

# State of New Hampshire

# HOUSE RECORD

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

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Vol. 31

Concord, NH

Friday, June 19, 2009

No. 46

Contains: Committees of Conference Statements, Meetings and Notices

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### HOUSE CALENDAR

#### MEMBERS OF THE HOUSE:

The next House session will be held on **Wednesday, June 24<sup>th</sup>** at 10:00 a.m. when the House will vote on Committee of Conference reports, including the state budget. Members should save **Thursday, June 25<sup>th</sup>** in case we do not complete our work on Wednesday.

There will be a briefing on HBs 1 and 2 at 10:00 a.m. on **Tuesday, June 23<sup>rd</sup>** in Representatives Hall. All members are encouraged to attend. The Continuing Education session planned for **Tuesday, June 23<sup>rd</sup>** has been cancelled.

The Speaker's Annual Ice Cream Social for members and staff will also take place on **Tuesday, June 23<sup>rd</sup>**, at 12:30 p.m. in the driveway of the Upham-Walker House, or in case of inclement weather, in the LOB.

Terie Norelli, Speaker

### NOTICE

There will be a meeting of committee Chairmen and Vice Chairmen on **Tuesday, June 23** at 8:30 a.m. in Rooms 301-303, LOB.

Terie Norelli, Speaker

### NOTICE

### BUDGET BRIEFING

Tuesday, June 23, 2009  
Representatives Hall

11:00 a.m.

## NOTICE

There will be a Democratic Caucus on Tuesday, **June 23** at **1:30 p.m.** and on Wednesday, **June 24** at **9:00 a.m.** in Representatives Hall.

Rep. Mary Jane Wallner, Majority Leader

## NOTICE

There will be a Republican Informational Forum on Tuesday, **June 23** at **9:00 a.m.** and a Republican Caucus on **June 24** at **8:45 a.m.** both in Rooms 305-307, LOB.

Rep. Sherman A. Packard, Republican Leader

## PROPOSED AMENDMENT TO HOUSE RULE 64

### DEADLINES

#### PROPOSED BY THE RULES COMMITTEE

*Add the following to House Rule 64:*

|                                          |                                                                                                                                              |
|------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------|
| Monday, September 21, 2009               | First day to file legislation for 2010 Session                                                                                               |
| Friday, September 25, 2009 at 4:00 p.m.  | Last day to file legislation for 2010 Session                                                                                                |
| Thursday, November 12, 2009 at 4:00 p.m. | Last day to sign off on 2010 legislation                                                                                                     |
| Wednesday, December 2, 2009              | Last day for committees to report retained bill<br>Legislative action in the second-year session s<br>be subject to the following deadlines: |
| Wednesday, January 6, 2010               | Last day to introduce House bills for 2010 Ses                                                                                               |

## NOTICE

**The Calendar closes at 3:00 p.m. on Wednesdays for scheduling and notices.** 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, JUNE 24

## COMMITTEE OF CONFERENCE STATEMENTS

### SENATE BILLS

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

The committee of conference was unable to reach agreement.

Rep. David E. Cote

**SB 40**, relative to protecting workers and local governments with advance notice of impending plant closings and layoffs.

The House and Senate agreed to make the following changes: The threshold number of employees that a business must have in order to be affected by this law was reduced from 80 to 75. The definition of "employer" was redefined as follows: For purposes of this chapter, any entity that

directly or indirectly owns and operates a business enterprise in New Hampshire that satisfies the criteria in paragraph IV(a) is an “employer.” The rest of the definition regarding parent corporations was removed as it merely duplicated the above and was unnecessary.

Rep. James W. Craig

**SB 46**, relative to group life insurance.

The Senate conferees concurred with the House position on this bill which updates the group life insurance statute to allow affinity groups such as AARP or the AMA who are not employers to offer group life insurance to their members. It also eliminates the minimum group size which was previously 10.

Rep. Susi Nord

**SB 52**, making technical corrections to laws relative to courts and court procedures.

The Senate agreed with the House position on this bill.

Rep. David E. Cote

**SB 65**, relative to the acceptance of in lieu payments for the restoration or creation of wetlands. Upon receiving an explanation of the funding, the committee was satisfied. In addition, both Senate and House members of the conference committee agreed to remove sections 1 and 2 of SB 65 because the same issues were covered in another bill that had more specific language. Other changes agreed upon in SB 65 were technical only, including punctuation, spelling and adding another RSA referencing rivers and streams.

Rep. Marcia G. Moody

**SB 67-FN**, relative to funding certain AIDS services organizations and relative to certain operating budget reductions for fiscal year 2009.

The Senate agreed with the House position on this bill.

Rep. Robert G. Bridgham

**SB 98**, establishing a commission to study state regulations governing installation of boilers, pressure vessels, and related high performance HVAC equipment.

The Senate agreed with the House position on this bill. The House clarified the need to study the state regulations governing the installation of European boilers using a study committee instead of a commission as well as explaining the rationale behind studying air emissions as they relate to these boilers.

Rep. Laurie Harding

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

The House conferees agreed to changes in SB 108 that focus the study committee for employers' excess benefits paid to retirees on earnable compensation and excludes a review of death benefits. The Senate conferees have agreed that two of the four House of Representatives members on the study committee should be members of the Executive Departments and Administrative Committee.

Rep. Patricia M. McMahon

**SB 112**, establishing a commission to study community and residential-based treatment programs for certain adults with developmental disabilities.

The Senate agreed with the House version of the bill. The conferees adopted an amendment adding the Commissioner of Health and Human Services or his designee to the commission.

Rep. Thomas E. Donovan

**SB 114**, relative to the threshold for notification for lead levels and a window replacement

program.

The Senate agreed with the House position on this bill.

Rep. Suzanne S. Butcher

**SB 115**, relative to eligibility for the healthy kids program.

SB 115 allows the Healthy Kids corporation to design a health insurance product to cover young adults up to age 26. The amendment agreed to by all conferees maintains 3 important modifications made by the House: 1) makes the legislation enabling rather than mandating; 2) requires that the commissioner of the insurance department review the final plan design in order to determine that it does not adversely effect the commercial market; and 3) requires a report on the progress and impact of the expansion program at the end of two years

Rep. Edward A. Butler

**SB 119**, relative to provider contract standards.

Every health insurance card issued after January 1<sup>st</sup>, 2010 will have a logo or other identifying language if the policy is under the jurisdiction of the insurance commissioner. Minor changes were made to clarify which insurance policies are affected, but the compromise is basically the House position.

Rep. Joel F. Winters

**SB 131**, relative to state hiring of veterans.

The House conferees agreed with the Senate wording limiting the preferential hiring of veterans to those who served "in time of war."

Rep. Daniel J. Sullivan

**SB 133-FN**, authorizing purple heart special number plates for veterans still on active duty.

SB 133 provides for Purple Heart plates for active duty military personnel who have earned this distinguished honor. The Senate wanted to include the few remaining Pearl Harbor survivors to the list of veterans who receive their special plates minus the \$4 plate fee. The House conferees agreed with the Senate that these survivors of the "Day of Infamy" should be recognized and granted this waiver of fees.

Rep. Michael B. O'Brien, Sr.

**SB 142**, relative to registration of criminal offenders and relative to involuntary commitment of sexually violent predators.

The Senate agreed to the House version of this bill with a change to the effective date from "upon passage" to September 1, 2009. The Senate requested that this bill contain a change in the effective date of another bill, HB 471, from January 1, 2010 to "upon passage." The House conferees agreed to this request.

Rep. Stephen J. Shurtleff

**SB 147-FN**, relative to the data collection practices of health care providers and relative to the development of an uninsured health care database.

The base bill of SB 147 requires hospitals, hospital-owned providers and community health centers to submit data to the department of health and human services, and to the insurance department through HHS, for care provided to anyone who is uninsured and whose care is not paid for by a government program. The Senate agreed with the House version of this part of the bill.

Using a new House rule and through a floor amendment, the subject matter of HB 446 was attached to the base bill. That subject matter deals with use and area zoning variances as they relate to unnecessary hardship. The conferees agreed to an amendment presented by the Senate which still achieves the purpose of the original bill as passed by the House Municipal and County Committee and then full House, which clarifies this confusing variance issue.

Rep. Edward A. Butler

**SB 167-FN**, relative to employee leasing companies

This bill enforces the co-employment relationship between employee leasing companies and client companies. It clarifies the party responsible for wages, benefits and other compensation, and workers compensation insurance. The House Labor Committee recommended one set of changes and the Ways and Means Committee made an additional recommendation to amend the bill. Both were supported by the full House. The Senate objected only to the Ways and Means Committee change, which attempted to make even stronger the bill's intent to protect the rights of an employee relative to a client company. After further consideration, both the departments of labor and insurance felt that this change could have severe consequences that are exactly contrary to its intention. The committee of conference agreed to revert to the version of the bill as amended by the House Labor Committee.

Rep. John Knowles

**SB 176-FN**, establishing a fee for probationers and parolees who apply to be supervised in another state.

The House and Senate agreed on a final version of the bill that includes language from the Senate version which establishes an application fee for probationers and parolees to request a transfer of supervision to another state and establishes a probation receipts fund to offset the annual dues and extradition costs incurred by the department of corrections pursuant to the interstate compact for adult offender supervision. The Senate agreed to language in the House version of the bill which enables the commissioner to waive the application fee when appropriate. The Senate also agreed to a technical statutory reference change made in the House version.

Rep. Laura C. Pantelakos

**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.

The Senate agreed to the House position of requiring the salary of the Director of Community Corrections to be assigned according to RSA 14:14-c., which is the statute authorized to assign pay grades based upon job description and responsibilities. The bill stands as it passed the House.

Rep. Laurie Harding

**SB 182-FN-A**, establishing a committee to study business tax credits.

The Senate graciously agreed to the position of the House with no changes.

Rep. Susan W. Almy

**SB 203**, relative to liability protection for railroad operators operating alongside recreation trails.

After discussing language proposed in various amendments to SB 203, the House and Senate conferees agreed to the creation of a study committee which would bring a report of its findings and recommendations back to the House, Senate and Governor's office by December 1, 2009.

Taking the time to examine overarching policy issues and the implications/unintended consequences of any such legislation was considered to be the expedient course of action, as the concerns regarding insurance coverage and stimulus funding for the municipalities of Tilton and Laconia are already in the process of being resolved. The study committee will provide a means for bringing together various entities impacted by potential legislation, including the attorney general the department of transportation, the insurance department, railroad operators, municipalities and voluntary trail associations. This process should ensure the best long term approach and legislation regarding multi-purpose rail corridors in the state in a timely fashion.

Rep. Liz H. Merry

## COMMITTEE OF CONFERENCE STATEMENTS

## HOUSE BILLS

**HB 1-A**, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 2010 and June 30, 2011.

Rep. Marjorie K. Smith

**HB 2-FN-A-L**, relative to state fees, funds, revenues and expenditures.

Rep. Marjorie K. Smith

**HB 25-FN-A**, making appropriations for capital improvements.

The House agreed with the Senate on the following additional projects to the Capital Budget: Information Technology Infrastructure for the entire community college system, and an addition to the Nashua community college, dredging Goldfish Pond in Manchester. However, the Senate agreed with the House requiring a report and review of the project by DES to the Capital Budget Overview Committee (CBOC) and approval of the CBOC before expending the funds. The House agreed to the Mittersill ski lift project, Cannon Mountain. The Senate agreed with the House requiring half the Mittersill appropriation is bonded by the Cannon Mountain capital improvement fund. The House agreed with the Senate to use lapse funds (unexpended funds from previous capital budget projects) to reduce the appropriation for new capital appropriations within the same departments. The House agreed with the Senate to delay the renovation of the Tobey Building and the construction of the accompany parking deck located in the Gallen Office Park . The Tobey school is not located in the Tobey building. The Senate agreed with the House to remove the one dollar line appropriation of school building aide. The Senate agreed with the House to add back the master plan for the courts and the master plan for the state house complex. The Senate agreed to clarifying the Davis Bacon Act language to make clear the Act is only for projects utilizing federal funds. The House and the Senate agreed to new language clarifying the community residence lapse appropriation for the Department of Health and Human Services. This amended capital budget of \$ 118,094,374.00 general funds bonds is on the conservative side of the Treasurer's recommended range of \$90 million - \$130 million dollars. The capital budget as amended remains NH's own stimulus package. It constructs projects in 10 counties and over 20 different communities, creates dozens of small and large general contracting and building related businesses and will employ hundreds of workers throughout the state.

Rep. Candace C.W. Bouchard

**HB 40**, requiring sanctions against hospitals for failing to report infection rates.

The House conferees agreed with the Senate version of HB 40. It strengthens the infection reporting language required by hospitals. The Health and Human Services Department has the authority to establish fines including daily fines up to \$2,000 per day in RSA 151.

Rep. Laurie Harding

**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.

There were two changes made to the bill by the Senate. The first, at the request of the department of fish and game, added the words "or 5 turkeys" to the number and species of permits the department was allowed to give the wildlife heritage foundation. The second amendment, which was added at the request of the Senate, would have required the fish and game department to file an annual report with the House Fiscal Committee and the House Fish and Game and Marine Resources Committee, relative to the amount of funds received and expended from the foundation. However, the amendment was written to indicate that the foundation would have to file the report. The committee of conference amendment simply clarifies the intent by replacing the words "the wildlife heritage foundation of New Hampshire shall submit etc." to "the fish and game department shall submit etc." In addition, the Senate amendment also stated that the report

“shall identify funds received and expended by the foundation.” This was changed to read “the report shall identify funds received and expended from the foundation” to make the bill grammatically correct.

Rep. Robert J. L’Heureux

**HB 45**, relative to the water supply land conservation program.

The House and Senate conferees unanimously agreed to remove the Senate amendment to this bill which would have placed fish and game’s proposal for a public access boat ramp on Lake Sunapee into a study committee. The bill stands as the House version.

Rep. Jayne E. Spaulding

**HB 78**, relative to the interbranch criminal and juvenile justice council and appointing an additional member to the interagency coordinating council for women offenders.

HB 78 in the House version added a member to the Interbranch Criminal and Juvenile Justice Council (ICJJC) from the department of health and human services and added a member from the New Hampshire Association of Counties to the Interagency Coordinating Council for Women Offenders. The Senate added an additional House member to the ICJJC and specified that there be a member from the Criminal Justice and Public Safety Committee and the Children and Family Law Committee among the 3 House members.

The House and Senate conferees have agreed to repeal 2008, 305:2 relative to meetings of the oversight commission on motor vehicle fines and add a quorum requirement of 3 members to the 6 member commission on oversight of motor vehicle fines in RSA 262:45, IV.

Rep. David A. Welch

**HB 96**, correcting certain references relating to municipal growth management.

The House version of HB 96 corrected certain statutory references in RSA 4 which were enacted in 2008. The Senate did not alter those corrections, but added revisions to RSA 79-E, which deals with tax relief incentives and tax increment financing for historic properties. The committee of conference amended the bill to provide municipalities with an important additional tool to assist in the redevelopment of downtowns. Specifically, it will allow municipalities to utilize the RSA 79-E process in those limited cases where a demolition and new construction is a more appropriate option than rehabilitation of a property. The amendment provides safeguards for historic properties. This tool can not be used for the demolition of buildings to create vacant lots, or to demolish any buildings which might have any significant cultural, architectural or historical value. This is enabling legislation which may be adopted by a municipality.

Rep. Jessie L. Osborne

**HB 102**, relative to the rivers management and protection program.

The conferees agreed with the House proposed changes to the Senate version of the bill consisting of clarifications and improvements in organization of the statutes and adjustments to the sequence of events in the Instream Flow Pilot Program process.

Rep. Judith T. Spang

**HB 118**, relative to periodic payments of judgments.

The Senate version left unchanged the original bill passed by the House regarding periodic payments of judgments. The Senate version adds two new sections to the bill. Both were added as a reaction to the current economic climate.

The first addition amends RSA 5-B:4 which currently requires pooled risk management programs to make an informational filing with the Secretary of State. Currently, no entity has any further regulatory oversight authority over these programs. The programs act as insurers, but they hold securities as investments. The proposed language gives the Secretary of State authority to seek further information necessary to exercise regulatory or enforcement authority through a hearing process already in existence in the securities division. The change will allow the Secretary of State

to request additional information from the programs, while giving the programs protection from having to disclose protected confidential information.

The House conferees were concerned with the decision to give this authority to the Secretary of State's office without a thorough study of whether this authority might not be placed with the Department of Insurance. However, the House conferees were convinced, because of the current unregulated nature of the programs, it would be prudent to enact the Senate language on a temporary basis. The House conferees added language which sunsets the new provision on June 30, 2011. The conferees believed this provision would allow an adequate time frame for a thorough review of the whole issue, and an incentive for that review to move forward in a timely manner. The second provision added by the Senate repeals a provision for a trial de novo which is currently allowed for violations of securities laws after an administrative hearing under RSA 421-B:26, VII. The trend has been away from allowing a whole new trial in the superior court following an administrative hearing. The concern is that this provision is usually invoked by a party with significant resources for the purpose of delay. Any aggrieved party would still retain the right to ask for a rehearing before the administrative body, and retains the right of an administrative appeal to the supreme court. An extra benefit of passage would be a significant savings of scarce judicial resources.

Rep. Lucy M. Weber

**HB 239-LOCAL**, relative to establishing a municipal bond rescission process.

Based on the version adopted by the Senate, the conferees adopted a new amendment which, for this one year only, does not require that municipalities or school districts having a special meeting to reduce appropriations due to reduced funding from the state follow all the rules and regulations for special meetings set up in statutes.

Rep. Betsey L. Patten

**HB 252**, relative to state agency rulemaking concerning expiring administrative rules.

HB 252 deals with administrative rules and the need to commence rulemaking for timely re-adoption. The Senate added a provision giving JLCAR authority to establish procedures for electronic filing and expanding the definition of a file. The committee of conference agreed with the Senate version and further agreed to an amendment changing the effective date of Section 2 to July 1, 2010 and adding a new subparagraph authorizing a pilot program for electronic filings by agencies

Rep. Maurice L. Pilotte

**HB 292**, relative to financial disclosures, lobbyist registrations and statements, prohibited gifts, and executive branch volunteers.

This bill clarifies the rights of members of the public to be able to testify at public hearings and offer their thoughts and opinions to state government. It makes clear that individuals who are volunteering on state activities do not have to file disclosure reports if their volunteering does not directly or indirectly influence the setting of public policy, or influence decisions on how state funds are expended or how vendors for the state are selected. It also provides for quarterly reports instead of monthly reports by lobbyists so that the filing process will be more streamlined and easier to follow for those who review the reports. The Senate removed a provision for a volunteer registry of those volunteering in certain activities of state government. The Committee of Conference focused on differences between the House and Senate versions concerning the appointment of a filing officer who is to be designated by the office of secretary of state to assist those who are required to file disclosure forms with questions they have and to ensure disclosure forms are properly filed. The Conferees agreed that the secretary of state should be able to designate a state employee to be filing officer through memoranda of understandings with other state agencies or branches, and that the officer will review the administrative requirements of statutes requiring filings. As soon as is practicable after filing deadlines, the officer will forward a list of individuals who have not filed a form or whose forms are incomplete to either the legislative

ethics committee, the executive branch ethics committee, or the attorney general, as may be appropriate. The filing officer is not authorized to render legal advice. The appointing authorities for members of state boards, commissions, or committees shall provide the secretary of state with the names and addresses and the appointment dates of all persons so appointed. The intent of this legislation is to clarify who should be filing disclosure forms, assist on those filings, and detail how they are reviewed and by whom, and how they may be verified for completeness.

Rep. James R. Splaine

**HB 296-FN-A**, transferring funds related to oil discharge prevention and cleanup, and an oil fund performance audit.

HB 296-FN-A transferred \$400,000 from the oil pollution control fund to the oil discharge prevention and clean-up fund. It also provided that a performance audit of the oil funds and related programs administered by the oil fund disbursement board would be done prior to December 2009. The Senate version of the bill added an additional \$.0025 fee per gallon of fuel oil imported after July 1, 2009. The conferees agreed to this and added a sunset provision (July 1, 2010) to this additional fee.

Rep. William A. Hatch

**HB 297**, relative to the adoption of agency forms under the administrative procedures act and relative to the notice of the expedited repeal of rules.

House Bill 297 deals with the administrative procedures act. It provides for (1) the adoption of forms by reference, (2) the non-expiration of forms adopted in rules, (3) the expedited review of forms by the Joint Legislative Committee on Administrative Rules (JLCAR) and (4) the non-expiration of procedural rules adopted by agencies. The Senate version (1) provides for the non-expiration of organizational and procedural rules as identified in the drafting and procedure manual and (2) requires revision of the manual by the director of legislative services for adoption by JLCAR. The committee of conference supported the Senate version and agreed to change the effective date to January 1, 2010 to allow for input by agencies in the manual review process.

Rep. Maurice L. Pilotte

**HB 319**, authorizing the Concord school district to amend its charter without prior legislative approval.

The House conferees agreed with the Senate version of the bill to create a commission to study the Concord school district charter. The conferees changed the report date from November 1, 2010 to December 1, 2009.

Rep. Raymond G. Gagnon

**HB 322**, relative to the minimum age required to purchase fireworks.

HB 322 recognizes that active duty members of the military have all been trained in dealing with explosives. That knowledge and experience equips 18-21 year old active duty members of the armed forces and guard to use fireworks in a safe and responsible manner. The conferees added an amendment to change the bill to make it effective upon passage to allow purchase of fireworks in time for summer activities.

Rep. Robert R. Cushing

**HB 334-FN**, relative to consumer credit.

HB 334 is a bill requested by the banking department relative to consumer credit and amends the St. Mary's Bank Charter (a Credit Union). One of the amendments added by the Senate inadvertently gave the Banking Commissioner the responsibility of setting compensation for officers of the credit union. The committee of conference agreed to an amendment which corrects that error and allows for compensation for Board members of reasonable expenses in execution of their duties.

Rep. Edward A. Butler

**HB 378-FN-A**, relative to fees for methadone detoxification and maintenance programs. The committee of conference on HB 378-FN-A agreed on the need for fees on methadone detoxification and maintenance programs, rather than sole reliance on the General Fund, to help support necessary program licensing, auditing and oversight. Both Senate and House members compromised and reached agreement on an annual fee of \$8 per client based on the program's annual client census for the previous calendar year, or \$1,000 per program for new programs. The fees will go into the General Fund, rather than a dedicated fund. Also, annual reports from the department of health and human services on the progress of the program, including incorporation of greater efficiencies, will be provided to relevant House and Senate oversight committees.

Rep. William Butynski

**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.

HB 391 authorizes the sale of 1.6 miles of I-95 (between the Portsmouth traffic circle and the Maine border) from the state highway system to the NH turnpike system for 120 million dollars. The DOT budget deficit is over 100 million dollars for the next biennium. In order to help close the DOT budget and the highway funds shortfall, the House and Senate conferees agreed to amend the bill to require the turnpike reserve account to pay into the highway fund 30 million dollars in FY '10 and 20 million dollars in FY '11. The turnpike fund has sufficient reserve funds to make these payments according to the State Treasurer and bond counsel due, in large part, to the 50 cent increase at the Hampton toll plaza recently approved by the Governor and Council. The amendment also requires that in addition to the DOT commissioner, the State Treasurer shall determine the remaining payment schedule of the sale, which is not to exceed 20 years. The House conferees concurred with the Senate version of HB 321 in correcting a bridge number that was erroneously referenced in the House version.

Rep. David B. Campbell

**HB 395**, requiring electric utilities to offer renewable energy source options.

This bill as it passed the House, requires electric utilities to offer consumers the opportunity to choose to support renewable energy generation through voluntary payment of an additional charge. The bill passed the Senate unchanged from the House version except that the Senate added an amendment which gives the Public Utilities Commission greater flexibility with regard to the administration of programs to promote energy efficiency, some of which were created by legislation passed in the last session. One portion of the amendment's language was not clearly written, which caused the House Science, Technology and Energy Committee to request a committee of conference. After consultation with all parties, new language was drafted and now is recommended for adoption by the House and Senate.

Rep Naida L. Kaen

**HB 408-FN**, relative to the regulation of physicians and physician assistants by the board of medicine.

The House agreed with the Senate version of the bill, which corrected a reference number in Section 2 to RSA 329:2, amended the "Right to Know" language for emergency telephone meetings; defined "disruptive behavior" for actions leading to a report of an impaired physician; and required the board to maintain information collected during the course of examination to 3 years. The conferees then added an amendment to RSA 329:12,II, section 9, to include examinations and requirements for Board Certification of Osteopaths which was inadvertently dropped when the bill was originally drafted.

Rep. Charlotte Houde-Quimby

**HB 441-FN**, relative to CART providers and sign language interpreters.

The House conferees agreed with the Senate version of the bill regarding excluding the mentoring program. The committee of conference also made language changes for better understanding of the operational and/or educational purposes of the proposed CART providers and sign language interpreters program.

Rep. Claire D. Clarke

**HB 473-FN**, relative to water treatment plants and penalties for safe drinking water violations.

The conferees agree with the Senate version of the bill. The House and Senate agree that a class B felony penalty is appropriate at this time for this offense. The House and Senate agree that this bill is a necessary update of current law.

Rep. Laura C. Pantelakos

**HB 513**, relative to the prohibition on voting in more than one state.

The Senate version of HB 513 replaced completely the bill passed by the House with a bill to establish a citizen funded elections task force. The Senate confirmed that the original House language of HB 513 will be added into another bill retained for further study by the Senate. The House proposed and the Senate agreed (1) to increase the membership of the task force to include two Senators instead of one, (2) two members of the 2008 public funding commission instead of one, (3) to add two more members appointed by the Governor and (4) to require attendance of at least one member from each appointment group to constitute a quorum. The conferees believed these changes were necessary to insure adequate input from all stakeholder groups on this important issue.

Rep. David M. Pierce

**HB 578-FN**, relative to testimony by video teleconference.

After meeting with the Senate no agreement was reached and the decision was to agree to disagree. The issue was the responsibility to object to a video-conference, whether the accuser (Department of Safety) or the accused would be required to take action. The Senate's position was that DOS was responsible. The House's position was that the accused should be responsible.

Rep. C. Pennington Brown

**HB 601-FN**, relative to claims for compensation from victims' assistance fund.

The House and Senate conferees agreed to compromise on \$25,000 as a maximum recovery per claimant per incident. The House conferees agreed with the Senate position stating that victims eligible for compensation may file a claim within 2 years of the crime unless good cause is shown. The House conferees also agreed to the deletion of parts 3 and 4 of HB 601, thus eliminating the provision that would have allowed awards in excess of available funds with the approval of the fiscal committee.

Rep. Frank W. Davis

**HB 623**, making various changes to the election laws.

The Senate version of HB 623 replaced the phrase "outside the continental United States" with the phrase "outside the boundaries of the United States" on page one of the bill, but did not make the same change to the bills remaining references to the "continental United States." The committee of conference adopted an amendment to make that same change throughout the bill.

Rep. David M. Pierce

**HB 641-FN-L**, relative to the determination of employer assessments for excess benefits paid by employers in the retirement system.

The House conferees agreed to the Senate language that would require the New Hampshire Retirement System (NHRS) to develop a specific methodology for individuals retiring after July 1,

2010, that determines the amount of the employer assessment for excess benefits charged but accounts for the portion of the present value of the member's retirement benefit attributable to the compensation above base pay.

The retirement system will submit a report regarding the methodology no later than December 1, 2009. Every employer shall annually report the annual base pay of each member to the NHRS. The provisions of Section 33 of RSA 100-A:16, III shall not apply to a binding contract or a binding collective bargaining agreement in place on the effective date of this section, to the extent required by contract or agreement, while the terms of the existing contract remain in force as a result of "either the operation of law or the status quo doctrine" Section 3 of this Act shall take effect July 1, 2010 at 12:01am and the remainder of this act shall take effect upon its passage.

Rep. Patricia M. McMahon

**HB 648-FN**, relative to the use of marijuana for medicinal purposes.

The House and Senate conferees adopted a centralized cultivation and distribution model that will include three non-profit "compassion centers." Compassion centers will be the only authorized growers and distributors of marijuana for medical use. These entities will be licensed and inspected by the state. Application and licensing fees will cover state costs. This model replaces the provisions for qualifying patients to grow marijuana on their property.

The key strength of this new model is better enforcement of the limited availability of marijuana for some of New Hampshire's sickest residents. In addition, however, the centralized cultivation model provides for better quality control over the supply.

The House and Senate also agreed to several other restrictions. Specifically, persons affiliated with the compassion care centers will be required to have state and federal background checks. In addition, House and Senate conferees agreed to restrict further the definition of "debilitating medical condition" to include **both** a chronic or terminal disease or other diagnosed medical condition **and** the symptoms of or result of treatment from that disease or condition that include a limited number of severe consequences (e.g. intractable pain that has not responded to medical or surgical treatment for three months). The House and Senate further agreed to require specific conditions for disposal of unused marijuana when the patient no longer qualifies.

The Senate position of creating a study committee to evaluate a centralized cultivation and distribution model was eliminated. Conferees agreed to require the Commissioner of Health and Human Services to report annually to the Health and Human Services Oversight Committee on the program's scope and effectiveness, along with reporting of potential security or diversion incidents.

The House agreed with the Senate position to require better documentation of the physician's assessment in the patient's medical record. In addition, the House accepted the Senate position that a designated caregiver be allowed to possess marijuana for a qualifying patient only when the caregiver is also in possession of that patient's registry card.

There were also a number of clarifications made to the bill's provision on rulemaking and program operation.

Rep. Cindy Rosenwald

## HOUSE DEADLINES

|                         |                                                    |
|-------------------------|----------------------------------------------------|
| 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.)

## **COMMITTEE MEETINGS**

### **MONDAY, JUNE 22**

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

11:00 a.m. Regular meeting.

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

9:30 a.m. Regular meeting.

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

1:00 p.m. Regular meeting.

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

9:00 a.m. Regular meeting.

### **TUESDAY, JUNE 23**

**ADVANCED MANUFACTURING EDUCATION ADVISORY COUNCIL (RSA 188-E:21), Room 103, State House**

3:00 p.m. Regular meeting.

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

3:00 p.m. Regular meeting.

**TASK FORCE ON HOMELESS TEENAGERS (HB 537, Chapter 273:1, Laws of 2008), Room 207, LOB**

10:00 a.m. Regular meeting.

### **WEDNESDAY, JUNE 24**

**ENERGY EFFICIENCY AND SUSTAINABLE ENERGY BOARD (RSA 125-O:5-a), Local Government Center, 25 Triangle Park Drive, Concord**

8:30 a.m. Public sector working group meeting.

### **FRIDAY, JUNE 26**

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

9:00 a.m. Continued regular meeting.

**EMERGENCY MANAGEMENT SYSTEM OVERSIGHT COMMITTEE (RSA 21-P:51) JOINT WITH COMMISSION TO STUDY THE AUTHORITY TO PRACTICE OR PROVIDE HEALTH AND MEDICAL CARE IN THE EVENT OF THE DECLARATION OF A STATE OF EMERGENCY (SB 512, Chapter 271:9, Laws of 2008), Room 205, LOB**

10:00 a.m. Regular meeting.

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

10:00 a.m. Regular meeting.

**TUESDAY, JUNE 30**

**ELECTRIC UTILITY RESTRUCTURING OVERSIGHT COMMITTEE (RSA 374-F:5), Room  
304, LOB**

2:00 p.m. Regular meeting to receive the report from PSNH.

**ENVIRONMENT AND AGRICULTURE, Room 308, LOB**

9:00 a.m. Subcommittee work session on retained **HB 652-FN**, relative to the impact of demolition and construction projects on the environment.

10:00 a.m. Subcommittee work session on retained **SB 123**, relative to agricultural restricted grants.

11:00 a.m. Subcommittee work session on retained **HB 675-FN**, requiring a refundable deposit on beverage containers, retained **HB 283-FN**, establishing a solid waste management fund and assessing a beverage container fee.

**LOCAL AND REGULATED REVENUES, Room 303, LOB**

9:30 a.m. Subcommittee work session on retained **HB 309**, enabling towns and cities to establish a local revenue option as an alternative to property taxation for the funding of local government costs.

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

9:00 a.m. Informational session – financing merchant generation and electric markets and auctions.

**TELECOMMUNICATIONS OVERSIGHT COMMITTEE (RSA 374:22-h), Room 304, LOB**

11:00 a.m. Organize and receive a report from FairPoint communications regarding “cut-over.”

**MONDAY, JULY 6**

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

1:00 p.m. Regular meeting.

**THURSDAY, JULY 9**

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

9:00 a.m. Regular business.

**FRIDAY, JULY 10**

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

1:00 p.m. Regular meeting.

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

1:00 p.m. Regular meeting.

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

1:30 p.m. Regular meeting.

**STATE SUGGESTION AND EXTRAORDINARY SERVICE AWARD PROGRAM (RSA 99-E), Room 101, LOB**

9:30 a.m. Regular meeting.

**MONDAY, JULY 13**

**COMMISSION TO STUDY INCENTIVES FOR PROVIDERS FOR HOME AND COMMUNITY-BASED CARE (SB 496, Chapter 226:2, Laws of 2008), Room 103, State House**

2:00 p.m. Regular meeting.

**THURSDAY, JULY 16**

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

9:00 a.m. Regular meeting.

**MONDAY, JULY 20**

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

9:00 a.m. Regular meeting.

**MONDAY, JULY 27**

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

11:00 a.m. Regular meeting and workshop..

**WEDNESDAY, JULY 29**

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

9:00 a.m. Regular meeting.

**THURSDAY, JULY 30**

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

9:00 a.m. Continued regular meeting.

**OFFICIAL NOTICES**

**COUNTY DELEGATION NOTICE**

**Merrimack** County Delegation will meet on Friday, **June 26** at 10:00 a.m. in the lower level conference room of the McDonnell Building, 4 Court Street, Concord. The purpose of the meeting is to approve supplemental appropriations to the 2009 budget and to act on applicants for District 3 Commissioner vacancy.

Rep. Candace C.W. Bouchard, Chairman  
Merrimack County Delegation

**COUNTY DELEGATION NOTICE**

**Rockingham** County Executive Committee will meet on Friday, **July 24** at 9:30 a.m. in the Hilton Auditorium at the Rockingham County Nursing Home in Brentwood for the second quarter budget review.

Rep. David A. Welch, Clerk

Rockingham County Executive Committee

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**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, 476, 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, 601, 610, 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

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

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

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

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

Karen O. Wadsworth, Clerk of the House

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**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.

\*\*\*\*\*

I am looking for young people to recommend for a position on the Legislative Youth Advisory Council. They need to be between the ages of 15 and 22 and attending school in NH. The council mission is to advise the legislature on issues of concern to youth. If you know someone in secondary or post secondary school you would recommend to serve on this council I will pass on names to the appointers - the Governor, the President of the Senate, the Speaker of the House and the Secretary of State. Please contact me at [cgargasz@cs.com](mailto:cgargasz@cs.com) or 465-7463. Thanks.

Rep. Carolyn Gargasz

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The Long Term Care Legislative Caucus will meet on Monday, **June 22** at 2:00 p.m. in Room 207, LOB (please note room change). Rachel Rouillard, Executive Director of the Women's Policy Institute, will outline the findings of the Institute's recent study, "Retirement Insecurity," which discusses older women's economic vulnerability in their retirement years. Contact Rep. Kate Miller at 279-4764 for more information.

Rep. Kate W. Miller

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The NH Child Advocacy Network (NH CAN), a program of the Children's Alliance of NH, invites you to participate in its Third Annual Spring Work Groups and End of Session Celebration on Tuesday, **June 23** at the Common Man Restaurant in Concord. From 2:30-4:30 p.m. four work groups in Child Protection and Safety, Economic Security, Education and Health will review the 2009 legislative session and begin the process of developing NH CAN Priorities for 2010. From 4:30-5:30 p.m. you are invited to socialize, network and celebrate your hard work! Please RSVP on line at [www.childrennh.org](http://www.childrennh.org).

Rep. Mary Stuart Gile

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The NH OWLS June meeting. Bring your bag lunch and drink to discuss next year's meeting times and events. State House Room 100 during the session lunch break **June 24<sup>th</sup>**.

Rep. Nancy F. Stiles

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**2-1-1 calls** United Ways of New Hampshire invite legislators to attend a celebration of the first year of 2-1-1 NH (and enjoy the Birthday cake!) A summary of the call data from the first year will be presented and initiatives for our second and subsequent years will be highlighted. The celebration will be held in the Council Chambers on Friday, **June 26 at 2pm**.

Rep. Nancy F. Stiles

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The Main Street Republicans will meet every Wednesday at 8:00 a.m. in Room 212, LOB. All Republicans are welcome.

Rep. Cynthia J. Dokmo

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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 **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> |
|-------------|-------------|-------------------------|---------------------|
| June 23     | 10:00/2:00  | Legislator History Tour |                     |
| June 25     | 2:00        | Legislator History Tour |                     |
| July 2      | 11:00       | Boys State              |                     |

## NOTICE

The 36th Annual Bill White & Junie Blaisdell Ceremonial & Memorial Legislative Golf Tournament for the benefit of the **American Heart Association** is scheduled for **Friday, September 18** at the Beaver Meadow Golf Club, Concord, NH. The entry fee for this annual tournament is \$50 per legislator and legislative staff and \$100 for all others **if paid by June 30**. The entry fee increases to \$75 per legislator and legislative staff and \$125 for all others if paid from July 1 to September 4. A continental breakfast and barbeque lunch will be provided. There are prizes for the top-place finishers, and a raffle.

Registration begins at 7:15 a.m. and the shotgun start is scheduled for 8:30 a.m. The format is "Captain and Crew."

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

*Please note that, for planning purposes, payment must be made no later than September 4th. There will be no exceptions to this rule! Cancellation must occur two weeks prior to the tournament date to receive a refund.*

**Return your entry and payment no later than June 30** to Bob Blaisdell to receive the discounted rate and reserve your spot or no later than September 4th to reserve your spot at the regular rate.

Checks should be made payable to: **NH Legislative Golf Committee**. Mailed to: **Bob Blaisdell, The Demers Group, 72 North Main Street, Suite 301, Concord, NH 03301**  
Reps. Mary Jane Wallner and Sherman A. Packard

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### 36th Annual Bill White & Junie Blaisdell Ceremonial & Memorial Golf Tournament Beaver Meadow Golf Course Concord, NH

Name:      1. \_\_\_\_\_  
                 2. \_\_\_\_\_  
                 3. \_\_\_\_\_  
                 4. \_\_\_\_\_

Telephone:      \_\_\_\_\_ Amount Enclosed: \_\_\_\_\_