB 142 in paragraph II and III specifically addresses the procedural time limits for establishing

probable cause by establishing a section 10 to the bill. This section establishes the requirements of notice to county attorney or the attorney general and the procedures and time limits imposed on the county attorney or attorney general. Section II addresses release from total confinement. Section 13 requires service of the petition to the person who is the subject of the petition and finally Section 14 addresses the limits set for determining probable cause. There was discussion concerning distribution of child sexual abuse images, the so called "sexting." An attempt was made to address application of the statute to persons under age 18 years of age that a youthful offender should not face lifetime registration as a sexual offender. Not being able to reconcile this section in a timely fashion, and given the necessity of establishing time limits, the committee believes that the issue be addressed separately as a matter for new legislation, and established a subcommittee to pursue this very serious issue. **Vote 14-0.**

SB 201-FN, relative to classification of misdemeanor offenses. **OUGHT TO PASS.**

Rep. Delmar D Burrridge for Criminal Justice and Public Safety: This bill provides that all undesignated misdemeanor offenses shall be presumed to be class B misdemeanors unless an element of the offenses involves an "act of violence" or "threat of violence", or the state files a notice of intent to seek class A misdemeanor penalties. Typically during the course of a calendar year, district courts hear over 18,000 class B misdemeanors and for 2008, 40,499 class A misdemeanors. Because class A offenses carry the possibility of jail time up to six months, an attorney must be assigned for indigent defendants under appellate rulings. The difference in processing cost between class A and B filings is \$14.25. The judicial branch believes that at least 10,000 charges will be affected for a savings to the judicial branch of at least \$142,500. Estimated savings to the judicial council from this sweeping legislation is indeterminable but maybe realized at \$1,500,000 yearly. Currently, public defender, or contract attorney's fee is \$275 and assigned counsel is \$60 per hour with a cap of \$1,400 for a misdemeanor charge. For juvenile cases, the cost during the dispositional phase would be saved. **Vote 14-0.**

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

SB 68-FN, relative to the use of state vehicles. **OUGHT TO PASS.**

Rep. Kenneth H Gould for Executive Departments and Administration: This bill will allow the Department of Administrative Services (DAS) to update, for each budget cycle, the financial breakpoint for retaining state passenger vehicles based on the cost of reimbursing an employee for driving a personal car compared to the cost of the state owning and operating a vehicle. This new procedure for retaining state vehicles was recommended in the State of New Hampshire Fleet Management Performance Audit Report of September, 2008. The bill also allows DAS to transfer vehicles not meeting the minimum mileage requirement to a state vehicle pool if one is established. An existing waiver provision is maintained so that vehicles purchased with dedicated funds for specific purposes can be retained by an agency. This bill further allows agencies to meet an average of mileage across all passenger vehicles in lieu of meeting the minimum miles required on a per vehicle basis, enabling agencies to achieve greater fuel savings and efficiency by providing the flexibility to assign the most efficient vehicles to the longest trips. This may require some additional staffing in DAS, at some time in the future. **Vote 17-0.**

SB 151, relative to quorum requirements for public bodies for which a quorum is not expressly declared. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Laurie Harding for Executive Departments and Administration: This bill states that unless otherwise specified, a quorum will be calculated based on the majority of positions actually filled rather than the total number of positions created by statute. This would allow committees, commissions, councils and other entities which are dependent on the appointment process to perform official business. **Vote 17-0.**

SB 187, relative to the administrative changes to the Nashua public works retirement system. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Don Petterson for Executive Departments and Administration: The City of Nashua has submitted administrative changes to the Nashua Public Works Retirement System which were approved by the Mayor and Board of Aldermen. This bill, as amended, consolidates language regarding the system's rules, regulations, and policies into one paragraph and adds a stipulation

that all such features must be approved by Nashua's governing body. **Vote 18-0.**

HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS

SB 42, establishing a committee to study the cost and feasibility of implementing a hospice benefit under Medicaid. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Alida I Millham for Health, Human Services and Elderly Affairs: This bill was originally written to authorize a committee to study a New Hampshire Medicaid hospice care benefit. The department of health and human services decided it could proceed with a benefit without a study since the federal government has clear rules on the benefit scope, and it would only apply to a small number of individuals in New Hampshire. This legislation puts in statute the process for establishing this important end of life care service. The intent is to have this Medicaid benefit available by July 1, 2010. **Vote 17-0.**

JUDICIARY

SB 54, eliminating the reference to per diem compensation of probate judges presiding over involuntary admissions hearings. **OUGHT TO PASS.**

Rep. Lucy M Weber for Judiciary: The current statute dates from the time when all probate court judges were part time, and they received extra compensation for involuntary admission hearings. The three remaining part time probate judges are now compensated based on their weighted case loads. This bill removes the potential for double payment. **Vote 17-0.**

SB 174-FN, relative to state recoveries of public assistance caused by fraud. **OUGHT TO PASS.**

Rep. Robert B Thompson for Judiciary: This bill is a housekeeping measure that brings the state into conformity with federal law by permitting an individual to bring an action against a third party for making a false claim for payment of public assistance. The individual may bring the action whether or not the state elects to proceed with the action. Passage of the bill will provide another route to deal with false claims without increasing costs to the state. It will also result in an added 10% in revenues to the state from the federal government when cases are settled. **Vote 17-0.**

SB 197, decreasing the quorum for the right-to-know oversight commission. **INEXPEDIENT TO LEGISLATE.**

Rep. Philip Preston for Judiciary: This bill would reduce the quorum for the 19-member right-to-know oversight commission from nine to seven. It was submitted because commission meetings often lack a quorum, and hence no business can be conducted. Passage of this bill would mean that just four members could make decisions for the other fifteen. Poor attendance is symptomatic of a serious problem that cannot be solved by reducing the required quorum. The commission sunsets in 2010, at which time the composition and even the need for the right-to know oversight commission can be addressed. **Vote 17-0.**

PUBLIC WORKS AND HIGHWAYS

SB 69-FN, relative to design build contracting for transportation projects. **OUGHT TO PASS.**

Rep. Gene G Chandler for Public Works and Highways: This bill raises the amount of a project that can be considered for design build for transportation projects from 5 million dollars to 25 million dollars. The committee endorsed the 5 million dollar limit previously as sort of a pilot program. Since the idea of design build has worked well despite the 5 million dollar limit, the committee unanimously endorses raising the limit to 25 million dollars. The design build concept gives the department of transportation another alternative to construction projects and provides companies the flexibility to use their ingenuity in designing projects that are in the state's best interest. **Vote 13-0.**

WAYS AND MEANS

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. **OUGHT TO PASS WITH AMENDMENT.**

Rep. William A Hatch for Ways and Means: The fish and game department and the department of

resources and economic development (DRED) presented the committee with a detailed report on what this fund is used for and why an increase of the fee is necessary. During the hearing, groups that represented snowmobile clubs and ATV enthusiasts, that represented a vast majority of the fee payers, testified to their strong support for the increase and why they believed it was necessary. There was a concern presented that it appeared at the end of many recent fiscal years that the fund had a considerable balance, so why is an increase necessary? The committee found that the apparent balance was a function of when the state closes its fiscal year as opposed to when the funds are obligated for the work needed. This made it appear there was a surplus of funds. With support of the fish and game department and the snowmobile clubs the committee amended the bill to change the effective date to provide for better implementation of the change. All concerns about the need for the increase were answered with strong support from the payers. **Vote 19-0.**

WEDNESDAY, MAY 20

REGULAR CALENDAR

COMMERCE AND CONSUMER AFFAIRS

SB 5, prohibiting retailers from disclosing private customer information to foreign states in connection with the collection of certain sales and use taxes. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Paul McEachern for Commerce and Consumer Affairs: This bill prohibits retailers from disclosing private customer information to foreign states in connection with enforcement by those states of their use tax laws. The bill sets up standards which must be met by any foreign state before proceeding against a New Hampshire retailer. The foreign state imposes the tax on its own citizens but finds it easier to target New Hampshire retailers. This bill raises the degree of difficulty before the foreign state may use New Hampshire retailers as their tax collection agents. **Vote 14-0.**

SB 80, establishing a committee to study requiring insurance coverage for services provided by athletic trainers. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Donna L Schlachman for Commerce and Consumer Affairs: This bill is simply to study the role of athletic trainers in our healthcare system. Athletic trainers are not covered by insurance carriers although their services are intimately connected to many orthopedic practices in NH. The commission will determine if ATs should be included in coverage mandated under NH Law. **Vote 13-6.**

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

SB 131, relative to state hiring of veterans. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Ken Hawkins for Executive Departments and Administration: This bill simply gives veterans' preference in hiring if all other requirements for the job are equal with the other candidates. **Vote 12-5.**

SB 132, establishing a commission to develop implementation plans for merging state agencies and programs to enhance efficiency and lower costs. **INEXPEDIENT TO LEGISLATE.**

Rep. Anne-Marie Irwin for Executive Departments and Administration: This bill established a commission to develop implementation plans to merge a number of state agencies. While the committee is mindful of the need to look for efficiencies and savings, this bill received little support and generated widespread concern and confusion. Agencies, legislators and many members of the public expressed reservations about launching a merger plan in the midst of such overwhelming opposition. As a result, the committee suggests that with greater cooperation and communication, a more successful discussion to consider efficiencies and savings might take place in the future. **Vote 17-0.**

SB 173, authorizing the commissioner of corrections to accept certain gifts. **OUGHT TO PASS.**

Rep. Ken Hawkins for Executive Departments and Administration: This bill allows the department of corrections to accept gifts of up to \$1,000.00 without having to go to the Governor and Council for approval. Currently, any gift has to go before the Governor and Council for approval. The delay creates problems. For example, in the past, Nike in Greenland, NH, wanted to donate sneakers to the prison. This topic dragged on for months because it took a long time for the item to be added to the Governor and Council meeting agenda. **Vote 11-6.**

JUDICIARY

SB 19, relative to government immunity from lawsuits for municipal dog parks. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY OUGHT TO PASS.**

Rep. Robert H Rowe for the **Majority** of Judiciary: The purpose of this bill is to encourage the construction and operation of dog parks in New Hampshire municipalities by providing the municipality, or its agent, immunity from liability. If a municipality, or the agent of the municipality, installs and operates a dog park at no cost to the dog owners, users of the park or the public outside the park would be barred from bringing any suit for personal injury or property damage caused by negligent construction or operation of the parks, in the absence of gross negligence. The bill left many unanswered questions, including whether immunity should be extended beyond municipalities to undefined agents. Numerous dog parks in New Hampshire are already being operated without immunity. The committee believes that dog parks are an excellent idea but the concept of immunity from liability as set out in this bill can result in risky construction and operating practices. **Vote 11-6.**

Rep. Robert B Thompson for the **Minority** of Judiciary: This bill limits the liability to the city/town for a municipal dog parks. Many cities already have immunity for skateboard parks, ball fields, and even ski slopes. This bill extends the immunity to include dog parks owned by the municipality or authorized agent of the municipality. By including dog parks in existing law it gives New Hampshire dog owners the ability to exercise or play with their dogs in an enclosed area designed for such activities at no cost to the municipality or tax payers due to liability insurance cost.

SB 31-FN, establishing the Candia District Court and the Manchester District Court as judicial branch family division sites. **OUGHT TO PASS WITH AMENDMENT.**

Rep. David L Nixon for Judiciary: This bill, requested by the Supreme Court, establishes the Manchester District Court and the Candia District Court as judicial branch family sites, meaning that family division matters, mostly domestic relations, child custody, etc., can be heard and decided in these courts. As amended by the committee, the bill also establishes the Dover-Somersworth-Durham District Court and the location of the court, principally Dover, where cases from Dover, Somersworth, Durham, Rollinsford and Madbury are to be heard. By agreement with the administrative judge of the district courts, court sessions are to be held in Durham at least one day each week. **Vote 11-0.**

SB 33, allowing lobbyists and those connected with lobbyists to sit on committees established by the judicial branch. **OUGHT TO PASS WITH AMENDMENT.**

Rep. David L Nixon for Judiciary: This bill was requested by the Supreme Court. As introduced, it would allow lobbyists to sit on court committees. As amended it would do that, but lobbyists and members of their law firms would be ineligible to serve on court committees having to do with rules or procedures of the court. **Vote 11-0.**

SB 51, requiring confidentiality of jurors' addresses and the file in an involuntary admission proceeding. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Lucy M Weber for Judiciary: The first part of the bill ensures that addresses of jurors are confidential, and may only be disclosed to counsel or a pro se party at the beginning of a trial. The amendment makes it clear that, pursuant to existing court rule, counsel may disclose the information to his or her client. Second, persons who are the subject of involuntary admission proceedings currently have the right to a closed hearing. The bill makes it clear that they have the right to keep their files closed as well, unless they requested otherwise. **Vote 11-0.**

SB 53, establishing professional guardians and removing the oath requirement in annual reports

of the guardian. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Rick H Watrous for the **Majority** of Judiciary: This bill was submitted at the request of the Supreme Court. There was no testimony in opposition. New Hampshire currently has 14% of its population age 65 years or older. That number is expected to double by the year 2030, therefore further increasing the need for guardians. The court has been using guardians for some time and believes definitions and standards should be established. This bill adds to the statute the definitions of family guardian, professional guardian, and volunteer guardian, all of whom are appointed by the probate court. The bill further defines qualifications of guardianship and establishes reporting requirements. **Vote 11-6.**

Rep. William B Smith for the **Minority** of Judiciary: The provision for appointment of professional guardians in this bill is beneficial. However, the elimination by SB 53 of the requirement that the guardian of a person needs to file his or her annual report under oath is unnecessary and detrimental. Filing under oath has two benefits. First, filing under oath gives the guardian motivation to provide greater care in preparation of the annual report, which is protective of the individual under the care of the guardian. Second, in the rare case that a guardian intentionally misrepresents the individual situation, filing under oath provides for additional penalties, and may serve as a deterrent to undertaking or hiding detrimental actions. Both of these benefits add protection to the individual under guardianship, who is normally in a weak situation. Taking an oath before a notary or justice of the peace should not be burdensome to the guardian.

SB 70-FN, authorizing the office of mediation and arbitration within the judicial branch to provide pre-suit alternative dispute resolution services. **OUGHT TO PASS.**

Rep. Lucy M Weber for Judiciary: This bill allows the office of mediation and arbitration to facilitate voluntary mediation and arbitration before a suit is filed. The costs of mediation or arbitration would be split between the parties to the dispute. This process provides a cost effective dispute resolution mechanism which has the potential to save litigants the costs of filing fees and services of process fees. **Vote 11-0.**

SB 87-L, changing the timing of payment of fine revenue from district court clerks to municipalities. **OUGHT TO PASS.**

Rep. David L Nixon for Judiciary: This bill, which was requested by the Supreme Court, changes the timing of payment of fine revenues from district court clerks to cities and towns and to the general fund, allows fines to be paid by credit card, and provides that fines to be paid to cities and towns will be paid monthly, instead of within 14 days as is required for the payment by court clerks of fines going to the state. **Vote 11-0.**

SB 88, relative to recommendations of marital masters. **OUGHT TO PASS.**

Rep. Lucy M Weber for Judiciary: Currently, every recommendation of every marital master must be signed by a judge as well as the master. This procedure results in delay for the parties, as the recommendations must be held for a judge. It also results in added costs when lengthy agreements must be faxed to another location. The bill eliminates the need for a judge's signature only if the recommendation is on a non-dispositive motion which has not been contested by either party or if the parties have agreed in advance and in writing to a final order. The bill further provides that no appeal rights are terminated by this procedure. **Vote 11-0.**

SB 130, prohibiting the advertising and conducting of certain live musical performances or productions. **OUGHT TO PASS.**

Rep. Rick H Watrous for Judiciary: This bill prohibits the deceptive practice of "imposter" musical groups being advertised or performing as the actual original group when they have no members of the original group and no permission to assume that group's identity. This practice is a form of identity theft that is detrimental to both the original artists and to the public who pay expecting to see the original artists. Testimony was given that federal laws are inadequate to prevent this deceptive practice and that 27 states have adopted similar legislation to protect musicians and consumers. Tribute bands who promote themselves as such would not be affected by this bill. There was no opposing testimony. **Vote 11-0.**

MUNICIPAL AND COUNTY GOVERNMENT

SB 29, relative to review of developments of regional impact. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Raymond G Gagnon for the **Majority** of Municipal and County Government: This bill is legislation designed to encourage regional planning commissions to adopt guidelines that will standardize the review of developments of regional impact under RSA 36:56. Each of the nine regional planning commissions would develop guidelines which would reflect the specific needs of its own region. This bill allows land use developers the ability to better predict when a project could be deemed to have a regional impact as opposed to having regional impact decisions based on ad-hoc considerations. These standards are meant to serve as guidelines and would be only advisory. The intent is to facilitate dialogue and assist local land use boards in determining which projects have a regional impact. **Vote 12-2.**

Rep. Franklin W Sterling for the **Minority** of Municipal and County Government: This bill enables the regional planning commissions to develop, with input from their member towns, guidelines for the determination of whether a development is of regional impact. The minority believes that the legislation does not go far enough in assisting local land use boards in their deliberations as to whether a proposed development is of regional impact. Developing a process for local land use boards to follow would add clarity to what is now poorly defined.

SB 195, relative to procedures for the trimming, cutting, or removal of trees by utilities.

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

Rep. Raymond G Gagnon for the **Majority** of Municipal and County Government: This bill is a bill that modifies procedures for the trimming, cutting, or removal of trees by utilities, and was introduced in response to the December '08 ice storm. The underlying intent of this bill is that preventive tree maintenance and vegetation management will lessen the loss of utilities and thus enhance public safety. This bill requires the utility (licensee) to notify in writing the property owner 45 days in advance of any non-emergency cutting. The committee heard testimony that the requirement to receive permission from every property owner affected before trimming as time consuming and unnecessary. Since most property owners give permission, this bill would provide property owners the opportunity to request a consultation with the utility before trimming. This change would reduce the burdensome and expensive process of receiving permission from all property owners before a tree trimming operation. This bill does not affect designated scenic roads. The majority of the committee is of the opinion that this adequately balances the rights of property owners and the need for utilities and municipalities to provide for the overall safety of the public and reliability of electric service. **Vote 11-4.**

Rep. James M Sullivan for the **Minority** of Municipal and County Government: This bill was brought to this committee as a suggestion from multi-party problem solving discussions held after the severe December 15th ice storm. Testimonies on the benefits to outage reduction from this change were minimal. Changing property owner's rights in regard to refusing tree cutting or removal on their private property would go from a protective "opt-in" to a defensive "opt-out". They would be deemed to have consented to tree cutting/removal by failing to reply to a mailed notice within 45 days. The minority does not agree to trade property rights for a cost saving for the utilities.

TRANSPORTATION

SB 17, relative to Selective Service registration upon driver's license application or renewal. **INEXPEDIENT TO LEGISLATE.**

Rep. Jennifer R Coffey for Transportation: This bill would have changed the box on the form for a driver's license application from an option for registration for Selective Service from an opt-in for registration for selective service to an opt-out. The difference is very important. This bill also would have mandated that the department of motor vehicle notify everyone who opts out of the penalties for doing so. The committee felt that it is not the responsibility of the DMV to do a job that belongs to the Selective Service. The Selective Service does a thorough job of contacting those

who are turning 18 and letting them know that they have a responsibility to register. There was also no fiscal note attached to this which would certainly have cost money. **Vote 12-2.**

WAYS AND MEANS

SB 22-FN, relative to criminal mischief committed against natural geological formations which have been designated as natural landmarks. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Robert M Walsh for the **Majority** of Ways and Means: The House amended this bill and removed a penalty of a \$1,000 fine and substituted a Class A misdemeanor. The house policy is now fixed and the bipartisan majority recognized this and agreed to pass the bill as is. The majority also recognized that the court system will impose the maximum penalty only in extreme cases. **Vote 11-6.**

Rep. Susan G Price for the **Minority** of Ways and Means: While defacement of our geologic and other natural rock formations is deplorable behavior, the classification of a Class A Misdemeanor, which could involve incarceration, is extreme and an example of the punishment not fitting the crime.

SB 182-FN-A, establishing a committee to study business tax credits. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. David R Boutin for the **Majority** of Ways and Means: There are currently several business tax credits in statute. A majority of the committee agreed with the intent of SB 182-FN which is to examine the effectiveness of those business tax credits as well as the revenue attributable to those business tax credits. Considering the intent of this proposed committee is to review the fiscal effects of these credits, it was determined the House Ways and Means committee members were the most appropriate to serve. **Vote 18-1.**

Rep. Dennis P Vachon for the **Minority** of Ways and Means: The amendment proposed by the committee requires the Speaker to appoint three members of that committee as representatives of the House on the study committee. The minority believe that the Speaker should have the flexibility of appointing members from one or more policy committees to review the issues "involved" in business tax credits.

HOUSE DEADLINES

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

LAIID 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 39-FN, relative to the authority of the state board for the licensing and regulation of plumbers. (SJ 5/13/09)

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. (House Nonconcurrent; C of C 5/6/09)

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. (House Concurred 5/6/09)

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. (House Concurred 5/6/09)

HB 86, allowing towns to issue citations and accept pleas by mail for local ordinance violations. (SJ 5/6/09)

HB 90-FN, relative to the employment of veterans on Veterans' Day. (SJ 5/13/09)

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. (House Concurred 5/6/09)

HB 187-FN, relative to the state building code and establishing a committee to study the sale and installation of manufactured and modular homes and related consumer protections. (SJ 5/13/09)

HB 193-FN, establishing a fee for certification of reduced ignition propensity cigarettes. (SJ 5/13/09)

HB 234, establishing a committee to study the certificate of need process. (House Concurred 5/6/09)

HB 279-FN, relative to certain missing persons. (SJ 5/13/09)

HB 293, amending the Hampton Beach area commission. (SJ 5/13/09)

HB 310-FN, relative to reimbursement of mileage for judges and marital masters. (House Concurred 5/6/09)

HB 334-FN, relative to consumer credit. (SJ 5/13/09)

HB 338, relative to definitions of electronic waste. (SJ 5/6/09)

HB 378-FN-A, relative to fees for methadone detoxification and maintenance programs. (SJ 5/13/09)

HB 384, relative to forest management permitting in and near prime wetlands, waivers for work near prime wetlands, and utility maintenance work in any wetland. (SJ 5/13/09)

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

HB 391, authorizing the department of transportation to convey a portion of interstate highways to the bureau of turnpikes, redefining the eastern New Hampshire turnpike, providing for the maintenance and funding of a portion of the eastern New Hampshire turnpike, increasing the aggregate amount of bonds the state may issue, and authorizing the department of transportation to install open road tolling. (SJ 5/13/09)

HB 392-FN, establishing an on-premises cigar, beverage, and liquor license. (SJ 5/13/09)

HB 408-FN, relative to the regulation of physicians and physician assistants by the board of medicine. (SJ 5/13/09)

HB 423-FN-L, requiring the department of environmental services to develop an outreach campaign to disseminate information on recycling materials, including electronic waste. (SJ 5/6/09)

HB 436-FN-L, relative to civil marriage and civil unions. (House Concurred 5/6/09)

HB 441-FN, relative to CART providers and sign language interpreters. (SJ 5/13/09)

HB 471-FN, relative to willful concealment and fraudulent retail transactions. (SJ 5/13/09)

HB 473-FN, relative to water treatment plants and penalties for safe drinking water violations. (SJ 5/13/09)

HB 474-FN, prohibiting the trafficking in persons for the purposes of sexual or labor exploitation. (SJ 5/13/09)

HB 515, establishing a commission to study alternate fuel vehicles. (SJ 5/6/09)

HB 527, repealing the coordinated school health committee and relative to health education in kindergarten through grade 12. (House Concurred 5/6/09)

HB 530-FN, relative to inspection of public buildings for compliance with access standards. (SJ 5/13/09)

HB 538-FN, relative to penalties for water pollution. (SJ 5/13/09)

HB 578-FN, relative to testimony by video teleconference. (SJ 5/13/09)

HB 585-FN, relative to outdoor lighting efficiency. (SJ 5/6/09)

HB 592-FN, relative to “adverse events” in hospitals and ambulatory surgical centers. (SJ 5/13/09)

HB 623, making various changes to the election laws. (SJ 5/13/09)

HB 648-FN, relative to the use of marijuana for medicinal purposes. (House Nonconcurrent; C of C 5/6/09)

HB 667-FN, relative to misrepresenting the origin of a campaign call. (SJ 5/13/09)

COMMITTEES OF CONFERENCE

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. (Reps. L’Heureux, Henson, J. Russell and M. McCarthy)

HB 648-FN, relative to the use of marijuana for medicinal purposes. (Reps. Rosenwald, Bridgham, E. Merrick and Welch)

COMMITTEE MEETINGS

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.

EMERGENCY MANAGEMENT SYSTEM OVERSIGHT COMMITTEE (RSA 21-P:51), Room 205, LOB

10:00 a.m. Regular meeting.

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

9:00 a.m. Regular meeting.

INTERBRANCH CRIMINAL AND JUVENILE JUSTICE COUNCIL (RSA 651-E), Administrative Office of the 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

CRIMINAL JUSTICE AND PUBLIC SAFETY, Room 204, LOB

1:00 p.m. Subcommittee work session on **SB 205-FN**, making various changes to the criminal statutes.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 306, LOB

11:30 a.m. Subcommittee work session on retained **HB 42-FN**, allowing the state veterinarian to employ a meat inspection services administrator, **HB 268**, relative to transfers from the judicial branch to the executive or legislative branches of state government, **HB 401-FN**, relative to the membership of the retirement system board of trustees, **HB 617-FN**, permitting private employers and others to join the state health insurance program, **HB 673-FN**, relative to withdrawal of political subdivisions from the New Hampshire retirement system.

1:30 p.m. Subcommittee work session **SB 98**, establishing a commission to study state regulations governing installation of boilers, pressure vessels, and related high performance HVAC equipment.

FINANCE – (DIVISION I), Room 212, LOB

2:30 p.m. Work session on **SB 144-FN**, allowing the unemployment compensation trust fund to be charged for benefits paid for certain employee terminations, **SB 200-FN**, relative to retirement system death benefits for members who die while performing military service.

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

2:30 p.m. Work session on **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.

3:00 p.m. Work session on **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.

LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES, Rooms 305-307, LOB

9:30 a.m. Public hearing on the proposed amendment to **SB 129**, establishing a committee to study negative balance employers. The proposed amendment is relative to the solvency of the unemployment compensation trust fund. Copies of the proposed amendment are available from the Sergeant-at-Arms Office.

Room 307, LOB

1:00 p.m. Executive session on **SB 40**, relative to protecting workers and local governments with advance notice of impending plant closings and layoffs., **SB 170-FN**, relative to benefits for unemployed persons who are attempting to establish a business, **SB 172**, relative to eligibility for state-federal extended unemployment benefits.

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

3:00 p.m. Regular meeting.

SCIENCE, TECHNOLOGY AND ENERGY

10:00 a.m. Tour of Lempster Wind Farm.

Room 306, LOB

1:30 p.m. Joint meeting with Executive Departments and Administration Committee.

WAYS AND MEANS, Room 202, LOB

11:30 a.m. Subcommittee work session on **SB 114**, relative to the threshold for notification for lead levels and a window replacement program.

11:50 a.m. Subcommittee work session on **SB 44**, establishing a commission to review all fees charged by the department of environmental services.

12:10 a.m. Subcommittee work session on **SB 167-FN**, relative to employee leasing

- companies.
- 1:15 p.m. Executive session on **SB 44**, establishing a commission to review all fees charged by the department of environmental services, **SB 65-FN**, relative to the acceptance of in lieu payments for the restoration or creation of wetlands, **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, **SB 107-FN**, relative to the leasing of state-owned real estate on public waters, **SB 114**, relative to the threshold for notification for lead levels and a window replacement program, **SB 134-FN**, relative to the comprehensive shoreland protection act, **SB 167-FN**, relative to employee leasing companies, **SB 168-FN**, establishing the Coastal Watershed Alliance, **SB 176-FN**, establishing an application fee for probationers and parolees who apply to be supervised in another state.

THURSDAY, MAY 21

COMMERCE AND CONSUMER AFFAIRS, Room 302, LOB

- 9:00 a.m. Subcommittee work session on **SB 138-FN**, relative to insurance coverage for telemedicine services.
- 10:00 a.m. Subcommittee work session on **SB 190**, relative to race track cocktail lounge licenses.
- 10:15 a.m. Public hearing on proposed amendment to **SB 55**, establishing a commission to study the collision repair industry in New Hampshire. The amendment modifies the repurchase requirements for RV manufacturers upon closing of a dealership or discontinuation of one or more lines by the dealer. Copies of the proposed amendment are available from the Sergeant-at-Arms Office.
- 11:00 a.m. Continued executive session on **SB 190**, relative to race track cocktail lounge licenses, **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 102-FN**, relative to managed care and patient choice, **SB 138-FN**, relative to insurance coverage for telemedicine services, **SB 115**, relative to eligibility for the healthy kids program, **SB 55**, establishing a commission to study the collision repair industry in New Hampshire.

COMMISSION TO PROPOSE A RETIREE HEALTH CARE BENEFITS FUNDING MODEL (HB 1645, Chapter 300:13, Laws of 2008), Room 308, LOB

- 9:00 a.m. Regular meeting.

CRIMINAL JUSTICE AND PUBLIC SAFETY, Room 204, LOB

- 10:00 a.m. Executive session on **SB 205-FN**, making various changes to the criminal statutes.

ENVIRONMENT AND AGRICULTURE, Room 308, LOB

- 9:00 a.m. Public hearing on proposed amendment to **SB 50**, relative to funds and programs of the department of environmental services. The proposed amendment would allow the Exotic, Aquatic Weeds and Species Committee to solicit gifts, grants and donations for purposes of milfoil control and eradication. Copies of the amendment are available from the Sergeant-at-Arms Office.
- 1:30 p.m. Subcommittee work session on **SB 50**, relative to funds and programs of the department of environmental services.
- 1:45 p.m. Executive session on **SB 50**, relative to funds and programs of the department of environmental services.
- 2:00 p.m. Subcommittee work session on retained **HB 675-FN**, requiring a refundable deposit on beverage containers and retained **HB 283-FN**, establishing a solid waste management fund and assessing a beverage container fee.

LOCAL AND REGULATED REVENUES, Room 303, LOB

12:00 p.m. Subcommittee work session on retained **SB 79**, relative to the compensation of game operators.

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.

RESOURCES, RECREATION AND DEVELOPMENT, Room 305, LOB

10:00 a.m. Subcommittee work session on **SB 124**, relative to beaver dams.

1:00 p.m. Subcommittee work session on **SB 203**, relative to liability protection for railroad operators operating alongside recreational trails.

SCIENCE, TECHNOLOGY AND ENERGY

9:00 a.m. Tour Fort Mountain Land and Timbers Log Yard, Allenstown.

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.

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

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

9:30 a.m. Regular meeting.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 306, LOB

11:00 a.m. Executive session on **SB 64-FN**, relative to increasing dental hygienist membership on the board of dental examiners, and establishing a study of the regulation of dental hygienists, **SB 98**, establishing a commission to study state regulations governing installation of boilers, pressure vessels, and related high performance HVAC equipment and continued executive 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.

1:00 p.m. Subcommittee work session on retained **HB 510**, relative to the position of director of vital records administration, **HB 410**, relative to the licensing of alcohol and drug counselors.

1:45 p.m. Audit subcommittee work session on succession audit and fleet audit.

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

10:00 a.m. Executive session on **SB 112**, establishing a commission to study community- and residential-based treatment programs for certain adults with developmental disabilities, **SB 158**, establishing a commission to study the creation of an uncompensated care fund to provide payments to certain health care providers.

11:00 a.m. Presentation on NH Purchasers Group on Health report by the NH Citizens Health

Initiative.

MUNICIPAL AND COUNTY GOVERNMENT, Room 301, LOB

10:00 a.m. Full committee work session on Senate amendments to House bills.

PUBLIC WORKS AND HIGHWAYS, Room 201, LOB

10:15 a.m. Executive session on **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 and continued executive session on **SB 75-L**, changing the formula for distribution of highway funds in the Woodsville fire district.

SCIENCE, TECHNOLOGY AND ENERGY, Room 304, LOB

10:00 a.m. Continued executive session on **SB 85**, relative to the commission to develop a plan for the expansion of transmission capacity in the north country.

WEDNESDAY, MAY 27

STATE FEDERAL RELATIONS AND VETERANS AFFAIRS, Room 203, LOB

10:00 a.m. Executive session on **SB 196**, relative to non-judicial punishment for offenses by military officers and personnel.

TRANSPORTATION, Room 203, LOB

11:00 a.m. Subcommittee work session on retained **HB 477-FN**, relative to restoration of driving privileges for persons previously licensed in other states and retained **HB 571-FN**, relative to limited driving privileges for certain persons whose licenses have been revoked or suspended and relative to DWI convictions.

FRIDAY, MAY 29

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

9:30 a.m. Regular meeting.

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

10:00 a.m. Regular meeting.

MONDAY, JUNE 1

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

9:00 a.m. Regular meeting.

COMMISSION ON THE PREVENTION OF CHILDHOOD OBESITY (HB 1422, Chapter 219:1, Laws of 2008), Room 205, LOB

3:15 p.m. Regular meeting.

COMMISSION TO STUDY AIR QUALITY ISSUES IN PUBLIC SCHOOL BUILDINGS (HB 1171, Chapter 242:1, Laws of 2008), Room 206, LOB

10:00 a.m. Regular meeting.

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

10:00 a.m. Regular meeting.

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

1:00 p.m. Regular meeting.

WEDNESDAY, JUNE 3

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.

THURSDAY, JUNE 4

CRIMINAL JUSTICE AND PUBLIC SAFETY, NH Fire Academy Auditorium, 98 Smokey Bear Boulevard, (off Route 106 across from Regional Drive) Concord
6:30 p.m. Fire Service public hearing.

FRIDAY, JUNE 5

ADMINISTRATIVE RULES (RSA 541-A:2), Rooms 306-308, LOB
9:00 a.m. Continued regular meeting.

MONDAY, JUNE 8

COUNCIL TO STUDY THE RELATIONSHIP BETWEEN PUBLIC HEALTH AND THE ENVIRONMENT (RSA 125-P), Room 205, LOB
9:30 a.m. Regular meeting.

FRIDAY, JUNE 12

ENERGY EFFICIENCY AND SUSTAINABLE ENERGY BOARD (RSA 125-O:5-a), Public Utilities Commission Hearing Room A, Suite 10, 21 South Fruit Street, 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 LAND AND COMMUNITY HERITAGE AUTHORITY BOARD OF DIRECTORS (RSA 227-M:4), CDFA Board Room, 14 Dixon Avenue, Concord
10:00 a.m. Regular meeting.

STATE SUGGESTION AND EXTRAORDINARY SERVICE AWARD PROGRAM (RSA 99-E), Room 101, LOB
9:30 a.m. Regular meeting.

FRIDAY, JUNE 19

ADMINISTRATIVE RULES (RSA 541-A:2), Rooms 306-308, LOB
9:00 a.m. Regular meeting.

MONDAY, JUNE 22

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

FRIDAY, JUNE 26

EMERGENCY MANAGEMENT SYSTEM OVERSIGHT COMMITTEE (RSA 21-P:51), Room 205, LOB

10:00 a.m. Regular meeting.

OFFICIAL NOTICES

COUNTY DELEGATION NOTICE

Carroll County Delegation will meet in Executive Committee on Monday, **May 18th** at 9:00 a.m. to review 1st Quarter Review 2009. The meeting will take place in the Carroll County Administration Building Delegation Room, 95 Water Village Road, Route 171, Ossipee. The Delegation also will consider and act upon any other business that may properly be brought before the meeting or any adjournment thereof. The meeting of the Executive Committee will be followed by a meeting of the Carroll County Delegation to vote on any recommendation or other business.

Rep. Karen Umberger, Clerk
Carroll County Delegation

COUNTY DELEGATION NOTICE

Hillsborough County Delegation will meet on Wednesday, **May 20**, immediately following the morning portion of the session at the State House, Concord for the following purpose: Pursuant to RSA 24:13 to consider authorizing the repair of the roof on a County owned building located at 19 Temple St., Nashua, NH, noting the repair would exceed an expense of \$5,000 and requires authorization from the County Convention. And any other business to come before the Delegation.

Rep. Maurice Pilotte, Chairman
Hillsborough County Delegation

REVISED FISCAL NOTES

The following House Bills have revised fiscal notes: HBs 2, 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, 90, 100, 107, 114, 134, 135, 137, 144, 145, 149, 157, 163, 165, 167, 170, 176, 178, 180, 182, 200.

Karen O. Wadsworth, Clerk of the House

Pursuant to RSA 326-B:10-a,IV, the Joint Health Council will meet at the NH Board of Nursing Office, Walker Building, 21 South Fruit Street, Concord, on Monday, **June 8** at 6:00 p.m.

Karen O. Wadsworth, Clerk of the House

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

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

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

Rep. Peter B. Schmidt, PO Box 1468, Dover, New Hampshire 03821-1468.

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 Long Term Care Caucus will hold its third meeting on Monday, **May 18** at 3:00 p.m. in Room 205, LOB. The topics of discussion include arriving at a definition of the long term care population and the components of a long term care supports and services plan. Workgroups will also report on studies and reports currently available in the area of long term care. All legislators are urged to join the discussion at this meeting. Contact Rep. Kate Miller at 279-4764 or katemiller@metrocast.net for additional information.

Rep. Kate W. Miller

The Legislative Caucus for Young Children and the Legislative Caucus for Mental Health will hold a joint meeting in Room 206, LOB on Tuesday, **May 19th** from 1:15 to 3:00 pm. The Honorable James Leary, a member of the Commission on Mental Health and the Justice System will address children's mental health issues in the juvenile justice system. In addition, the agenda will include a discussion of federal priorities based on new studies in early learning. All members of the House and Senate are welcome.

Reps. Mary Stuart Gile and Elizabeth Merry

AFSCME Council 93 and AFSCME International Union invite members to a lunchtime screening of First Student or First Amendment? by filmmaker Richard Bensinger on Wednesday, **May 20th** from 12:00 to 2:00 p.m. at the Holiday Inn, Bartlett Room, 172 North Main Street, Concord. Lunch will be served. The documentary dramatizes the challenges faced by Milford, New Hampshire school bus drivers employed by First Student, a foreign owned, multinational corporation, who attempted to form a union. The film reveals the failure of the National Labor Relations Act to provide any meaningful protection for the right to organize. The screening will be followed by a Press Conference and questions and answers with workers featured in the film. Please RSVP to Rich Burke at AFSCME Council 93 1-800-322-1308 or b2richme@comcast.net.

Rep. Mary Jane Wallner

Bring your walking shoes and join others on Wednesday, **May 20**, as the General Court takes part in the 2009 NH National Employee Health & Fitness Day's Intergenerational Wellness Walk. House members will walk around the State House during our session lunch break, with Governor John Lynch and Speaker Terie Norelli. This is part of a statewide event sponsored by the New Hampshire Governor's Council on Physical Activity and Health, which will present an Outstanding Achievement Award that day to Rep. Joan Schultz.

Rep. Barbara French

All legislators and staff are cordially invited to the New Hampshire Automobile Dealers Association's annual Legislative Reception on Wednesday, **May 20** at the Grappone Conference Center, Marriott Courtyard, 70 Constitution Avenue, Concord, beginning at 3:00 p.m. or following session. NHADA has historically hosted this event which offers legislators a wonderful opportunity to unwind and enjoy the company of fellow legislators and staff in a fun, social gathering. This year in particular we want to recognize all of you for your support of New Hampshire dealers and their 13,000 employees.

Reps. Mary Jane Wallner and Sherman A. Packard

The New Hampshire Winery Association is pleased to invite members and staff to a reception on Wednesday, **May 20th**, from 3:00-5:00 p.m. in the Capitol Room of the Concord Holiday Inn. Please come and sample some New Hampshire wines and meet the growing number of New Hampshire vintners.

Rep. Jane E. Beaulieu

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

NH OWLs will meet on Thursday, **May 28th** at 3:00 p.m. in Room 104, LOB. Guest Speakers will be announced.

Rep. Nancy F. Stiles

Legislators, staff, and members of the public are invited to join Belknap County Republicans on the annual Lincoln Day Dinner Cruise on the M/S Mount Washington on Friday, **May 29**. Hear from Governor John H. Sununu and Mayor Frank Guinta. Great event, beautiful setting, New Hampshire at its finest. Loading commences at 5:30 p.m. at Weirs Beach with return at 9:00 p.m. Tickets are \$40 and are available from Rep Fran Wendelboe or other Belknap County representatives.

Rep Fran Wendelboe

Stephen J. Bartels, MD, MS, Medical Director, Bureau of Elderly and Adult Services, Professor of Psychiatry and of Community and Family Medicine, Dartmouth Centers for Health and Aging. Dr. Bartels will address Mental Illness and the Elderly. Legislators and interested persons are invited to attend on Monday, **June 1** at 10:00 a.m. in Rooms 205-207, LOB.

Rep. Joan H. Schulze

The Criminal Justice and Public Safety Committee and NH Fire Standards and Training Commission will hold a public hearing on Thursday, **June 4** at 6:30 p.m. at the NH Fire Academy Auditorium, 98 Smokey Bear Boulevard, (off Route 106 across from Regional Drive) Concord. The Criminal Justice and Public Safety Committee has conducted a Fire Service Public Hearing for the past few years to “check the pulse” of fire training in New Hampshire. They will hold another hearing this year. Please attend this and make sure you air your opinions about fire training in the State of New Hampshire. For more information contact Director Richard Mason at 223-4220 or at rmason@dos.nh.gov.

Rep. Stephen J. Shurtleff

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

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 & June 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 18	9:30	Villa Augustina School – Goffstown	15/4
May 18	10:30	Holy Trinity School – Laconia	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	Hampstead Central School	110/4
May 19	11:00	Good Shepherd School-Barrington	16/3-5
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	11:00	Derryfield School – Manchester	45/7
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 26	1:30	Indian Head Resort	40/SRS
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 27	1:00	Holy Trinity School _-Laconia	12/7
May 28	8:30	Concord High School Civics Classes	58/HS
May 28	10:30/12:00 SH/HM	Auburn Village School	75/4
May 28	1:30	Zimbabwe Visitors	15/Adults
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
June 1	9:00	Florence Ride Out School – Wilton	49/4
June 1	10:00	Bernice A. Ray School – Hanover	45/4
June 2	10:00	Acworth Center School	13/4
June 2	10:00	John Fuller School – North Conway	35/4
June 2	1:00	Hall Memorial Library Home School	15
June 3	10:00/11:30 SH/HM	Interlakes Elementary School- Meredith	90/4
June 4	9:00	Ben Franklin School – Keene	25/4
June 4	10:00	Kensington Elementary School	38/4
June 4	11:00	Stratford Public School	26/4&5
June 5	9:30	Jonathan Daniels School – Keene	26/4
June 5	11:00	Salisbury-Webster School	40/4
June 5	12:00	Ellis School – Fremont	53/7
June 8	9:30/11:00 SH/HM	Hillsboro Deering School	104/4
June 9	10:30/12:00 SH/HM	Lakeway Elementary School – Littleton	54/4
June 9	9:00	Russell School – Rumney	16/4
June 10	9:00/10:30 SH/HM	Maple Street School – Hopkinton	84/4
June 11	9:00	NH Realtors Association	50/Adult
June 12	9:00/10:15 SH/SC	Riddle Brook Elementary School – Bedford	80/4
June 12	11:30	Disnard School – Claremont	43/4
June 11	11:30/1:00 SH/HM	DJ Bakie Elementary School – Kingston	78/4
June 18	9:30/11:00 SH/HM	Green Acres Elementary – Manchester	100/4

WEDNESDAY, MAY 20

AMENDMENTS

(LISTED IN NUMERICAL ORDER)

2009-1474h

Amendment to SB 5

Proposed by the Committee on Commerce and Consumer Affairs - R

Amend RSA 78-D:1, V as inserted by section 1 of the bill by replacing it with the following:

V. The United States Supreme Court has unequivocally determined that only businesses that have an adequate physical presence in a state imposing a sales and use tax may be subject to a requirement to assess, collect, and remit a sales and use tax on goods and services delivered by the seller into the taxing state. New Hampshire businesses that have no physical presence in such a foreign state, such as through retail or wholesale locations, or sales personnel, have no obligation to assess, collect, or remit a sales tax with respect to purchases by foreign state residents.

Amend RSA 78-D:2, II(c) as inserted by section 1 of the bill by replacing it with the following:

(c) Require that the retailer or its affiliates have adequate physical presence to establish nexus with the foreign state for the imposition of an obligation of the retailer to determine, collect, and remit a sales and use tax with respect to purchases by foreign state residents;

Amend RSA 78-D:2, II as inserted by section 1 of the bill by replacing all after subparagraph (f) with the following:

(g) Require that any agency of such foreign state responsible for enforcing such foreign state's use tax shall conduct its audit, investigation, or examination practices with respect to residents' use tax returns in a manner that ensures that such practices are applied equally regardless of the state in which the sales transaction occurs, and that requires any such agency to file a public report annually demonstrating compliance with this nondiscrimination requirement;

(h) Create an irrebutable presumption that, in the absence of voluntary information by the resident, the goods or services purchased are intended to be used in the state in which they are purchased; and

(i) Explicitly impose use tax collection requirements on out-of-state retailers with respect to retail purchase transactions that are completed in those other states

Amend RSA 78-D as inserted by section 1 of the bill by inserting after RSA 78-D:2 the following new section:

78-D:3 Severability. If any provision of this chapter or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the chapter which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are declared to be severable.

2009-1383h

Amendment to SB 29

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

Amend the bill by replacing section 1 with the following:

1 Review of Applications for Development; Regional Impact; Guidelines. Amend RSA 36:56 to read as follows:

36:56 Review Required.

I. A local land use board, as defined in RSA 672:7, upon receipt of an application for development, shall review it promptly and determine whether or not the development, if approved, reasonably could be construed as having the potential for regional impact. Doubt concerning regional impact shall be resolved in a determination that the development has a potential regional impact.

II. *Each regional planning commission may, with public participation following the public posting of notice of the intent to develop guidelines, including notice published in a newspaper of general circulation in the planning region, develop guidelines to assist the local land use boards in its planning region in their determinations whether or not a development has a potential regional impact. The regional planning commission may update the guidelines as needed and provide them, as voted by the regional planning commissioners, to all municipalities in the planning region.*

2009-1586h

**Amendment to SB 31-FN
Proposed by the Committee on Judiciary - R**

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

AN ACT establishing the Candia District Court and the Manchester District Court as judicial branch family division sites and relative to the Dover-Somersworth-Durham district court.

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

4 Dover-Somersworth-Durham District Court. Amend RSA 502-A:1, VII to read as follows:

VII. DOVER-SOMERSWORTH-DURHAM DISTRICT. The Dover-Somersworth-Durham district shall consist of the cities of Dover and Somersworth and the towns of Rollinsford, Durham, Lee, and Madbury. The court shall be located in a city or town within the judicial district in a location and facility designated pursuant to RSA 490-B:3, having regard for the convenience of the communities within the district, provided, however, that the court shall not be located in any building which does not meet the minimum standard prescribed by the New Hampshire court accreditation commission pursuant to RSA 490:5-c. The court shall hold sessions regularly at the principal court location and elsewhere in the district as justice may require. ~~[Cases arising from the towns of Durham, Lee, and Madbury shall be held regularly at a court facility in the town of Durham.]~~

AMENDED ANALYSIS

This bill establishes the Candia District Court and the Manchester District Court as judicial branch family division sites. The bill also deletes a provision requiring cases arising from the towns of Durham, Lee, and Madbury to be held regularly at a court facility in the town of Durham.

This bill was requested by the supreme court.

2009-1601h

**Amendment to SB 33
Proposed by the Committee on Judiciary - R**

Amend RSA 21-G:25, III(g) as inserted by section 1 of the bill by replacing it with the following:

(g) Service on a multi-branch commission, committee, board, or similar governmental entity, established by the judicial branch, provided that no lobbyist or member of a law firm which employs a lobbyist shall be eligible to serve on any such commission, committee, board, or similar governmental entity, including an advisory committee or commission, which has to do with the rules of court or rules of procedure relating to litigated matters.

AMENDED ANALYSIS

This bill allows lobbyists and those connected with lobbyists to sit on committees established by the judicial branch, provided that the committees do not deal with rules of court or rules of procedure related to litigated matters.

2009-1357h

Amendment to SB 42

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

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

AN ACT establishing a hospice benefit under the state Medicaid plan.

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

1 New Section; Department of Health and Human Services; Medicaid Hospice Benefit. Amend RSA 126-A by inserting after section 4-d the following new section:

126-A:4-e Medicaid Hospice Benefit.

I. The commissioner of the department of health and human services shall submit a Title XIX Medicaid state plan amendment to the federal Centers for Medicare and Medicaid Services for the purpose of establishing a Medicaid hospice benefit. The hospice benefit shall incorporate, to the greatest extent permissible under federal law, hospice provisions pursuant to Title XVIII of the Social Security Act, Medicare.

II. The commissioner of the department of health and human services shall adopt rules under RSA 541-A relative to hospice services provided under Medicaid. The rules shall incorporate, to the greatest extent permissible under federal law, hospice provisions pursuant to Title XVIII of the Social Security Act, Medicare.

III. Beginning October 1, 2009, the department shall submit quarterly reports to the oversight committee on health and human services, established in RSA 126-A:13, relative to the status of the state plan amendment and implementation of the Medicaid hospice benefit. The department shall make best efforts to implement the benefit on or before July 1, 2010.

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

AMENDED ANALYSIS

This bill directs the department of health and human services to submit an amendment to the state Medicaid plan for the purpose of establishing a Medicaid hospice benefit. The bill includes a rulemaking requirement and requests that the department provide progress reports to the oversight committee on health and human services.

2009-1391h

Amendment to SB 46

Proposed by the Committee on Commerce and Consumer Affairs - C

Amend RSA 408:15, I(b) as inserted by section 1 of the bill by replacing it with the following:

(b) The premium for the policy shall be paid by the policyholder, either from the employer's funds ~~[or funds contributed by him]~~, or from funds contributed by the insured employees, **or from both**. A policy on which no part of the premium is to be derived from funds contributed by the insured employees~~[;]~~ must insure all eligible employees, or all except any as to whom evidence of individual insurability is not satisfactory to the insurer.

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

2 Group Life Insurance; Definitions. Amend the section heading and the introductory paragraph of RSA 408:15 to read as follows:

408:15 ~~[Definition]~~ **Group Life Insurance; Definitions.** No policy **or certificate** of group life insurance shall be issued or delivered in this state unless ~~[it]~~ **the policy is issued to a group that** conforms to one of the following descriptions:

3 Group Life Insurance. Amend RSA 408:15, VIII to read as follows:

VIII.(a) A policy or certificate issued to a resident of this state under a group life insurance policy may be issued to a group other than one described in paragraphs I through VII provided the commissioner finds that:

(1) The issuance or delivery of the policy or certificate is not contrary to the best interest of the public.

(2) The issuance or delivery of the policy or certificate would result in economies of acquisition or administration.

(3) The benefits are reasonable in relation to the premiums charged.

(4) The premium for the policy shall be paid either from the policyholder's funds or from funds contributed by the covered persons, or from both, and shall insure all eligible covered persons, or all except any as to whom evidence of individual insurability is not satisfactory to the insurer.

(b) Any filing made in relation to a discretionary group life insurance policy or certificate that was approved by the department prior to July 1, 2009 shall be deemed to meet the requirements of this paragraph, unless the commissioner acts at any time to revoke such approval after a hearing pursuant to RSA 400-A:17.

IX. Notwithstanding the above, any such policy of group life insurance issued pursuant to paragraphs I-VII may be extended to provide group life insurance for an employee, or other member of the group, his or her spouse, child or children, or other dependents.

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

2009-1526h

Amendment to SB 51

Proposed by the Committee on Judiciary - R

Amend RSA 500-A:6, I as inserted by section 1 of the bill by replacing it with the following:

I. When ordered to do so by the court, the clerk shall draw at random from the master jury list the names or identifying numbers of as many prospective jurors as the court by order requires. The names or identifying numbers of prospective jurors may be chosen either by random drawing or by computer on a random basis. The clerk shall prepare an alphabetical list of the names drawn. The names drawn on the list may be disclosed only to persons authorized to see the list under this chapter or upon specific order of the court. ***The addresses of jurors shall not be disclosed, except to counsel, a pro se party examining juror qualification forms, or otherwise in accordance with court rule.***

AMENDED ANALYSIS

This bill requires confidentiality of jurors' addresses and the file in an involuntary admission proceeding.

2009-1432h

Amendment to SB 80

Proposed by the Committee on Commerce and Consumer Affairs - R

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

AN ACT establishing a committee to study requiring health insurance coverage for services provided by athletic trainers.

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

1 Committee Established. There is established a committee to study requiring health insurance coverage for services provided by athletic trainers.

2 Membership and Compensation.

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

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

(b) Four members of the house of representatives, 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 all issues relating to requiring health insurance coverage for services provided by athletic trainers. The committee's study shall include, but not be limited to, the cost and health benefits associated with the services provided by an athletic trainer and the implementation of the benefit.

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 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.

AMENDED ANALYSIS

This bill establishes a committee to study requiring health insurance coverage for services provided by athletic trainers.

2009-1497h

Amendment to SB 119

Proposed by the Committee on Commerce and Consumer Affairs - C

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

AN ACT relative to certain health insurance plans.

Amend the bill by replacing section 1 with the following:

1 New Section; Identification of Health Insurance Plans Under the Jurisdiction of the Commissioner. Amend RSA 400-A by inserting after section 15-b the following new section:

400-A:15-c Identification of Health Insurance Plans Under the Jurisdiction of the Commissioner. All accident and health insurance written under RSA 415 and coverages written under RSA 415-E, RSA 420-A, RSA 420-B, RSA 420-C, RSA 420-F, and RSA 420-J shall be identified as being under the jurisdiction of the commissioner. Such identification shall be clearly printed on a member's identification card and the policy issued to an insured. The commissioner shall adopt rules, pursuant to RSA 541-A, designating the form and manner of the identification required under this section.

AMENDED ANALYSIS

This bill requires all health insurance plans under the jurisdiction of the commissioner of the department of insurance to be identified as being under the jurisdiction of the commissioner. The insurance commissioner is granted rulemaking authority for the purposes of the bill.

2009-1608h

Amendment to SB 131

Proposed by the Committee on Executive Departments and Administration - R

Amend RSA 283:4, I as inserted by section 1 of the bill by replacing it with the following:

I. In public employment of clerks, office help, mechanics, laborers, inspectors, supervisors, foremen, janitors, peace officers, and relief employees in the construction of public works, public projects and in the conduct of ~~[state,]~~ city, town or district departments by ~~[the state or by]~~ a county, city, town, or district, or by persons contracting therewith for such construction, carrying out of relief projects and in the conduct of ~~[state,]~~ city, town, or district departments, preference shall be given to citizens of the state who have served in the armed forces of the United States, for not less than 90 days, ~~[in times of war,]~~ and have been discharged honorably therefrom or released from active duty therein, if **equally** qualified for said employment and if registered in accordance with the provisions of RSA 283:7. Where such employment is obtained from relief rolls or for persons in need, in cases of equal or greater need preference shall be given to such veterans.

2009-1490h

Amendment to SB 135-FN

Proposed by the Committee on Ways and Means - C

Amend the bill by replacing all after section 3 with the following:

4 Uniform Fine Schedule; Fish and Game; OHRV and Snowmobile Violations; Operate Unregistered Snowmobile. Amend the title XVIII uniform fine schedule for operation of an unregistered snowmobile established in 2007, 54:2, line 26 to read as follows:

26. 215-C:36, II Operate Unregistered Snowmobile ~~[\$120.00]~~ **\$180.00**

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

2009-1456h

Amendment to SB 142

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

Amend the bill by inserting after section 9 the following and renumbering the original sections 10-11 to read as 15-16, respectively:

10 Involuntary Commitment of Sexually Violent Predators; Notice to County Attorney or Attorney General. Amend RSA 135-E:3, II-III to read as follows:

II. When a person who has committed a sexually violent offense is to be released from total confinement in New Hampshire, the agency with jurisdiction over the person shall give written notice to the **person and the** county attorney of the county where that person was last convicted of a sexually violent offense, or attorney general if the case was prosecuted by the attorney general. If the person is in custody on an out-of-state or federal sexually violent offense, the agency with jurisdiction shall give written notice to the **person and the** county attorney of the county where the person plans to reside upon release or, if no residence in this state is planned, the county attorney in the county where the facility from which the person to be released is located or to the attorney general if the person has been convicted of murder. Except as provided in RSA 135-E:4, the written notice shall be given[:

(a) At least 9 months prior to the anticipated release [~~from total confinement of a person serving a sentence in the custody of the department of corrections~~] **from the maximum sentence**, except that in the case of persons who are totally confined for a period of less than 9 months, written notice shall be given as soon as practicable[; ~~or~~

(b) ~~At least 9 months prior to the anticipated hearing regarding possible release of a person committed to the custody of the department who has been found not guilty by reason of insanity for a sexually violent offense~~].

III. [~~Upon~~] **Within 45 days of** receipt of such notice, if there is an articulable basis to believe that the person is likely to engage in acts of sexual violence, either the county attorney, attorney general, or the agency with jurisdiction may request that the multidisciplinary team assess and evaluate the person to determine whether the person is a sexually violent predator.

11 Involuntary Commitment of Sexually Violent Predators; Notice to County Attorney or Attorney General. Amend RSA 135-E:3, V(c) to read as follows:

(c) Within [~~6~~] **4** months after receiving [~~notice of a person's anticipated release from total confinement~~] **the request for an assessment and evaluation**, the department of health and human services shall provide to the county attorney or attorney general a written report of the multidisciplinary team's findings as to whether the person meets the definition of a sexually violent predator.

12 Involuntary Commitment of Sexually Violent Predators; Release from Total Confinement. Amend RSA 135-E:4, I-III to read as follows:

I. In the event that a person who has been convicted of a sexually violent offense is eligible for immediate release from total confinement **upon completion of the maximum term of incarceration**, the agency with jurisdiction shall provide immediate notice to the county attorney or attorney general of the person's release. The county attorney or attorney general or the agency with jurisdiction may file a petition for an emergency hearing in the superior court requesting that the person subject to immediate release be evaluated by the multidisciplinary team to determine whether the person is a sexually violent predator. The hearing shall be held within 24 hours of the filing of the petition, excluding Saturdays, Sundays, and holidays. The person shall not be released from total confinement until after the hearing has been held. At the hearing, the court shall determine whether there is probable cause to believe that the person is a sexually violent predator. If the court finds probable cause, the person shall be held in an appropriate secure facility.

II. Within 72 hours after finding probable cause, **excluding Saturdays, Sundays, and holidays**, the multidisciplinary team shall assess whether the person meets the definition of a sexually violent predator. If the multidisciplinary team determines that the person does not meet the definition of a sexually violent predator, the department of health and human services shall provide notice to the county attorney or attorney general and that person shall be immediately released. If the multidisciplinary team determines that the person meets the definition of a sexually violent predator, the team shall provide the county attorney or attorney general with its

written assessment and recommendation within the 72-hour period or, if the 72-hour period ends on a weekend or holiday, within the next ~~working~~ **business** day thereafter.

III. Within 48 hours after receipt of the written assessment and recommendation from the multidisciplinary team, ***excluding Saturdays, Sundays, and holidays***, the county attorney or attorney general may file a petition with the superior court alleging that the person is a sexually violent predator and stating facts sufficient to support such allegation. If a petition is not filed within ~~48 hours after receipt of the written assessment and recommendation~~ ***the prescribed time period*** by the county attorney or attorney general, the person shall be immediately released. If a petition is filed pursuant to this section, the person shall be held in an appropriate secure facility for further proceedings in accordance with this chapter.

13 Involuntary Commitment of Sexually Violent Predators; Petition. Amend RSA 135-E:6 to read as follows:

135-E:6 Petition; Contents. If the multidisciplinary team finds the person meets the definition of a sexually violent predator, the county attorney or attorney general may file a petition within 14 days with the superior court alleging that the person is a sexually violent predator and stating facts sufficient to support such allegation. ***At the time of the filing, and in lieu of the court issuing an order of notice, the county attorney or attorney general shall forward a copy of the petition to the person who is the subject of the petition, or to that person's attorney if one was appointed to represent the person pursuant to RSA 135-E:23.*** If the county attorney or attorney general does not file a petition within 14 days, and the person is otherwise subject to release, the person shall be released.

14 Involuntary Commitment of Sexually Violent Predators; Determination of Probable Cause. Amend RSA 135-E:7 to read as follows:

135-E:7 Determination of Probable Cause.

I. When the county attorney or attorney general files a petition seeking to have a person declared a sexually violent predator, within 10 days of the filing of the petition, the court shall determine whether probable cause exists to believe that the person named in the petition is a sexually violent predator. If the court determines based on the content of the petition that there is probable cause to believe that the person is a sexually violent predator, the court shall order that the person remain in custody and be held in an appropriate secure facility for further proceedings in accordance with this chapter. ***The court shall schedule a preliminary pre-trial conference within 10 business days of its probable cause determination.***

II. If the offender's incarcerative sentence expires before a hearing on the merits of a petition for civil commitment pursuant to this chapter, the court shall conduct a probable cause hearing within 2 days of the expiration of the person's incarcerative sentence. If the court concludes following the hearing that there is probable cause to believe that the person is a sexually violent predator, the court shall order that the person remain in custody and held in an appropriate secure facility for further proceedings in accordance with this chapter.

III. A probable cause hearing shall not be required under this section if the court has already made a probable cause determination pursuant to RSA 135-E:4, I.

2009-1585h

Amendment to SB 151

Proposed by the Committee on Executive Departments and Administration - C

Amend RSA 21:15, II as inserted by section 1 of the bill by replacing it with the following:

II. The authority of any board, commission, or other body whose members are approved by the governor and council to conduct official business shall be vested in a majority of those members who have been approved by the governor and council.

2009-1441h

Amendment to SB 182

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

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

(b) Three members of the house of representatives, all of whom shall be members of the ways and means committee, appointed by the speaker of the house of representatives.

2009-1618h

Amendment to SB 187

Proposed by the Committee on Executive Departments and Administration - C

Amend 1943, 292:2 as inserted by section 1 of the bill by replacing it with the following:

2 Board of Trustees. The board of trustees shall establish rules, regulations, and policies as it deems necessary for the proper administration of the retirement plan. ***These rules, regulations, and policies shall include, in part, the rate of employee contributions to the retirement system, the member retirement eligibility, the amount of the retirement benefit, and the termination of any such benefit. All rules, regulations, and policies must be approved by Nashua's governing body.*** The board of trustees shall be selected or appointed in accordance with procedures approved by Nashua's governing body.

2009-1505h

Amendment to SB 188

Proposed by the Committee on Commerce and Consumer Affairs - C

Amend paragraph I of section 2 of the bill by inserting after subparagraph (k) the following new subparagraph:

(l) A representative from an independent physician group or medical facility, appointed by the governor.

Amend the bill by replacing section 4 with the following:

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

2009-1552h

Amendment to SB 195

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

Amend RSA 231:172 as inserted by section 1 of the bill by replacing it with the following:

231:172 Cutting Trees.

I. No licensee shall have the right to cut, prune, or remove any shade or ornamental tree, for the purpose of erecting or maintaining poles or structures or installing wires or other attachments or appurtenances thereto, without obtaining the consent of the owner of the land on which such tree grows. The receipt of a license to erect and maintain such equipment pursuant to RSA 231:160 and RSA 231:160-a includes consent to cut, prune, or remove shade or ornamental trees growing on land located within the public right of way that pose an unreasonable danger to the reliability of equipment installed at or upon licensed utility facilities. Nothing in this section shall affect the right of the landowner to the cordwood or timber that results from the activities of a licensee under this subdivision.

II. A licensee shall provide notice in writing at least 45 days in advance of any non-emergency cutting, pruning, or removal of shade or ornamental trees that is scheduled to take place on a landowner's property. The notice shall, at the option of the licensee, be given in person, or sent separately by ordinary mail, and not included in or as a part of a utility bill or other regular communication, to owners of affected land using the name and address that appears on municipal tax records for the property, or sent separately by electronic mail, and not included in or a part of a utility bill or other regular communication, if the landowner has established regular electronic mail communication with the licensee.

(a) The notice shall provide the name and contact information of a representative of the licensee who may be contacted to schedule personal consultation regarding the activities.

(b) For the purposes of this section, the owner shall be deemed to have consented to the activities if he or she fails to affirmatively request personal consultation within 45 days of the mailing of such notice.

(c) If, after personal consultation with the licensee, the owner refuses to consent to the activities, the selectmen, upon petition, after notice to the owner and licensee, and hearing, shall determine whether the cutting, pruning, or removal is necessary and, if determined to be necessary, assess the damage to the owner.

III. Upon highways which have been designated scenic roads pursuant to RSA 231:157 and RSA 231:158, cutting, pruning, or removal shall be further restricted as set forth in those sections or any local provisions adopted thereunder.

IV. Nothing in this section shall be construed to require notice to or consent from the owner of land in the event that the owner, or a predecessor of the owner, has granted an easement which provides legal authority for the utility to remove, cut, prune, or trim trees or vegetation on the owner's land.

Amend RSA 231:145 as inserted by section 2 of the bill by replacing it with the following:

231:145 Removal of Certain Hazardous Trees. Notwithstanding the provisions of other sections of this subdivision ~~[or any other provision of law]~~ **and subject to the provisions of RSA 231:157 and RSA 231:158**, the commissioner of transportation on class I and III highways, and state maintained portions of class II highways, and the mayors of cities and the selectmen of towns and the county commissioners for unorganized places on class IV, V, and VI highways and town maintained portions of class II highways may declare any tree, either alive or dead, situated within the limits of highways, roads, or streets to be a public nuisance by reason of **unreasonable** danger to the traveling public ~~[or]~~, spread of tree disease, **or the reliability of equipment installed at or upon utility facilities authorized under RSA 231:160 or RSA 231:160-a.** After such declaration by such authority and notice to the abutting landowner on whose property such tree is located the said authority shall within a reasonable time remove the same without compensation or cost to the abutter. However, no such declaration and notice shall be required when the delay entailed by such declaration and notice would pose an imminent threat to safety or property. ~~[The provisions of this section shall not apply to public shade or ornamental trees.]~~ Nothing in this subdivision shall be construed to relieve the public utility companies of their accepted responsibility of tree trimming and tree removal for the protection of their lines, or for the construction of new lines, or to alter the provisions of RSA 231:150-182 in any manner. The aforesaid state and municipal authorities may require of the public utilities owning lines which pass through or near a tree or trees which are condemned for removal as a public nuisance to assist in their removal at their expense by either the temporary removal of their lines or by causing to be removed at their expense the top portion of said tree or trees from a point below their lines.