

State of New Hampshire

HOUSE RECORD

Second Year of the 161st General Court Calendar and Journal of the 2010 Session

Vol. 32	Concord, N.H.	Friday, February 5, 2010	No. 13
Contains: Reports and Amendments for February 10, House Bills Amended by the Senate, Hearings, Meetings and Notices			

HOUSE CALENDAR

MEMBERS OF THE HOUSE:

The House will next meet in session on **Wednesday, February 10th at 10:00 a.m.** The House will also meet on **Wednesday, February 17th at 10 a.m.**

There will be a break in legislative activity the week of **February 22nd** to coincide with the New Hampshire school vacation. We will continue Wednesday sessions when we return in March.

Terie Norelli, Speaker

NOTICE OF RECONSIDERATION

This day, February 4, 2010 at 11:41 a.m., Rep. Susan Almy, having voted with the prevailing side, served notice of reconsideration on **HCR 27, urging that the United Kingdom return the Parthenon (Elgin) marbles to Greece**, which the House, after failing to adopt the committee report of Ought to Pass on a 108-177 roll call vote, found Inexpedient to Legislate on a voice vote.

Karen O. Wadsworth, Clerk of the House

NOTICE

There will be a meeting of committee Chairmen and Vice Chairmen on Tuesday, **February 9, at 8:30 a.m.** in Rooms 301-303, LOB.

Terie Norelli, Speaker

NOTICE

There will be a Democratic Caucus on Wednesday, **February 10 at 9:00 a.m.** in Representatives Hall.
Rep. Mary Jane Wallner, Majority Leader

NOTICE

There will be a Republican Caucus on Wednesday, **February 10 at 8:45 a.m.** in Rooms 305-307, LOB.
Rep. Sherman A. Packard, Republican Leader

HOUSE DEADLINES

Thursday, February 11, 2010	Last day to act on House Bills going to a second committee
Thursday, February 18, 2010	Last day to report House Bills not in a second committee
Thursday, March 18, 2010	Last day to report all remaining House Bills
Thursday, March 25, 2010	Last day to act on House Bills CROSSOVER
Thursday, April 15, 2010	Last day to report Senate Bills going to a second committee
Thursday, April 22, 2010	Last day to act on Senate Bills going to a second committee
Thursday, May 6, 2010	Last day to report all Senate Bills
Thursday, May 13, 2010	Last day to act on Senate Bills
Thursday, May 20, 2010	Last day to form Committees of Conference
Thursday, May 27, 2010	Last day to sign Committee of Conference reports
Wednesday, June 2, 2010	Last day to act on Committee of Conference reports

NOTICE

The Calendar closes at 3:00 p.m. on Wednesdays for scheduling and notices. It closes at noon 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.

CLOSES (NOON) THURSDAY:

February 11

February 18

TO BE MAILED FRIDAY:

February 12

February 19

Karen O. Wadsworth, Clerk of the House

WEDNESDAY, FEBRUARY 10

CONSENT CALENDAR

CHILDREN AND FAMILY LAW

HB 1165, relative to access to records for child support enforcement. **OUGHT TO PASS.**

Rep. Deanna S Rollo for Children and Family Law: This bill permits the department of health and human services to obtain certain records from cellular mobile radio communication companies, internet service providers and satellite television companies for child support enforcement purposes. **Vote 15-0.**

HB 1177, establishing a committee to study education and career development programs for youths and young adults in the juvenile and adult criminal justice systems. **OUGHT TO PASS.**

Rep. Mary Stuart Gile for Children and Family Law: The committee agrees that this study is needed to address three issues: 1) the high percentage of youth and young adults in the juvenile and adult criminal justice system who have special educational needs; 2) the impact of recent legislation requiring every New Hampshire student to have a high school learning certificate or its equivalent; and 3) the possibility that the study's recommendations may ultimately lead to the reductions of New Hampshire's recidivism rate. **Vote 14-0.**

HB 1178, establishing a commission to study issues related to children and families. **INEXPEDIENT TO LEGISLATE.**

Rep. Debra L DeSimone for Children and Family Law: The committee believes that the proposed commission's work is relevant and important to the committee. However, the rules change of January 6, 2010 discourages non-statutory commissions. The committee will address the duties as a policy committee. **Vote 15-0.**

COMMERCE AND CONSUMER AFFAIRS

HB 1207, relative to Delta Dental data submission. **OUGHT TO PASS.**

Rep. Stephen T DeStefano for Commerce and Consumer Affairs: This bill requires the Delta Dental Plan of New Hampshire to make certain disclosures and to submit certain data to the insurance department. Health care providers have been providing claims data to the insurance department under RSA 420-F:1 III for a few years. This bill now requires Delta Dental to do the same. **Vote 19-0.**

HB 1281-FN, relative to certain securities laws. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Sandra B Keans for Commerce and Consumer Affairs: The bill was at the request of the secretary of state in order to close loopholes in the statutes. In particular it gives the department the ability to deny licenses if the applicant has had problems with other agencies and departments. **Vote 16-0.**

HB 1685, relative to testing the water quality of private water supply wells. **INEXPEDIENT TO LEGISLATE.**

Rep. Stephen T DeStefano for Commerce and Consumer Affairs: This bill requires water quality testing for private water supply wells prior to the execution of a purchase and sales agreement. The cost of these tests was to be borne by the seller with a penalty of up to a \$10,000 administrative fine. The department of environmental services, the well drillers, home builders and realtors all felt that this may be better handled on the seller disclosure form or through education. **Vote 15-0.**

CRIMINAL JUSTICE AND PUBLIC SAFETY

HB 1135, requiring the fire standards and training commission to perform self-reviews of its membership. **INEXPEDIENT TO LEGISLATE.**

Rep. Laura C Pantelakos for Criminal Justice and Public Safety: This bill would have changed the current make up of the N H fire commission. The committee could not see where this change was necessary. The bill's prime sponsor concurred with our recommendation of ITL. **Vote 18-0.**

HB 1263, relative to eyewitness identification procedures for photo lineups. **INEXPEDIENT TO LEGISLATE.**

Rep. Stanley E Stevens for Criminal Justice and Public Safety: This bill would require state and local law enforcement agencies to establish eyewitness identification procedures, but then set out to attempt to establish what those procedures would be. Currently, NH police departments operate under the guidelines set forth in the "law enforcement manual" provided by the NH department of justice. The manual covers photo arrays, how to construct the arrays, how to present the array and then goes on to cover lineups. It sets forth procedures for composing and conducting a lineup. These procedures are established to ensure that photo arrays and lineups protect due process for the accused. The committee agreed that current practice as established by the attorney general provides more than adequate instruction to departments to safeguard the rights of individuals suspected to be the perpetrator of a crime. **Vote 17-2.**

HB 1361, relative to notification of parole hearings. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Shannon E Chandley for Criminal Justice and Public Safety: This bill, as amended, removes the requirement that notice of parole hearings be published in a newspaper. It further requires that such notice be posted electronically. Finally, the department of corrections is required to inform the victim of the person seeking parole, or to inform the next of kin of the victim if the victim has died, provided that the department of corrections has been apprised of his or her current address. These measures are necessary to reflect the technological changes in conveying information to the public. The committee recommends that these changes be adopted. **Vote 17-0.**

HB 1389, relative to the annulment of a criminal record. **INEXPEDIENT TO LEGISLATE.**

Rep. Elaine B Swinford for Criminal Justice and Public Safety: This bill covers only a small piece of the annulment process. A bill which covers the larger issue of annulment of criminal records has gone to interim study. **Vote 17-2.**

HB 1441, relative to claimant eligibility for victim's compensation. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Robert R Cushing for Criminal Justice and Public Safety: Last year the legislature passed a bill establishing a cold case homicide unit. The unit is up and running and working to solve 113 unsolved murders. This bill makes family members of cold case victims eligible for victim's compensation for counseling

expenses and expenses associated with victims' participation in pre and post conviction proceedings. All funds for this compensation come from criminal fines and penalties, with no taxpayer money involved. **Vote 19-0.**
HB 1442-FN, relative to residency restrictions on offenders against children. **INEXPEDIENT TO LEGISLATE.**

Rep. Shannon E Chandley for Criminal Justice and Public Safety: This bill is intended to protect children from sexual predators. The committee heard compelling testimony that enacting the measures contained in HB 1442 would likely impede those very efforts. This bill was opposed by the department of safety (DOS), the state police sex offender registry, NH civil liberties union, the NH association of criminal defense lawyers, child and family services, the NH coalition against domestic violence and the Manchester police. There is significant empirical evidence that enacting residency restrictions does little to protect children and may, in fact, put society at great risk. The committee strongly recommends that HB 1442 be found inexpedient to legislate. **Vote 18-0.**

HB 1447, relative to authorization to use firearms in the compact part of a town. **OUGHT TO PASS.**

Rep. David A Welch for Criminal Justice and Public Safety: This bill requires written notification to the chief of police prior to the discharge of a cannon, gun, pistol or other firearm in a compact part of a town or city. The existing statute requires the chief of police to grant permission in writing. This provision has been deleted. The existing statute defines a compact area as any contiguous area containing six or more buildings which are within 300 feet of each other. This bill changes this requirement to twelve such buildings which are either part-time or permanent dwellings. The New Hampshire association of chiefs of police has indicated that this is acceptable. **Vote 18-1.**

HB 1484, relative to residency restrictions for sex offenders. **OUGHT TO PASS.**

Rep. Beth Rodd for Criminal Justice and Public Safety: The committee had compelling testimony from victims' advocacy groups, children's rights advocates, child and family services, the attorney general's office, criminal justice and legal organizations who supported banning restrictions on residency requirements for sex offenders released to the community. Residency restrictions encourage sex offenders in non-compliance with reporting requirements. Restrictions make offenders' re-entry into the community more difficult. Restrictions interfere with an ex-offenders ability to re-integrate into the community and negatively affects the process of rehabilitation after incarceration. **Vote 17-2.**

HB 1600-FN, allowing any person to request conviction information regarding public officials. **INEXPEDIENT TO LEGISLATE.**

Rep. Stanley E Stevens for Criminal Justice and Public Safety: While the intention of this bill is laudable, it seeks to pierce any confidentiality requirements regarding the state police records system. Of greater concern is the staffing the criminal records section would need to support the thousands of requests this bill might generate. The agencies technological resources would need to be augmented at some cost. Finally, it would require an additional database to capture a record of those who request this information **Vote 19-0.**

HB 1619-FN, requiring law enforcement officers to record interviews of suspects in felony cases. **REFER FOR INTERIM STUDY.**

Rep. Stanley E Stevens for Criminal Justice and Public Safety: The committee voted to refer this bill for interim study because there is another bill that will come before the House that will establish a commission to study the wiretap laws and since this is associated with that bill it was deemed more appropriate to have the commission study the implications set out in HB 1619. **Vote 17-0.**

HB 1634-FN, relative to assault by strangulation. **OUGHT TO PASS.**

Rep. Beth Rodd for Criminal Justice and Public Safety: The committee heard expert testimony from many agency representatives who work with domestic violence victims. Strangulation is a method of abuse favored by perpetrators because it can be lethal or non-lethal but leaves no physical evidence. It can cause a loss of consciousness, death of brain cells or death without being apparent. Abusers minimize the severity of a crime in which strangulation is used and victims are often unaware of how serious an abuse it is. Several witnesses stressed that the act of strangulation is an indication of a dangerous acceleration of abuse and is often a precursor to domestic violence fatalities. **Vote 18-0.**

HB 1650-FN, establishing a forensic science oversight commission. **INEXPEDIENT TO LEGISLATE.**

Rep. Shannon E Chandley for Criminal Justice and Public Safety: The committee believes that the department of safety crime laboratory is sufficiently inspected, accredited and certified. The committee was not persuaded to implement an oversight commission as defined in HB 1650. Moreover, the committee

believes that current standards and oversight procedures adequately address any concerns of fraud, negligence or incompetence. **Vote 17-1.**

HB 1680-FN, establishing the crime of aggravated harassment by an inmate. **OUGHT TO PASS.**

Rep. Robert R Cushing for Criminal Justice and Public Safety: This bill makes it a crime for an inmate to throw blood, seminal fluid, urine, feces, emesis or saliva on corrections or law-enforcement employees. This type of behavior has been a problem in a number of institutions, and passage of this bill will serve as a deterrent and provide protections for those working with inmates. **Vote 19-0.**

EDUCATION

HB 1224, relative to school employee and volunteer background investigations and relative to applicants for driver education certificates and school licenses. **OUGHT TO PASS WITH AMENDMENT.**

Rep. James M O'Neil for Education: This bill with the amendment will provide additional information an employer will receive when a criminal history records check is done by the state of New Hampshire department of safety. The additional information will include arrests, charges pending disposition, or convictions of the applicant. With this information the employer will be better able to determine the suitability of the applicant. In addition, the bill also requires any applicant for a driver education certificate or school license to report to the director of motor vehicles within 5 days if they have been arrested, indicted, or summonsed to court. **Vote 20-0.**

HB 1286, allowing nonpublic schools to obtain criminal history records checks on employees and volunteers. **OUGHT TO PASS WITH AMENDMENT.**

Rep. James M O'Neil for Education: This bill with the amendment will expand the requirement to have a criminal history records check for any individual hired in any position by a nonpublic school or a public academy approved by the New Hampshire state board of education. The records check will be done through the New Hampshire department of safety. A criminal history records check is currently required for employment in school administrative units, school districts and public charter schools in New Hampshire and has been for a number of years. In addition, substitute teachers, student teachers, and student interns will also need to complete a criminal records check prior to their employment or service in any school. **Vote 19-1.**

HB 1346-FN, relative to the approval of chartered public schools. **INEXPEDIENT TO LEGISLATE.**

Rep. Kimberly C Shaw for Education: While the committee supports lifting the moratorium on the state board of education's authority to grant charter status to chartered public schools during the 10 year pilot program, we were concerned that the bill's removal of the limit (20) on the total numbers of chartered public schools may lead to a significant increase of financial liability to the state. Another bill, HB 1495, addresses lifting the moratorium while keeping the 20 school limit in the pilot program. **Vote 19-0.**

HB 1469, relative to the required number of instructional days and instructional hours in a school district's calendar. **OUGHT TO PASS.**

Rep. Barbara E Shaw for Education: This legislation will allow local school districts the authority to make their own decisions in defining a school calendar that complies with both the spirit and the letter of the law. The decisions made are subject to requirements in the rules of the department of education. **Vote 15-0.**

HB 1495, relative to conditional approval of chartered public schools from July 1, 2009 through June 30, 2011. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Kimberley S Casey for Education: This bill, as amended, removes the moratorium on state board of education approval of new charter schools. It allows for the continuation of the 10 year pilot program (established in 1997, and due to end in 2013). Therefore, this bill takes a "middle ground" approach, and it was the consensus of the committee to be the most appropriate action at this time. **Vote 19-0.**

HB 1527, relative to exceptions from the definition of private postsecondary career schools. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Emma L Rous for Education: This bill exempts schools or churches with tax-exempt status in New Hampshire that offer only religious courses or programs from the definition of "private postsecondary career school" under RSA 188-D:19, II and creates a rulemaking process to govern future exemptions. **Vote 18-0.**

ELECTION LAW

HB 1245, requiring certified copies of birth certificates for nominees for president and vice-president. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Shawn N Jasper for Election Law: As originally introduced the bill would have required that a presidential candidate present a certified copy of his or her birth certificate. That requirement had several major flaws. First of all there was no penalty and as we all know documents can be easily forged. The committee rejected this version by a 13-5 vote. We did learn that one candidate had filed for our presidential primary who did not meet the constitutional requirement. While he was removed from the ballot, it did cause concern. In speaking with the secretary of state it was learned that some candidates are not sure of the requirements. The amendment does two important things. It puts the qualification language from the U.S Constitution directly on the filing document and it requires candidates to swear under the penalty of perjury that they meet those qualifications. **Vote 14-0.**

ENVIRONMENT AND AGRICULTURE

HB 1359, relative to the enforcement of humane slaughter laws. **OUGHT TO PASS.**

Rep. Stephen J Palmer for Environment and Agriculture: At the request of the state veterinarian, this bill removes from RSA 427:37 administration and enforcement “officer or agent of any incorporated society for the prevention or cruelty to animals” and insert “agent authorized by the commissioner”. Also inserts the female pronoun after each male pronoun in this paragraph. **Vote 13-0.**

HB 1557-FN-A, relative to purchasing specialized weights and measures equipment. **INEXPEDIENT TO LEGISLATE.**

Rep. Robert H Haefner for Environment and Agriculture: This bill would have authorized the purchase of a \$200,000 truck for the division of weights and measures - an expenditure over and above the budget, at a time when we are not yet able to balance the budget. It is irresponsible to continue to spend large sums of money under these circumstances. There are other alternatives that could be explored to accomplish the task of certifying truck scales. We also heard testimony from scale owners that this would cost them additional money by having two entities visit their scale, one to certify and another to repair and or calibrate. There was further testimony from the scale companies that stated it would take revenue from them. **Vote 13-0.**

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 1512, relative to supplemental allowances for beneficiaries of the judicial retirement plan. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Ken Hawkins for Executive Departments and Administration: This bill is a housekeeping change to the judicial retirement system. When the judicial retirement system was created it used the New Hampshire retirement system RSA 100-A as a guide. In the New Hampshire retirement system, if a person leaves the system having worked the number of years needed to qualify for a benefit, but does not actually retire because they haven’t attained the age required for retirement, they are considered vested deferred. The judicial retirement system did not include this in their RSA. This bill will add vested deferred to the judicial retirement system. **Vote 17-0.**

HB 1576-FN, relative to certain retirement system beneficiaries receiving a retirement allowance while in active service. **REFER FOR INTERIM STUDY.**

Rep. Daniel J Sullivan for Executive Departments and Administration: The committee is concerned about a number of issues relating to the ability of certain state employees to collect a retirement allowance while working for the state. This bill addresses only some of these issues. The committee would like to review this entire issue in a comprehensive manner in interim study. **Vote 17-0.**

HB 1579-FN, relative to electioneering by public employees. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Peter B Schmidt for Executive Departments and Administration: This bill, which modifies the applicability of the prohibition against electioneering by public employees, was brought forward at the request of the attorney general’s office because of a defect in the existing statute. Under the current RSA 659:44a wording, certain public employees who merely follow legitimate instructions of their superiors could be subject to prosecution for electioneering. This is both unfair and counter productive. As amended, HB 1579 would require authorization for such above mentioned legitimate instructions to be in writing so that there is a clear paper trail for any investigators to follow. **Vote 17-1.**

HB 1646-FN, granting group II retirement system status to certain positions in the department of corrections. **INEXPEDIENT TO LEGISLATE.**

Rep. Patricia M McMahon for Executive Departments and Administration: This bill seeks a review of sixty two (62) positions in the NH department of corrections that are currently in group I to consider for a change in

their classification to group II status. The criteria for this category of employee require that they work within a correctional facility in close and immediate contact with prisoners on a daily basis and have responsibility for security. The committee was not able to review the analysis of each of the positions to determine if all of the proposed positions for group II retirement met the elements and criteria. These positions were reviewed by the committee in a previous session and while eleven of the job descriptions at that time met the criteria, the funds in that year were not available. **Vote 16-1.**

HB 1658, relative to the adult parole board. **INEXPEDIENT TO LEGISLATE.**

Rep. Charlotte Houde-Quimby for Executive Departments and Administration: The purpose of this legislation was to establish the adult parole board as a division within the department of corrections. This would replace the nomination and confirmation process through governor and council. While acknowledging the more informal nature of recent rule making, parole board personnel as well as members of the department of corrections agreed that it is imperative for the corrections division and parole board to work closely and promote policies and write guidelines which enhance the success of program initiatives to decrease recidivism of paroled individuals in the state of New Hampshire. Given the Pew Foundation funding for the Center for Justice, multiple committees are currently developing strategies and agreed to written guidelines that will support these strategies. **Vote 17-0.**

HB 1668-FN, requiring state creditable service for group II retirees to receive state employee medical benefits. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Patricia M McMahon for Executive Departments and Administration: This bill requires group II state employees hired after July 1, 2001 to work for the state for 20 years in order to become eligible for state retiree health benefits. This mirrors the current requirement for group I state employees. If this requirement for eligibility had been in effect in 2009, based on 2010 working rates, the savings to the state would have been approximately \$353,372 in 2010. **Vote 17-0.**

HB 1681-FN, including education support personnel in employees participating in the New Hampshire retirement system. **INEXPEDIENT TO LEGISLATE.**

Rep. Patricia M McMahon for Executive Departments and Administration: This bill would require that all school districts which elect to provide retirement system coverage for their non-teacher employees must apply the minimum participation requirements of teacher classification (30 hours per week). Currently 145 of 165 districts elect retirement system coverage for their paraprofessional and support positions but select the option of employee classification (35 hours per week) to determine eligibility for those positions. Only 15 of the 145 districts currently choose to adhere to the teacher classification requirements. This bill represents a potential expansion of employees covered by the retirement system of the 130 districts that choose the employees classification. Because employer rates have been set through FY 2013, districts with additional employees eligible for system coverage will experience an increase of employer contributions. The bill is likely to increase employer contribution rates in FY 2014. The majority of the committee believes that this is a local option that should not be mandated. **Vote 18-0.**

HB 1682-FN, relative to the methodology for determining retirement system contribution rates. **INEXPEDIENT TO LEGISLATE.**

Rep. Patricia M McMahon for Executive Departments and Administration: This bill would have changed the way the New Hampshire retirement system's actuaries prepare the biennial valuation, which determines the rate paid by cities and towns. Currently, the actuaries use a method that smoothes the returns over 5 years to avoid abrupt increases in contributions paid by the municipalities and the state. This is the most common method used by other states in except for California, which uses a 1- year smoothing. HB 1682 would have changed NHRS to a 50 year smoothing, which according to the executive director of the NHRS, is very unusual and is not a sound actuarial method. **Vote 18-0.**

FINANCE

HB 213-FN, requiring the bureau of emergency communications to develop and maintain a statewide emergency notification system. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Lynne M Ober for Finance: The committee voted unanimously to support this bill. This emergency communication system may be used by the state or towns for emergency notifications. The committee reviewed the cost of the program, the balance in the fund and the continuing source of revenue for the fund. The start-up costs would be limited to no more than \$600,000 for software and hardware, with yearly

maintenance and operating costs significantly lower. The committee concluded that the E911 account would be able to support this program. **Vote 22-0.**

HB 268, relative to transfers from the judicial branch to the executive or legislative branches of state government. **OUGHT TO PASS.**

Rep. W. Douglas Scamman for Finance: This bill allows full time employees in the judicial branch to take their earned benefits with them to a new job in other branches. This gives them the same rights that other state employees have including those that transfer into the judicial branch. **Vote 22-0.**

HB 523-FN, requiring DNA testing of all persons convicted of a felony. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Daniel A Eaton for Finance: The fiscal note as it came to the committee called for the highway fund to pay for 70% of the cost with the remaining 30% coming from general funds. The committee continues to be concerned with the use of highway funds for purposes where a defensible argument could be made for the use of such funds but where the purpose does not result in direct support of our highway program. The amendment will limit the use of highway funds, permit the program to start, and keep open the possibility that funds will be available from other sources in the next biennium. **Vote 22-1.**

HB 1333-FN-A, relative to providing a death benefit for the family of a seasonal department of transportation employee and making an appropriation therefor. **INEXPEDIENT TO LEGISLATE.**

Rep. Peter F Bergin for Finance: This bill came to the committee as a direct referral. The committee members were sympathetic to the family's tragic loss of their son. After his death a law was passed to provide life insurance coverage to seasonal employees who worked for the state for at least six months in any 12 month period. Even if that law had been in place in 2006 when the death occurred, this young man would not have been covered. At the time of his death, which was not work related, he had worked for the state for six weeks. The department for which he had worked paid \$5,000 to the family, equivalent to what he would have received under workman's compensation if the death had been work related. The committee could not justify any additional payment. **Vote 23-0.**

HB 1606-FN, relative to the transfer of funds within the department of environmental services. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Thomas L Buco for Finance: The intent of this bill was to restore full funding for department of environmental services (DES) state aid grants through the water pollution division and surface water treatment grants and regionalization interconnection grants for public water systems. Municipalities propose projects and present a funding package to the voters. After construction is complete one of these state grant programs begins to contribute either 20% (wastewater) or 25% (for regional interconnection) towards the annual amortization charges. DES helps municipalities develop these projects. Municipalities have interpreted that help to mean that DES had made a commitment to provide funding. However, it is not until the project is completed that DES assesses available funding to determine whether or not to approve the grant. As a result of extensive discussion the department has worked with the committee to develop the amendment and has also identified changes in departmental procedure to better ensure that municipalities fully understand the process. If the program is flat funded in the next biennium the projects that had not received funding in this biennium will be able to receive funding in the FY 12-13 budget. **Vote 23-0.**

HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS

HB 1140, relative to multiple birth awareness month. **INEXPEDIENT TO LEGISLATE.**

Rep. Trinkia T Russell for Health, Human Services and Elderly Affairs: This bill would require the Governor to proclaim the month of April as multiple birth awareness month in order to raise the issues facing multiple birth parents. Though these parents have unique challenges to face raising their children, all families have varied and unique difficulties in juggling family, work and play. As a result, the committee, including a parent of identical twins, felt that recognizing one group over another is not appropriate by legislation. The Governor can make a proclamation at his discretion to address this issue, and he has done so when requested. **Vote 18-0.**

HB 1160, relative to the tanning of minors. **INEXPEDIENT TO LEGISLATE.**

Rep. Frank R Kotowski for Health, Human Services and Elderly Affairs: The purpose of this bill was to add to current law a requirement that minors would be required to present a written order from a physician prior to utilizing a tanning booth in a tanning facility. The majority of the committee believes that current

regulations requiring parental consent, coupled with adherence to currently recommended exposure limits over time, sufficiently addresses the issue, and that the added requirement of a written order from a physician is not necessary. **Vote 16-1.**

HB 1164, relative to newborn screening tests. **OUGHT TO PASS.**

Rep. Alida I Millham for Health, Human Services and Elderly Affairs: Newborn screening has been in law since 1965 as a preventive public health program to detect, diagnose and treat medical disorders that can be averted early in a baby's life. The current law requires the fees charged for these tests be used only to pay for laboratory fees. This legislation, at the request of the department of health and human services, would allow the fee to be used to cover other program-related costs. Another change would eliminate a public hearing by the newborn screening advisory committee since the department already provides hearings under the rulemaking process. It should be noted that all contracts for this program will still be going before the Governor and Council. **Vote 19-0.**

HB 1170, relative to licensure of home health care providers. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Alida I Millham for Health, Human Services and Elderly Affairs: Under health care facility inspection law (RSA 151:6-a) home health agencies and adult day care facilities are required to have an annual inspection. This legislative proposal would change this requirement to allow these organizations to be inspected every other year provided they meet specific criteria. The department of health and human services agrees this cost saving measure will have no adverse effect on quality of care. **Vote 19-0.**

HB 1184, relative to the administration of the unused prescription drug program. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Robert G Bridgman for Health, Human Services and Elderly Affairs: This bill, as amended, addresses concerns that have slowed implementation of the unused prescription drug program. That program permits, under specific circumstances, the redispensing of drugs that weren't used by the patient for whom they were originally prescribed. The amendment authorizes separate storage of drugs to be redispensed. Most significantly, it provides liability protection to pharmacies and pharmacists who take part. Without this protection there will be very limited participation in the program. **Vote 19-0.**

HB 1437, requiring the department of health and human services to provide a legislative report on Katie Beckett, the Medicaid program for home care for children with severe disabilities. **REFER FOR INTERIM STUDY.**

Rep. Suzanne S Butcher for Health, Human Services and Elderly Affairs: This bill would require a report from the department of health and human services on supports available to children who are medically fragile or chronically ill. The committee recognizes that providing supports at home is often both more desirable and more cost effective than institutional care. The health and human services oversight committee will request that the department provide an analysis and recommendation regarding whether a new Medicaid waiver to provide in-home supports to these families is possible and appropriate. The committee recommends Interim Study so that the results of that analysis can be taken into account in considering whether to recommend further legislation. **Vote 19-0.**

HB 1531, prohibiting New Hampshire physicians and medical staff from sharing patient records in a health information exchange without the patient's written consent. **INEXPEDIENT TO LEGISLATE.**

Rep. Robert G Bridgman for Health, Human Services and Elderly Affairs: The original bill would have required written consent by a patient (an "opt-in") for participation in a health information exchange, reversing prior action of this legislature. In 2009, we provided legislation enabling development of health information exchange in New Hampshire for "opt-out." At this bill's hearing, the prime sponsor presented a substitute amendment detailing a specific, detailed process to assure a patient's right to opt out. Development of health information exchange for New Hampshire is just under way, and bills forwarding possible architectures of exchange may come to the legislature in the 2011 session at the earliest. Action now on a specific process for assuring "opt-out" could prematurely and unknowingly rule out otherwise attractive design possibilities for health information exchange. Thus, the committee majority recommends inexpedient to legislate of this bill at this time. **Vote 19-1.**

HB 1537, allowing primary care providers to provide preventive oral health services to children under the state Medicaid program. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Rich T DiPentima for Health, Human Services and Elderly Affairs: This bill is a recommendation from a study commission created last session charged with studying preventing dental disease among New

Hampshire children. This bill would require the department of health and human services to amend the state Medicaid plan to allow primary care providers to be reimbursed for providing preventive oral health services to eligible children. The bill requires that primary care providers receive approved training prior to being allowed to obtain reimbursement under this program. Currently 36 states, including all the other New England states, offer this benefit in their Medicaid program. The evidence from these states has demonstrated that this program can reduce dental decay in young children by approximately 38% . Considering that there are only 24 pediatric dentists in New Hampshire, very few young Medicaid children actually see a dentist in their first 3 years of life. However, almost every child will see a primary care medical provider 12-15 times inuring this same period. As a result, we are missing a huge opportunity to prevent dental disease in children and reduce overall costs to the state. In 2007 and 2008 combined, 983 children required treatment in hospital operating rooms under general anesthesia for removal of seriously decayed teeth. The cost to the state Medicaid program was approximately \$5,312,111. Much of this cost could have been prevented with improved prevention strategies. This cost represents only the tip of the iceberg, since dental disease in children is almost 100% preventable. **Vote 18-0.**

HB 1566-FN, requiring financial institutions to disclose certain information regarding recipients of medical assistance for the aged, blind, and disabled through an electronic asset verification system. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Robert G Bridgman for Health, Human Services and Elderly Affairs: This bill, as amended, will allow the department of health and human services to demonstrate good faith effort towards implementation of an electronic asset verification system for New Hampshire, required by recent federal law. Failure to institute such a program puts at risk \$350 million received from the federal government to pay for medical assistance to the aged, blind and disabled. The bill compels cooperation in operation of the program by financial institutions doing business in New Hampshire. As amended, the bill authorizes the department to plan a program that many believe could be burdensome and expensive, but does not require the implementation of this program. The amendment allows the department control of the pace of development, provides for payment to the financial institutions that would do much of the work, and requires an effort to make the program cost effective. **Vote 18-0.**

HB 1598-FN, relative to the use of Temporary Assistance to Needy Families (TANF) funds. **OUGHT TO PASS.**

Rep. Thomas E Donovan for Health, Human Services and Elderly Affairs: In past years when temporary assistance to needy families (TANF) caseloads were lower and the federal government provided various incentives for high performance, the TANF reserve fund grew. It began to be used for a variety of needs that may or may not have truly reflected the federally identified goals of the TANF program, such as providing funding for salaries of social workers in the juvenile justice program of approximately \$6 million a year. As a result of these types of actions and the major increases in the number of TANF recipients, the TANF reserve has been depleted. This bill would ensure that, in the future, if the economic climate improves and the TANF numbers decrease or possible incentives return, this fund be used solely within the TANF program. **Vote 20-0.**

HB 1657, directing the commissioner of the department of health and human services to adopt rules regarding transfers of income to special needs trusts. **REFER FOR INTERIM STUDY.**

Rep. Suzanne S Butcher for Health, Human Services and Elderly Affairs: This bill would require the department of health and human services to adopt rules regarding transfers of income to special needs trusts for the purposes of qualifying for home and community based care waiver services. DHHS will report to the health and human services oversight committee by May 1 the extent to which, and the process by which, to the extent permitted by federal requirements, such transfers may be made while maintaining budget neutrality. The committee recommends Interim Study so that the results of that analysis can be taken into account in considering whether to recommend further legislation. **Vote 20-0.**

JUDICIARY

HB 1127, relative to service of process on commercial tenants. **OUGHT TO PASS.**

Rep. Philip Preston for Judiciary: This bill would allow landlords who need to serve a demand for rent or an eviction notice on commercial property to do so by both posting such a notice at the place of business and also by mailing a copy of the same notice to the commercial tenant at his or her last known residence. This bill was

submitted because there have been occasions when the commercial tenant lived within a locked building or at an otherwise inaccessible location, making service of process difficult and sometime impossible. **Vote 17-0.**
HB 1130, relative to statements of consideration in deeds of real property. **INEXPEDIENT TO LEGISLATE.**

Rep. Lucy M Weber for Judiciary: This bill would eliminate the standard recitation of consideration currently required in all New Hampshire deeds. The element of consideration has been a requirement for the formation of a valid contract for centuries. The majority was not convinced that the continued recitation of consideration posed any significant problem. On the contrary, the majority was concerned about changing the statutory format for deeds unnecessarily. **Vote 17-1.**

HB 1540-FN, relative to registers of probate. **INEXPEDIENT TO LEGISLATE.**

Rep. Philip Preston for Judiciary: Under current law, registers of probate are elected, but their salaries are set by the supreme court, which also approves performance reviews and thus controls the award of salary step increases. The bill seeks to reconcile the seeming divergence of responsibilities between the judiciary and the electorate, but the committee decided that this bill fails in that attempt. The issues of electing or appointing registers of probate and identifying the entity that evaluates and awards their pay increases are very different, and each should be addressed separately. **Vote 15-2.**

LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES

HB 1271, extending the task force on work and family and amending its membership and duties. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Herbert D Richardson for Labor, Industrial and Rehabilitative Services: This bill amends the task force on work and family enacted in the session laws of 2007 (HB 306) and establishes it in New Hampshire RSA 276-F. The committee recognizes the importance of continuing task force duties as reported in 2007, 2008 and 2009 annual reports and agrees with the need to promote and support policies that enable New Hampshire working families to fulfill their responsibilities to their employers, to the state's economic growth and to the well-being of their families. **Vote 13-0.**

HB 1614-FN, relative to state employee whistleblower protection to be administered by the secretary of state. **INEXPEDIENT TO LEGISLATE.**

Rep. Charles F Weed for Labor, Industrial and Rehabilitative Services: The committee believes that the intent of the prime sponsor is captured in two statutes RSA 275 whistleblower protection and RSA 98-E public employee freedom of expression. Our consensus is that whistleblower protection is working well, as enforced by the department of labor. The enforcement process proposed in the bill named the secretary of state's office which as far as we know has neither the trained personnel nor resources for required investigations. The committee is concerned about the possible chilling effects on employees without greater emphasis on protection from retaliation. We wonder if the problem suggests the need for an inspector general or ombudsman for New Hampshire state employees. **Vote 14-0.**

LOCAL AND REGULATED REVENUES

HB 1246, allowing the towns of Salem and Windham to adopt a certain property tax exemption. **INEXPEDIENT TO LEGISLATE.**

Rep. Timothy Butterworth for Local and Regulated Revenues: Towns may offer many exemptions, mostly based on ability to pay. This enabling legislation has no means test, and it's qualifications- 40 consecutive years, principal residence, no children in school, seemed so idiosyncratic that they would exclude many people who might deserve a tax break. It would create a small class of voters exempt from the consequences of their votes, and the committee voted unanimously against representation without out taxation. **Vote 12-0.**

HB 1358, relative to the amendment of property tax inventories and tax lists by selectmen or assessors. **OUGHT TO PASS.**

Rep. Mary Beth Walz for Local and Regulated Revenues: This is a house keeping bill that makes current law consistent with previously enacted changes in the tax law. It corrects citations within the statute. **Vote 13-0.**

HB 1571, relative to the penalty for failure to file an annual inventory of taxable property. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Mary Beth Walz for Local and Regulated Revenues: This bill addresses a concern about inventory forms, which are used primarily by the smaller communities in New Hampshire. Under current law, a taxpayer

loses his appeal rights if he fails to file the form. This bill eliminates the penalty in the year the property is transferred to a new owner when the form was delivered to the prior owner. **Vote 13-1.**

HB 1592-FN, relative to the exemption from the charge for a municipal permit to register a motor vehicle for amputee and other disabled veterans. **OUGHT TO PASS.**

Rep. William A Stetson for Local and Regulated Revenues: This bill expands the exemption from paying the municipal motor vehicle registration fee to disabled veterans from current and future military conflicts. Under current law, only veterans of the Vietnam or earlier conflicts are eligible. This will cover veterans of recognized armed conflicts such as the Gulf War, Iraq and Afghanistan, as well as future statutorily recognized conflicts. **Vote 14-0.**

HB 1595-FN-L, relative to tax collection procedures for manufactured housing in a manufactured housing park. **INEXPEDIENT TO LEGISLATE.**

Rep. Steve Vaillancourt for Local and Regulated Revenues: This bill would create a separate class of property, namely housing located in mandated housing parks, for the purpose of cities and towns being able to assess liens for late payment of property taxes. The committee is concerned that such an effort may be unconstitutional. Beyond that concern, it is simply neither right nor necessary. The committee heard testimony that late property tax payment is not significantly higher in these homes than many properties at a whole. Beyond that, with the current economy this bill could be especially harmful to upstanding citizens of our state. **Vote 14-0.**

HB 1617-FN-L, exempting owners of timber cut on storm-damaged land from timber taxes. **INEXPEDIENT TO LEGISLATE.**

Rep. Eric G Stohl for Local and Regulated Revenues: This bill seeks to exempt landowners of the timber tax, also known as the yield tax, that may be placed upon the timber that is salvaged as a result of storm damage. The committee heard testimony that there are areas within the state that do not take into consideration the cost of salvaging storm-damaged timber. During the committee's work, it was learned that there already is a process for achieving the desired results that this legislation seeks. RSA 79 deals with the administration of the yield tax including the landowners intent to cut, the report of cut, and the report by the selectmen/assessors to the department of revenue of the tax that was imposed. RSA 76:16 allows the selectmen/assessors the ability to abate any tax assessed by them for good cause. The department of revenue was asked to review with all municipalities the concerns that were raised by this bill and remind them of the process. A representative of the timberland owners association is also going to advise their members of the process. The committee feels this will address the issue properly so the bill is not necessary. **Vote 13-0.**

HB 1678-FN, relative to gaming in hotels and establishing a gaming oversight authority. **INEXPEDIENT TO LEGISLATE.**

Rep. Peyton B Hinkle for Local and Regulated Revenues: This bill would have allowed hotels to be licensed to have video machines and table games. Hotels would be required to have a specified number of guest rooms of a certain physical size available to qualify for a license. Profits from the video lottery machines and table games that exceeded a certain percentage could then be distributed among the state, the local municipality, and a gaming oversight authority established by the bill. Eligibility for a gaming license would depend upon the hotel having available family friendly, non-gaming entertainment. This bill left many aspects of expanded gambling unaddressed and the committee felt there were too many unanswered questions. **Vote 13-0.**

MUNICIPAL AND COUNTY GOVERNMENT

HB 1155, relative to water district contracts. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Larry Brown for Municipal and County Government: Under the provisions of this bill, existing contracts between a water district and the department of environmental services (DES) for the construction, operation and maintenance of a dam continue until terminated by the district. However, the DES is no longer obligated to accept new contracts initiated by those districts. The repeal of water district authority to enter into contracts with the DES will permit it to concentrate its resources on those dams for which its responsibility is primary. **Vote 14-0.**

HB 1199, relative to the boundaries of the North Conway water district. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Betsey L Patten for Municipal and County Government: The North Conway water precinct was chartered by the New Hampshire general court in 1905 and the boundaries of the precinct were established at

that time. Over the years there have been changes made to the water precinct and a professional survey was conducted in 2007. A ratification of the survey needs to be given by the general court since it approved the boundaries by the chapter law. The committee specifies the boundary ratification plan by name and engineer and also changes the word “district” to “precinct” to correctly refer to the entity. **Vote 14-0.**

PUBLIC WORKS AND HIGHWAYS

HB 1166, relative to procurement procedures of the director of plant and property management, and relative to approval of design build projects. **OUGHT TO PASS WITH AMENDMENT.**

Rep. David B Campbell for Public Works and Highways: This bill as proposed by the sponsors in conjunction with the department of administrative services (DAS) and the state treasurer and as amended by the committee has two parts. The first part of the bill both saves money and makes money for the state. It replaces paper purchase orders (P.O.) with plastic procurement cards (similar to plastic debit cards). This saves money in the following ways: 1) it drastically cuts down on paperwork. Each P.O. has one original and four (4) colored copies that go to various state government departments. This will save thousands of hours of paperwork, collation and data entry, because the transaction will be processed electronically, and therefore immediately and simultaneously available to all relevant departments, including those with supervisory, budgetary and accounting responsibilities; and 2) it saves time and gasoline by eliminating some of the travel time now needed for an employee to leave a job site to get a P.O., buy the goods, return to the office with the P.O., and then back to the job site. This proposal will make money, according to the treasurer, because the procurement bid will be put out to the major credit card companies/banks. They typically charge the retailer under their existing visa, master card, discover, contracts somewhere between 2.5 -5% per transaction. The state will receive a “cash back” rebate on each transaction, which depending on the successful bid, and based on the experience of other states, could be as much as 1 -1.5% per purchase. Over the course of a biennial budget this will make the state tens of thousands of dollars and maybe much more. The limit of \$500 per transaction remains in place at this time. Administrative services (DAS) and the treasurer are responsible for implementing procedures and plan to run an initial pilot program. They both testified that there is more supervisory oversight, accountability and transparency (and thus less chance for fraud) with procurement cards because the transaction becomes instantly viewable by all relevant departments, where now it might take weeks to process a given transaction. The second part of the bill allows for administrative services (DAS) to enter into design/build contracts for capital projects under \$500,000 with oversight by the capital budget overview committee. Design/build has been very successful in saving the state time and money on multi-million dollar public works and highway projects and this model is now being extended to smaller projects.

Vote 17-0.

HB 1455, establishing a commission to oversee creation of a monument to acknowledge and commemorate persons enslaved in New Hampshire from 1645 to 1840. **INEXPEDIENT TO LEGISLATE.**

Rep. Candace C W Bouchard for Public Works and Highways: The sponsor and supporters presented very informative and detailed history of persons enslaved in NH from 1645-1840. The committee agreed this history should be preserved. The committee believes the duties of the proposed commission to research names and numbers of people enslaved, recommend design, find a location on, or near the State House complex, solicit input from various groups and designate a non-profit to act as the fiscal agent can and should be done without establishing a commission as a first step in developing a defined bill for a monument. Some committee members believe instead of a monument, an exhibit would best accomplish the sponsors intent to educate the public, strengthen the community and encourage cultural and heritage tourism. **Vote 18-0.**

HB 1457, establishing a commission to study urban compacts. **INEXPEDIENT TO LEGISLATE.**

Rep. Alfred C Lerandean for Public Works and Highways: This bill, while well intentioned, seeks to create a commission dealing with urban compacts. The department of transportation (DOT) is aware of the municipalities’ infrastructure needs and is working on an equitable solution in regard to urban compact. The committee agrees to continue working with the DOT with regards to urban compact issues, and believes that a commission is not needed at this time. **Vote 16-0.**

HB 1517-FN, establishing a DWI victim fatality sign program. **OUGHT TO PASS.**

Rep. John A Graham for Public Works and Highways: This bill is substantially the same as HB 1590 of 2008 that was passed by the House, but placed into Interim Study by the Senate. The bill incorporates the concerns raised by the Senate during its study of that bill. This bill will allow the next of kin of an individual killed by a driver who was operating under the influence of drugs, or alcohol to apply for a sign to be placed

near the site of the accident urging other motorists not to drink and drive. These signs would include the name of the victim(s) and would remain standing for a period not to exceed 2 years. These cautionary signs would be placed at a cost to the applicant. There would also have to be substantial evidence, gathered by law enforcement officials, that the accident was caused by a driver operating under the influence. The signs could be placed along any state owned and maintained roadway but, due to federal regulations, will not be placed along the inter-state system. **Vote 18-0.**

RESOURCES, RECREATION AND DEVELOPMENT

HB 1239, relative to department of environmental services field citations and cease and desist orders. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Jim U McClammer for Resources, Recreation and Development: This bill authorizes the department of environmental services to increase administrative fines for violations of wetland rules from \$2,000 to \$5,000. It also allows the department to suspend review of an application when an applicant has outstanding unresolved violations. The committee feels these actions are necessary for the DES to increase compliance with wetland rules. **Vote 16-1.**

HB 1378-FN, establishing an adopt-a-state park program in the state park system. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Jeffrey L St. Cyr for Resources, Recreation and Development: This bill establishes an adopt-a-state park program for the division of parks and recreation. The division shall develop rules to implement this program. Interested citizens, groups and businesses will be able to work with the division to maintain the state parks. The amendment adds an adopt-a-state fire tower program within the division of forests and lands enabling interested citizens and groups to visit the fire tower and report to the division on any vandalism or other issues that need to be addressed. The division of forests and lands is only able to staff the fire towers on fire days of class 3 or above. **Vote 18-0.**

HB 1379, relative to promotion of the state parks. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Jeffrey L St. Cyr for Resources, Recreation and Development: This bill amends RSA-216-A:3-f-I to require the director of parks and recreation to consult with the director of travel and tourism development to formulate an annual promotion program for the NH state parks. This change in law reflects the current practice of the two divisions. In 1999, when the office of travel and tourism development was established, this RSA was not changed and needs to be updated. **Vote 15-1.**

HB 1462, establishing a shoreland advisory council. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Judith T Spang for Resources, Recreation and Development: The comprehensive shoreland protection act has been in effect long enough now for its benefits and problems to emerge. Affected landowners feel they need an avenue for their criticisms of the Act to be heard so needed changes in statute and rule can be developed. The bill directs the department of environmental services to form an ad hoc committee for this purpose. The agency supports the creation of this source of input as they consider revisions to the act. **Vote 15-0.**

HB 1478-FN, relative to permits for dock designers. **INEXPEDIENT TO LEGISLATE.**

Rep. Jim U McClammer for Resources, Recreation and Development: The committee believes the concepts in this bill have merit, but that there are problems that need to be worked out. We look forward to having an improved version of this bill submitted next year. **Vote 19-0.**

SCIENCE, TECHNOLOGY AND ENERGY

HB 1227-L, relative to laying pipes for pressurized hot water transmission and distribution. **OUGHT TO PASS.**

Rep. Charles L Townsend for Science, Technology and Energy: This bill makes explicit provision for municipal transmission of pressurized hot water under the same regulation as transmission of electricity, gas and cold water. **Vote 13-0.**

HB 1471, requiring the board of home inspectors to adopt rules developing documents relative to home energy audits and energy efficiency for home buyers and relative to continuing education for home inspectors.

OUGHT TO PASS WITH AMENDMENT.

Rep. Robin P Read for Science, Technology and Energy: Under this bill the office of energy and planning, in consultation with the board of home inspectors, will develop a document on the benefits of energy efficiency home improvements that home inspectors will provide to their clients with the inspector's home inspection

report. The document will be developed through already existing energy efficiency programs administered by New Hampshire's electric utilities. Thus, no increase in funding from any source will be needed to implement this legislation. **Vote 13-2.**

HB 1573, relative to the greenhouse gas emissions reduction fund and the renewable energy fund. **REFER FOR INTERIM STUDY.**

Rep. Charles L Townsend for Science, Technology and Energy: The bill provides for the transfer of funds between the greenhouse gas emissions reduction fund and the renewable energy fund. While this may become a valuable tool in serving the needs for energy efficiency and renewable energy projects, the bill should be studied further before action. **Vote 13-0.**

TRANSPORTATION

HB 1162, relative to the wearing of motorcycle protective headgear. **INEXPEDIENT TO LEGISLATE.**

Rep. Jennifer R Coffey for Transportation: The committee believes in safely riding motorcycles. There are conflicting reports regarding helmet safety and their link to neck injuries and basal skull fractures versus increased safety. The committee supports the right to choose. This bill would have a major impact on business and tourism in the state. **Vote 19-0.**

HB 1204, relative to equipment and inspection exemptions for older vehicles. **OUGHT TO PASS.**

Rep. Richard T Stuart for Transportation: This bill changes the equipment and inspection exemptions for vehicles manufactured prior to 1949 to apply to motor vehicles 60 or more years old. The department of safety approves of this change. The committee heard testimony that the owners of older cars often know more than modern technicians. Computer trouble shooting, which has become the norm, is unavailable for these older cars in question. **Vote 12-0.**

HB 1261, relative to motorcycle noise emission controls. **INEXPEDIENT TO LEGISLATE.**

Rep. Jennifer R Coffey for Transportation: The committee agrees that the bill is over burdensome and creates a penalty for not having an EPA sticker that has an expiration date of one year after application. The sticker is often located under other parts of the motorcycle and could require the removal of parts of the motorcycle to view the EPA sticker. This bill would have a negative impact on business and tourism in the state. **Vote 19-0.**

HB 1262, relative to disabled parking signs. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Brian D Rhodes for Transportation: The purpose of this bill is to make the current RSA enforceable (RSA 265:73-a) as it relates to handicapped parking signage. There are no provisions in the current law to assist state/municipal officials with compliance. The committee has great empathy with the handicapped motoring public in regards to access and visibility of handicapped parking spaces. A fee of \$100/per day shall be applied to those who are not in compliance beginning January 1, 2011. **Vote 16-0.**

HB 1323, relative to applications for new licenses under the driver license compact. **INEXPEDIENT TO LEGISLATE.**

Rep. Michael B O'Brien for Transportation: The committee was concerned that this bill would jeopardize court enforcement and New Hampshire's standing in the multi state compact. In fact, the committee feared it could cause a rift in the compact and also affect federal department of transportation driving laws. Therefore, the committee feels current law is adequate and the same with the current compact agreements **Vote 17-0.**

HB 1328, prohibiting wheeled motorized vehicles from operation on Stone Pond in the town of Marlow. **INEXPEDIENT TO LEGISLATE.**

Rep. Theodoros V Rokas for Transportation: This bill would prohibit the operation of wheeled motorized vehicles on the frozen surface of Stone Pond in the town of Marlow. The majority of the committee believes the singling out of this area would create an unintended ripple effect throughout the state of New Hampshire. The committee has empathy with the petitioners and believes that this situation should be resolved on a local level. The committee is not trying to shirk its responsibilities but believes that HB 1520 (relative to the rule making authority of and administrative fine authority for the department of resources and economic development) will enable local cities and towns to deal with parochial issues that arise. **Vote 15-1.**

HB 1390, relative to the minimum age for the operation of commercial vessels. **OUGHT TO PASS.**

Rep. C. Pennington Brown for Transportation: This bill addresses a problem resulting from the classification of a junior sailing program as a 'commercial' enterprise. The bill solves the problem by permitting 16 and 17 year olds to operate chase (rescue) boats 16 feet or less in length. **Vote 16-0.**

HB 1458, relative to driver's license suspensions. **INEXPEDIENT TO LEGISLATE.**

Rep. Theodoros V Rokas for Transportation: The committee felt that this bill was unnecessary because it would have authorized the director of the division of motor vehicles to impose a driver's license suspension for refusing to consent to an alcohol concentration test that runs concurrently with other penalties. It would have removed the requirement that a request for an administrative review or hearing by the department of safety be requested within 30 days. The committee felt that 30 days is more than adequate time to request a hearing and/or an administrative review. The department of safety does not support the bill because they feel the current system works. **Vote 16-0.**

HB 1498, relative to obscured figures or letters on number plates attached to motor vehicles.

INEXPEDIENT TO LEGISLATE.

Rep. Richard W Hinch for Transportation: The present law prohibits knowingly obscuring or permitting to be obscured the figures or letters on any number plate. The committee was unanimous in its belief that we should let the present law stand. RSA 261:61 sets the fine for a violation of this section at \$150. **Vote 15-0.**

HB 1591-FN, requiring the state to list and itemize all fees on vehicle registration forms. **INEXPEDIENT TO LEGISLATE.**

Rep. Karen C Umberger for Transportation: This bill would require the department of safety to provide a listing of all state and local fees on the vehicle registration form. The problem arose because the totals of listed fees when added up did not come to the total identified on the form. Municipalities have local fees that are not specifically identified. The department of safety indicates it would be a nightmare for the state to come up with separate forms for various communities. As an option, the town clerks' association agreed to pass on to their members a suggestion to post the various fees that the state and municipalities charge. **Vote 16-1.**

WAYS AND MEANS

HB 1490, establishing a commission to analyze revenues and expenditures in the state budget. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Dennis P Vachon for Ways and Means: This bill as amended would establish a citizen task force to study state revenues and expenditures. The committee believes that an ongoing discussion between legislature and citizens with expertise in finance and state government and the general public would be a useful tool to provide state government with important and useful feedback in the form of annual reports and timely recommendations for future legislation. It is expected that this task force would produce options that would ease the last minute decision making that often had to occur as part of the biennial budget process. **Vote 17-2.**

WEDNESDAY, FEBRUARY 10

REGULAR CALENDAR

COMMERCE AND CONSUMER AFFAIRS

HB 1364, relative to Medicare unfair trade practices. **OUGHT TO PASS.**

Rep. Donald H Flanders for Commerce and Consumer Affairs: Medicare is a federal insurance program established in the health insurance for the aged act of the social security amendments of 1965. New Hampshire RSA 415-F provides the insurance department with regulatory oversight so that all Medicare supplement policies delivered or issued for delivery in this state comply with certain criteria and standards. While the sale of Medicare products is subject to RSA 417 unfair trade practices, the department believes specific consumer protections under that statute are warranted to enhance their ability to protect Medicare product purchasers from recent "bait and switch" sales tactics. The committee heard testimony that some brokers are deceptively using the offer of Medicare supplement policies to up sell other products – like annuities. Other states have added similar provisions to their laws. This bill amends RSA 417 to provide specific provisions regarding sale, solicitation or negotiation of Medicare products to accomplish this specific consumer protection objective. **Vote 13-5.**

CRIMINAL JUSTICE AND PUBLIC SAFETY

HB 1373, establishing a committee to study the effects of current state and federal laws on illegal drugs and the possession and use of such drugs. **OUGHT TO PASS.**

Rep. Beth Rodd for Criminal Justice and Public Safety: The topic of marijuana and other illegal substances use and abuse is highly politicized and a topic of national interest and debate. It is a difficult task to nationally and scientifically examine the truths and myths of marijuana use in such a climate. The committee believes that an objective study of the facts of illegal drug use and the state and federal laws relating to this topic and the “war on drugs” is a timely and important study. **Vote 11-6.**

HB 1602-FN, relative to the secure psychiatric unit. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Robert R Cushing for Criminal Justice and Public Safety: This bill as amended establishes a committee to expedite construction and operation of a secure multi-program forensic psychiatric hospital as part of NH hospital. The majority of the committee believes it is time to end the co-mingling of people with a mental illness who have not been convicted of a crime with adjudicated persons, and time to stop treating persons with mental illness in an incarcerated setting. **Vote 15-3.**

HB 1644-FN, including "unborn child" in the definition of "another" for the purpose of first and second degree murder, manslaughter, and negligent homicide. **MAJORITY: INEXPEDIENT TO LEGISLATE.**

MINORITY: OUGHT TO PASS.

Rep. Lori A Movsesian for the **Majority** of Criminal Justice and Public Safety: The NH legislature has consistently rejected legislation aimed at creating separate legal status for a fetus. This bill is another attempt to define “unborn child” in statute. NH law already imposes an additional penalty for assailants who commit a violent act toward a pregnant woman resulting in miscarriage or stillbirth. In 1991, NH passed laws that punish an assailant who “purposely or knowingly causes injury to another resulting in miscarriage, or stillbirth” (RSA 631:2e) An assault on the mother is an assault on the fetus. This bill is simply unnecessary. **Vote 14-5.**

Rep. David A Welch for the **Minority** of Criminal Justice and Public Safety: This bill does not impact a woman’s right to choose or Roe v Wade. The bill explicitly protects this right and protection for the mother and her abortionist in section V.(a). This bill is not an abortion bill nor is it unconstitutional. What this bill does is recognize the death of an unborn child in the definition of “another” for the purpose of first and second-degree murder, manslaughter, and negligent homicide. Thirty-five other states have enacted such protection. This bill, “Dominick’s law”, is in response to a recent NH supreme court decision. Dominick’s mother, driving a taxi in Manchester, was struck by a drunk driver driving in excess of 85 miles an hour. Her female passenger was killed and Dominick’s mother – almost 8 months pregnant – was rushed to the hospital. Dominick was in fetal distress and was delivered by c-section and put on life support. He lived for two weeks and died when taken off life support. A birth and death certificate were issued. The drunk driver was charged with 2 counts of vehicular manslaughter and was found guilty. The driver challenged the sentence in court and the NH supreme court set aside his conviction on Dominick’s death citing NH’s existing definition of born alive and the fact we did not have the protection of a fetal homicide law. The NH supreme court stated in its decision, “We recognize, as have many other courts, that the born-alive doctrine may be an outdated anachronism often producing anomalous results.” The court continued, “should the legislature find the result in this case as unfortunate as we do, it should follow the lead of many other states and revisit the homicide statutes as they pertain to a fetus.” This is not the first time this bill has been filed and in the past the argument against it was that it was unconstitutional. Dominick’s case clearly shows our own supreme court does not think fetal homicide laws are unconstitutional. Not a single state fetal homicide law has been struck down. It is time to honor the loss of an unborn child and the loss of the child’s mother and father so grievously felt.

ENVIRONMENT AND AGRICULTURE

HB 1624-FN, relative to the care and treatment of dogs by breeders within the state. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Warren J Groen for the Majority of Environment and Agriculture: Although amendments have been introduced to try to make this better legislation, this bill is overreaching and unnecessary with too many unintended consequences. Everyone on the committee abhors the thought of a puppy mill in New Hampshire. This is a very emotional issue for everyone, however, we must reserve the discussion to the facts. There have been only five cited cases of “puppy mills” in New Hampshire over the course of the past ten years. This bill

will place undue restrictions on breeders and dog owners alike. The rules that would be applied are very generic and not breed specific, thus, dog owners could be charged with cruelty to their pets. Cruelty laws are already in existence in RSA 644:8, making this legislation unnecessary. Local animal control and law enforcement have the authority to remedy any abuses that may arise. **Vote 12-1.**

Rep. Susan E Wiley for the Minority of Environment and Agriculture: Given that the existing legislation does not require that dog breeders exercise or socialize their dogs, there is a need to add language to existing statute that would allow for enforcement of minimal acceptable standards for housing and husbandry. The minority felt this bill was a first step

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 1277-FN, relative to eligibility for medical benefits payment by the retirement system for certain vested deferred group I members. **INEXPEDIENT TO LEGISLATE.**

Rep. Patricia M McMahon for Executive Departments and Administration: This bill would change the medical subsidy for teachers and municipal employees and extend the date of eligibility an additional year. The legislature in the past two sessions has extended the date as well as the eligibility requirements several times because of concern that school districts and communities might lose employees to retirement in order to receive a medical subsidy. Because of the extended dates some retirements were averted and other employees chose vested deferred. The bill if enacted would increase state, county and municipal expenditures. The system's actuary estimates that increases to the state would be \$100,000 in FY 2012 and in each succeeding year and \$300,000 for the political subdivisions in FY 2012 and in each year thereafter. **Vote 13-4.**

HB 1428-FN, relative to death benefits for surviving spouses of a New Hampshire retirement system member. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Ken Hawkins for Executive Departments and Administration: Last session, changes were made to RSA 100-A so that a spouse of a deceased member could continue to receive an earned pension benefit if they remarried. This change was for group II and some group I members. There were some members that were not covered in that bill. This bill now fixes that so all groups are included and allows the same earned benefit to all members of the New Hampshire retirement system. **Vote 14-4.**

HB 1530-FN-L, redefining earnable compensation of members of the New Hampshire retirement system.

MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: REFER FOR INTERIM STUDY.

Rep. Daniel J Sullivan for the **Majority** of Executive Departments and Administration: This bill would define earnable compensation in New Hampshire retirement system to exclude any pay received except for "base salary." This concept has been discussed previously and the majority of the committee felt there were too many grey areas in this bill. This topic could be better considered as part of the ongoing study of the spiking issue by the commission set up by SB 108. **Vote 12-5.**

Rep. Carol M McGuire for the **Minority** of Executive Departments and Administration: The issue of earnable compensation is crucial to controlling expenses in the pension system. The minority believes that this issue needs to be studied from more than one angle, and addressed for new hires as well as existing employees. The current system is unsustainable without major increases in funding and this bill should go to interim study.

FINANCE

HB 1516-FN-A, making appropriations to fund the Claremont, Colebrook, Milford, and Keene District Courts in fiscal year 2011. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Peter R Leishman for Finance: The testimony presented to the committee was consistent and persuasive, that closing of these courts would cause serious problems and significantly increased cost for the towns and the citizens of those towns who would no longer have reasonable access to the state's courts. In two of the cases the local jurisdiction has agreed to absorb additional costs in order to keep the courts open this year. **Vote 23-1.**

HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS

HB 1326, relative to the use of long-term antibiotics for the treatment of Lyme disease. **MAJORITY: REFER FOR INTERIM STUDY. MINORITY: OUGHT TO PASS.**

Rep. Thomas E Donovan for the **Majority** of Health, Human Services and Elderly Affairs: While this bill does not legislate specific medical care, it does create a policy precedent by limiting physicians' ability to

regulate themselves in the practice of medicine. Specifically, the bill carves out the board of medicine's ability to oversee physicians for one treatment method for one disease process: Lyme disease. The board of medicine does not actually have the authority to recommend or enforce specific treatment guidelines for any area of medical care, but they are charged broadly to "protect the public from the incompetent, unprofessional, or impaired practice of medicine." The committee believes that all patients deserve protection and that carving out one group of patients from this important safeguard could have far-reaching consequences. Treatment guidelines are always recommendations, not mandates, and the decision about treatment is always left to the judgment of the individual physician. Over the course of more than five hours in the public hearing, the committee heard conflicting testimony about barriers to long term antibiotic treatment for chronic symptoms of Lyme disease. Specifically, we learned that there has never been a complaint filed with the Board of Medicine about a New Hampshire physician prescribing long term antibiotic therapy for Lyme disease, and the two physicians who testified in favor of the bill both stated they had never personally felt in danger of board sanction. However, there was public testimony that physicians are, in fact, reluctant to prescribe this treatment because of fear of sanction by the board of medicine. We heard implication that physicians may be reluctant to prescribe this treatment because of fear of insurance companies, but this bill does not regulate insurance companies. We also heard testimony by supporters that this bill is necessary to protect doctors, yet the bill is opposed both by the New Hampshire Medical Society, which represents most doctors in New Hampshire, and Dartmouth Hitchcock, our largest network of providers. Therefore, the committee would like the opportunity to study the effect of similar legislation in Rhode Island and Connecticut on the increase in the number of physicians who are willing to prescribe such treatment after legislation is enacted to remove the licensing board's oversight. The committee further heard of a financial barrier to treatment because insurance companies are unwilling to cover a particular form of diagnostic testing and long term antibiotic therapy, which we heard could be very expensive. Although the bill is not an insurance mandate, the committee would like the opportunity to study whether Rhode Island's insurance mandate has had a positive impact on the number of doctors willing to see this group of patients and patients' ability to afford treatment. The committee heard no testimony from Medicaid patients on their desire or ability to receive this treatment, but we think that would be meaningful too. Finally, the committee would like the opportunity to discuss Lyme disease with the department's division of public health and the board of medicine, through the health and human services oversight committee. In summary, the committee believes we do not yet have enough information to make a final determination on this policy and, therefore, recommend interim study as the appropriate direction. **Vote 18-1.**

Rep. John W Cebrowski for the **Minority** of Health, Human Services and Elderly Affairs: This bill seeks to protect New Hampshire licensed Lyme treating physicians while providing therapeutic care to patients diagnosed with symptoms of chronic Lyme disease. This bill does not legislate medical care. The minority strongly believes that medical care should not have to be made difficult to obtain while the two competing professional organizations, the infectious disease society of America and the International Lyme and associated diseases society resolve their differences.

JUDICIARY

HB 1185, relative to retired judges over 70 years of age. **OUGHT TO PASS.**

Rep. Robert H Rowe for Judiciary: This simple, one sentence bill supports and affirms Governor Lynch's veto of HB 655 last year. The bill would have would have allowed judges over 70 years of age to sit on the bench to hear and determine cases. In his veto message, Governor Lynch reminded us that Part II, Article 78 of our constitution states that no person shall hold the office of judge after he has attained the age of seventy years. Over many years the judicial branch has promoted numerous bills, though well meaning, to allow judges over 70 years to sit on the bench. The simple one sentence of HB 1185 enforces the view of Governor Lynch and complies with the clear meaning of our Constitution. The office referred to in the Constitution is the bench; the intent of the drafters could not be clearer. **Vote 12-6.**

HB 1213, relative to notice to the department of health and human services of the allocation of spousal income and relative to estate planning by guardians. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Robert B Thompson for the **Majority** of Judiciary: This bill removes a loophole from existing law where a litigant requests to allocate some or all of his or her income to some other individual, despite the fact that these transfers can also affect Medicaid eligibility and payments. This results in a potential abuse of the

Medicaid program when a transfer of income that is well beyond the needs of a spouse is made to a requesting spouse. This legislation would simply require that the department of health and human services receive notification from the probate, superior or family court of any action to allocate income from one spouse to another, one of whom is applying for or receiving medical assistance. **Vote 10-8.**

Rep. Nancy J Elliott for the **Minority** of Judiciary: This is another example of over-regulation. It is seeking to deprive needy citizens of their and their spouse's money and instead allocate it to the state.

HB 1347, relative to the right of jury nullification. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Gary B Richardson for the **Majority** of Judiciary: This bill would require a judge to instruct the jury of its power to judge the law as well as the facts, and to nullify any and all actions they find to be unjust. This would empower a jury to nullify laws that the legislature passed. Under our constitution, it is up to the legislature, not juries, to determine what laws are just. Although jurors have an inherent power not to convict a defendant when they believe a conviction would be unjust, jurors do not have a right to nullify state laws that they might believe are unjust. Giving jurors the right to nullify state law would shift the focus of criminal trials from the guilt or innocence of the defendant to the merits of the laws passed by the legislature. The result would be chaos and the usurpation of legislative authority. **Vote 13-7.**

Rep. Peter L Silva for the **Minority** of Judiciary: The jury has an undeniable right to judge both the law and the facts in controversy. This bill would simply require the judge to inform the jury of this right during instruction.

HB 1454-FN, requiring parental consent for medical procedures and medications provided to minors.

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

Rep. Philip Preston for the **Majority** of Judiciary: Although the sponsors have avoided use of the 'A-word' in the title, this is vintage anti-abortion legislation. It would require parental notification for all young women who would choose abortion for an unintended pregnancy. Never mind that 75% of those minors already involve their parents, and half of the balance involves another family member or trusted adult. So the number who do not, for whatever valid reason, discuss their intentions with their parents is small. And never mind the obvious: that young men are left out of the picture. Thus the target audience of this bill is that small minority of young women who will not, because they dare not, confide in their parents, fearing physical violence or emotional abuse. The alternative provided in the bill, which is to seek the permission of a judge, is almost certainly intimidating for a young person and causes delays of one or more weeks, resulting in more emotional stress and complicating what is a safe medical procedure. The bill would also prevent all minors from seeking help for alcohol or substance abuse, treatment for sexually transmitted diseases and mental health problems. Passage of this bill would have no effect on families of caring parents whose relationship with their children is one of love, support and respect. It would be devastating for those few young women unfortunate enough to be part of a dysfunctional family unit, and for this reason the majority of the committee believes this bill constitutes bad public policy. **Vote 11-7.**

Rep. William L O'Brien for the **Minority** of Judiciary: Parents are responsible for the health and medical care of their minor children. Failure of parents to exercise proper care for minors can lead to serious criminal charges and even removal of children from their parent's custody. It is unconscionable that minors might be subject to any medical procedure without informing the parent. Informing the parent is the norm for virtually every medicine (including aspirin) or medical procedure, except abortion. New Hampshire is one of the rare states that provide no regulation of abortion; abortion clinics are not licensed in the state. This makes it especially important that parents have a role in selecting an abortionist who will be best for their child. The role of parents as advocates for the interests of their daughter is also crucial in cases where the baby's father is considerably older and has undue influence on her. The bill does provide a process to handle unusual situations where involving the parents is viewed by a court as harmful to the child. The amendment proposed assures that the minor's consent is also required before undertaking an abortion.

HB1577-FN, relative to court records research fees. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Gary B Richardson for the **Majority** of Judiciary: The fees for name searches by clerks of court was increased to \$20 per name and \$5 for every name after the first five names as a result of budget discussions last session which were part of a general increase in court fees. Without doing an in depth study, it is impossible to break out the costs that are attributable to just one of many functions performed by the clerk's

office. Only one witness testified that her business has been hurt by the increase in the fee, and it was unclear whether this was due to the increase in the fee or the general state of the economy. Without analyzing all of the costs involved in operating the clerk's offices so that an appropriate allocation can be made to this one function, it is difficult to say that the fee being changed is excessive. This bill is well intended but the fiscal note indicates that it would result in a loss of revenue in FY2010 of \$105,000 and FY2011 of \$422,826. Until there is evidence to demonstrate that court fees are excessive, or that this fee in particular is excessive, the majority of the committee believes that this bill is inexpedient to legislate. **Vote 11-5.**

Rep. William L O'Brien for the **Minority** of Judiciary: In recent legislation the court records research fee was increased without any testimony in committee that the prior fee did not cover the cost of this service. The result of this increase, according to testimony on HB 1577, was to burden companies providing research on court records to the degree that they have lost a substantial amount of work. The viability of some of those businesses, particularly the small companies, has been almost destroyed. During the public hearing on HB 1577, the minority waited for testimony that the reduced \$5 per name research fee would not entirely cover the costs to the courts of these computer-generated searches or that the much higher current fees were necessary for that purpose. There was no such testimony. The minority supports this bill because we believe fees should only cover the cost of a government-provided service. Fees should not be used, as is now too often the case, to generate surplus revenue to generally fund the government. This transformation of fees into taxes unfairly burdens as is the case here, small or discrete groups that do not have the clout to effectively protest; taken cumulatively, we believe those fees are causing New Hampshire to become one of the least favorable business environments in the country. We should stop that practice now. We can begin to do so by passing HB 1577.

HB 1662-FN, relative to consent for abortions. **MAJORITY: INEXPEDIENT TO LEGISLATE.**

MINORITY: REFER FOR INTERIM STUDY.

Rep. Philip Preston for the **Majority** of Judiciary: The restrictions on minors seeking an abortion as outlined in the majority committee report for HB 1454 also are to be found in HB 1662. But the restrictive provisions of this bill apply to all women from puberty to menopause. It is full of inaccurate or irrelevant information. It requires biased state-sanctioned counseling, and it encourages providers of medical services to ignore the health and well-being of their patients or customers in order to satisfy personally held beliefs. It contains provisions of questionable constitutionality, it redefines medical terms and requires spousal notification in almost all instances when a married woman seeks an abortion. A thorough reading and acceptance of the provisions of this legislation would lead one to conclude that women are incapable of making their own decisions. The majority, however, believes that women should not be subject to the provisions of this bill.

Vote 12-6.

Rep. Peter L Silva for the **Minority** of Judiciary: The minority was in agreement with the objective of this bill. However, we felt there was a need for improvement in its language and study of the important issues it raises. The minority believes this bill would bring some regulation to the invasive medical procedure of an abortion. Presently, neither the person performing the abortion nor the facility are regulated. This bill would simply help regulate this procedure like all other medical procedures performed in this state.

LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES

HB 1645-FN, relative to freedom of choice on whether to join a labor union. **INEXPEDIENT TO LEGISLATE.**

Rep. Lucy E Mears for Labor, Industrial and Rehabilitative Services: We have re-visited this bill many times and there was no new testimony to alter the recommendation made in the past. Testimony that was presented was overwhelmingly opposed to the bill. **Vote 12-1.**

LOCAL AND REGULATED REVENUES

HB 1522, relative to local spending caps. **INEXPEDIENT TO LEGISLATE.**

Rep. Mary Beth Walz for Local and Regulated Revenues: This bill would allow cities and towns to amend their charters to permit a tax cap on the city or the school district budget. The cap could only be overridden by a 2/3 vote. During the hearing on this bill, the only favorable testimony was presented by the sponsors. Tax caps bring with them many unintended consequences. They can lead to a reduction in a community's bond rating causing increased costs to taxpayers. They are inflexible and cannot address changes in circumstances such as a decline in assessments, declines in non-property tax revenue, changes in the consumer price index

or changes in demands for services. Tax caps have led to a decline in services that have resulted in declining property values. In New Hampshire, budgets are passed on an annual basis. Each governing body of a community should be free to adjust those budgets either up or down to meet the current needs and wishes of its community. Well funded interest groups should not be able to handcuff future public officials. In current law, budgets are passed by a simple majority or changed by a simple majority. A tax cap can be passed by a simple majority vote but would require a 2/3 vote to exceed. There was repeated testimony that tax caps are dangerous public policy. **Vote 12-6.**

MUNICIPAL AND COUNTY GOVERNMENT

HB 646-FN-L, relative to county and state obligations for costs for nursing care and services, and for court orders for children services. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Jessie L Osborne for Municipal and County Government: This bill restates the relationship between the state of New Hampshire and the counties found in the budget in 2007 and as amended in 2009. It provides that when the state lowers the Medicaid rates for nursing homes, the correlating caps would be lowered by the same ratio. This bill prevents a further down-shifting of nursing home costs to county taxpayers. When the Medicaid rates for nursing homes are lowered, county costs are increased along with the amount of money to be raised by the county property taxpayers. The 2009 budget was enacted and the nursing home appropriation was not adequately funded. The department of health and human services cannot spend anymore than we, as legislators, appropriate to the department, and the only way to stop the downshifting is to fully fund the nursing home appropriation. The committee voted unanimously to reaffirm its legislative intent not to downshift additional costs to the counties. **Vote 15-0.**

PUBLIC WORKS AND HIGHWAYS

HB 1481, relative to the use of turnpike tolls. **OUGHT TO PASS WITH AMENDMENT.**

Rep. John A Graham for Public Works and Highways: This bill, as amended, clarifies the purposes for which money collected at the toll booths along the turnpike system can be utilized, to preclude potential diversion of these funds. It mirrors to a great extent the language of Part II Article 6a of the NH Constitution. The amendment spells out in greater detail exactly what this fund may be used for. Additionally, language has been added, at the request of the treasurer and bond council, which specifically states that all payments of principal and interest on all turnpike bonds will be made. The commissioner of transportation supports both the intent and language of the bill as amended. **Vote 20-0.**

RESOURCES, RECREATION AND DEVELOPMENT

HB 558-FN, establishing a procedure for leasing state parks. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Peter S Bolster for Resources, Recreation and Development: This bill meets the need to improve the process of leasing state park land or infrastructure in whole or in part. The bill creates a well delineated process that includes the role of the state park system advisory council and local input. This gives to the parks department an effective tool for developing better leases in order to fund a park system which is woefully underfunded. It also gives potential private entrepreneurs a clear path to follow in devising their lease proposals. **Vote 14-4.**

HB 1434, relative to exemptions from sewage disposal systems approval. **INEXPEDIENT TO LEGISLATE.**

Rep. Jayne E Spaulding for Resources, Recreation and Development: This bill would eliminate sewage system approval requirements when title to land is transferred but the owner retains title to the buildings. The motivation behind the bill is a unique refinancing product in which a homeowner who is struggling to make mortgage payments would be able to separate title to the land from the buildings, giving up ownership of the land and thus reducing mortgage payments. After discussions with the NH housing finance authority, the banking commissioner, and DES, the majority of the committee believes the financing concept does not involve a subdivision of land or septic system approval. This bill is not necessary. **Vote 16-3.**

HB 1676-FN, requiring certification of road salt applicators. **REFER FOR INTERIM STUDY.**

Rep. Judith T Spang for Resources, Recreation and Development: The department of environmental services provided convincing data that showed salt is a major source of water quality degradation. Ninety percent of municipal and state salt applicators are trained on how to do it properly. This bill seeks to assure that commercial applicators will also have this training, with certification serving to promote compliance. The

committee feels the bill is close to achieving its goals, but needs a modest amount of additional work. **Vote 19-0.**

SCIENCE, TECHNOLOGY AND ENERGY

HB 1202, relative to renewable energy credits. **INEXPEDIENT TO LEGISLATE.**

Rep. Suzanne Harvey for Science, Technology and Energy: This bill would add a source of energy from a relatively new technology to the sources eligible for renewable energy certificates in our renewable portfolio standard (RPS) statute. The technology is a turbine that would allow water utilities to hook-up to the electric grid and send what would ordinarily be wasted clean power, to the grid. The sponsor, and ultimately the majority of the committee, believes that it would be wiser to wait for the public utilities commission's mandated look back at the RPS statute in 2011 before adding any new eligible sources. **Vote 11-4.**

HB 1401-FN, limiting corn-based ethanol as an additive to gasoline sold in New Hampshire.

INEXPEDIENT TO LEGISLATE.

Rep. James M Garrity for Science, Technology and Energy: Both the majority and minority agree with the spirit and purpose of this bill. We agree that current federal subsidies, incentives and mandates for corn-based ethanol are bad energy policy, bad economic policy, bad environmental policy, and bad agricultural policy. Washington's policies have promoted the inefficient and expensive production of corn-based ethanol while discriminating against more environmentally-efficient alternatives such as sugar cane based ethanol. The diversion of corn from a food source to a fuel source has resulted in spiking feed and food-prices. Unfortunately, it appears that federal corn-based ethanol preferences will not soon change. This bill seeks to limit the percentage of corn-based ethanol mixed with fuel being sold in New Hampshire. That goal is unattainable given current federal laws, EPA rules, and regional petroleum refining capacity in New England. New Hampshire simply does not represent a large enough market to warrant its own boutique gasoline mix, and even if it did, there are currently few affordable alternatives to corn-based ethanol in the marketplace. Although the majority feels that we need to "send a message to Washington" expressing our disapproval of current corn-based ethanol policy, we did not feel that passing this (unenforceable) legislation is the proper way to send that message. We feel it is more prudent to ITL this bill, and perhaps send an official policy letter to our congressional delegation. **Vote 8-4.**

TRANSPORTATION

HB 1588-FN, changing the effective date of the expiration of the motor vehicle registration surcharge.

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

Rep. Michael B O'Brien for the **Majority** of Transportation: Repealing the surcharge on July 1, 2010 would throw the fiscal year 2011 which the legislature passed last year in HB 2, out of balance. The 2011 budget is for the period beginning this July and ending June 30, 2011. The next budget the legislature will develop is for the next biennium (FY 12-13) that begins July 1, 2012. The passage of HB 1588 will throw the current budget out of balance for the final year of the budget and cause the department of safety and the department of transportation to enact even deeper cuts in their budget with no legislative input as to those cuts. Under present law, the registration surcharge will sunset at the start of the next biennium.(FY 12-13) Currently there is a commission established to find sustainable long term funding for the state and municipal bridges and highways. Current law should remain and not be disturbed. Our budget was carefully crafted by the house and senate finance committees. Passage of this bill would cause a chaotic situation forcing more personnel layoffs in two major state agencies (not to mention private contractors) as well as affecting both state and municipal projects currently under design and/or construction. Public safety is of utmost concern. **Vote 10-9.**

Rep. Karen C Umberger for the **Minority** of Transportation: The minority firmly believes it make eminent sense to eliminate the motor vehicle registration surcharge effective July 1, 2010 rather than July 1, 2011. This surcharge has been a burden on families, the unemployed and underemployed. The minority recognizes there will be some affect on road construction, however we did not believe it to be a significant detriment to the roads throughout the state. We asked what projects would be affected and it was only suggested it would have detrimental affect on the overall program – nothing specific.

WAYS AND MEANS

HB 1506-FN-A-L, establishing a state aeronautical fund. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Frank V Sapareto for the **Majority** of Ways and Means: The importance of establishing an aeronautical fund relies on several factors. New Hampshire is subject to northeast weather and the need for alternative airports become more important as weather might close your intended destination as you are enroute. Maintaining this network of available airfields relies on several privately owned and publicly owned airfields. Tax burdens, and the economy make it difficult to maintain the privately owned airfields. The state has assisted many of these in the past with the understanding that they will be opened to the public and will remain open for ten years after the state has given aid for some field maintenance projects. The airports are also the agents for keeping track of the aircraft stationed in our state, thus allowing the state to charge the aircraft operating fee. A portion of the fee is then returned to the airports in proportion to the fee collected at each one. The bill as amended dedicates the airways toll revenue, \$269,000 per year, to maintaining and improving NH airports. The majority of the committee understands that this will increase business and revenue to the state. **Vote 10-8.**

Rep. William G Johnson for the **Minority** of Ways and Means: The minority recognizes the importance of New Hampshire airports on our economy. However, this bill represents an additional reduction to the general fund, albeit small, which will lead to further cuts in state services. Further, the minority feels the benefits of the bill will accrue to higher income individuals, while the loss of services will impact on our most vulnerable—the elderly, children and the infirm. Also, the committee did not have enough information to evaluate whether the net impact on the state economy would be positive or negative.

LAI D ON TABLE

HB 133, requiring employers to report certain information regarding outsourcing to the department of employment security.

HOUSE BILLS AMENDED BY THE SENATE

HB 154, relative to truancy. (SJ 1/13/10)

HB 216-FN, relative to fees for legal services rendered to worker' compensation claimants. (SJ 1/21/10)

HB 230, relative to the burden of proof for a finding of abuse in domestic violence cases. (SJ 1/27/10)

HB 587-FN, establishing an information and analysis center within the department of safety. (SJ 1/21/10)

HB 598-FN, relative to the regulation of auctioneers by the state board of auctioneers. (SJ 1/6/10)

HB 621, relative to establishing procedures for identifying criminal defendants who may have mental illness. (SJ 1/27/10)

HB 651-FN, relative to regulations of private investigative agencies and security services. (SJ 1/21/10)

COMMITTEE MEETINGS

MONDAY, FEBRUARY 8

COMMERCE AND CONSUMER AFFAIRS, Room 302, LOB

- 10:00 a.m. **HB 1632-FN**, relative to the sale and delivery of home heating oil during a declared state of emergency.
- 10:30 a.m. **HB 1656-FN**, requiring disclosure of fees by automobile dealers.
- 11:00 a.m. **HB 1392-FN**, requiring insurance companies to report to the insurance department the number of claims denied.
- 11:30 a.m. **HB 1393**, establishing a commission to review and make suggestions for updating the treatment of New Hampshire investment trusts.
- 1:30 p.m. **HB 1366**, making certain technical corrections in the insurance laws.
- 2:00 p.m. **HB 1519**, relative to the surety bond requirement for meals and rentals operators.
- 2:30 p.m. **HB 1180**, relative to the use of clotheslines.

COMMISSION TO STUDY FUTURE SUSTAINABLE REVENUE SOURCES FOR FUNDING

IMPROVEMENTS TO STATE AND MUNICIPAL HIGHWAYS AND BRIDGES (HB 2, Chapter 144:291, Laws of 2009), Room 201, LOB

2:00 p.m. Regular meeting.

COMMISSION TO STUDY ISSUES RELATIVE TO GROUNDWATER WITHDRAWALS (SB 155, Chapter 305:1, Laws of 2003), Room 103, State House

9:00 a.m. Subcommittee meeting.

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

11:00 a.m. Definitions subcommittee.

1:00 p.m. Regular meeting.

COUNCIL TO STUDY THE RELATIONSHIP BETWEEN PUBLIC HEALTH AND THE ENVIRONMENT (RSA 125-P), Room 205, LOB

9:30 a.m. Regular meeting.

CRIMINAL JUSTICE AND PUBLIC SAFETY, Room 204, LOB

3:30 p.m. Subcommittee work session on **HB 1533**, establishing a commission to study the statute governing annulment of criminal records.

4:00 p.m. Subcommittee work session on **HB 1334**, relative to penalties for unpaid fines concerning hazardous materials accidents.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 306, LOB

9:30 a.m. Subcommittee work session on **HB 1688**, relative to the regulation of the installation and operation of boiler and pressure vessels.

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

1:00 p.m. Continued public hearing on **HB 1555**, adding an exemption from immunization for conscientious beliefs.

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

9:00 a.m. Regular meeting.

LEGISLATIVE ADMINISTRATION, Room 104, LOB

10:00 a.m. **HB 1689**, exempting certain non-regulatory boards, commissions, councils, advisory committees, and task forces from repeal on June 30, 2011.

1:00 p.m. **HB 1690**, making statutory changes required by the repeal of certain non-regulatory boards, commissions, councils, advisory committees, and task forces.

(For the latest amendment listing committees and commissions to be extended under HB 1689 or repealed under HB 1690, please go to the House of Representatives web site and click on the link "Review of Committees and Commissions.")

TUESDAY, FEBRUARY 9

CHILDREN AND FAMILY LAW, Room 206, LOB

10:30 a.m. Subcommittee work session on **HB 1424**, requiring a performance audit of the division of child support, department of health and human services.

11:00 a.m. Rescheduled executive session on **HB 1424**, requiring a performance audit of the division of child support, department of health and human services.

1:15 p.m. Executive session on **HB 1197**, relative to child support in cases of shared parenting, **HB 1491**, relative to child support and responsibility for extraordinary child-rearing expenses in cases of shared parenting, **HB 1552-FN**, revising the child support guidelines based on the Melson formula and continued executive session on **HB 1215**, relative to gender neutral references in certain public assistance statutes.

COMMERCE AND CONSUMER AFFAIRS, Room 302, LOB

- 9:00 a.m. Subcommittee work session on **HB 1280-FN**, relative to life and health guaranty limits.
- 9:30 a.m. Subcommittee work session on **HB 1560**, prohibiting sellers of consumer goods from excluding or limiting implied warranties through disclaimers.
- 10:00 a.m. **HB 1244**, relative to insurance fraud.
- 10:30 a.m. **HB 1253**, removing the exemption to the consumer protection act for insurance trade and commerce.
- 11:00 a.m. **HB 1342**, relative to the right of election to submit a claim for medical expenses under a medical payments motor vehicle liability policy or a health insurance policy.
- 1:00 p.m. **HB 1233**, relative to the amount of medical payments coverage under motor vehicle liability policies.
- 1:30 p.m. **HB 1252**, relative to the duration of medical payments coverage under motor vehicle liability policies.
- 2:00 p.m. **HB 1409**, banning biometrics for state or privately issued identification cards and as a condition of doing business.

CRIMINAL JUSTICE AND PUBLIC SAFETY, Room 204, LOB

- 9:00 a.m. Subcommittee work session on **HB 1508-FN**, prohibiting offenders convicted of certain sexual assaults from contacting the victim of the crime.
- 9:15 a.m. Subcommittee work session on **HB 1686**, relative to juvenile diversion programs.
- 10:00 a.m. Executive session on **HB 1131**, relative to requirements for firefighter certification, **HB 1173**, relative to the requirement for certification as a habitual offender, **HB 1318**, relative to post-conviction DNA testing, **HB 1334**, relative to penalties for unpaid fines concerning hazardous materials accidents, **HB 1372**, establishing a commission to study the provisions of RSA 570-A, the wiretapping and eavesdropping statute, and to study permitting a person to record a law enforcement officer in the course of such officer's official duties, **HB 1433**, relative to lawful commerce in firearms, including manufacture and sale, in New Hampshire, **HB 1452-FN**, relative to commercial motor vehicle operation, **HB 1472-FN-L**, relative to testimony by video teleconference, **HB 1492**, requiring police officers receiving notice of a motor vehicle accident to respond to the scene of the accident, **HB 1496**, relative to time limits on suspended sentences, **HB 1501**, relative to recording oral communications, **HB 1508-FN**, prohibiting offenders convicted of certain sexual assaults from contacting the victim of the crime, **HB 1515-FN**, relative to the crime of official oppression, **HB 1533**, establishing a commission to study the statute governing annulment of criminal records, **HB 1601**, requiring the inclusion of certain offenses against adults on the public sexual offender list, **HB 1628**, establishing guidelines for neighborhood notification upon release of a sexual offender, **HB 1637-FN**, relative to the registration of criminal offenders, **HB 1638-FN**, relative to convictions for capital offenses, **HB 1639-FN-L**, relative to the tethering of dogs, **HB 1642-FN**, relative to the registration of criminal offenders, **HB 1647-FN**, relative to residency restrictions for certain sexual offenders and relative to requiring persons convicted of first or second degree homicide against a child to register for life, **HB 1653-FN**, decriminalizing possession of one quarter of an ounce or less of marijuana, **HB 1665-FN**, relative to the penalty for using a stiletto, switch knife, dagger, or dirk-knife, in the commission of an offense, **HB 1667-FN**, relative to possession of controlled substances obtained by valid prescription, **HB 1673-FN**, removing the statute of limitations on offenses against children, **HB 1686**, relative to juvenile diversion programs.
- 1:00 p.m. Subcommittee work session on **HB 1635-FN**, prohibiting the open carrying of a firearm in a public building.

EDUCATION, Room 207, LOB

- 10:00 a.m. Subcommittee work session on **HB 1400**, requiring all colleges and universities to report crimes to the local law enforcement agency.
- 12:30 p.m. Subcommittee work session on **HB 1580**, relative to home schooling.
- 2:00 p.m. Subcommittee work session on **HB 1479-FN**, requiring that body mass index be assessed in all

pupils in grades one, 4, 7 and 10.

ELECTION LAW, Room 308, LOB

10:00 a.m. Executive session on **HB 1150**, removing certain references to nomination for the office of vice-president, **HB 1188**, relative to nominating a political organization by nomination papers, **HB 1205**, relative to the membership of the ballot law commission, **HB 1225-FN-L**, requiring a security escort for the delivery of ballots to the clerk, **HB 1264**, relative to the definition of "party" for election purposes, **HB 1341**, relative to election day procedures, **HB 1367-FN**, relative to permissible campaign contributions by business organizations and labor unions.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 306, LOB

10:30 a.m. Executive session on **HB 1349**, relative to requirements for pharmacists-in-charge, **HB 1145**, relative to the practice of dental hygienists, **HB 1139**, relative to the regulation of podiatrists by the board of podiatry, **HB 1235**, relative to regulation of dentistry by the board of dental examiners, **HB 1313**, relative to personal trainers, **HB 1220**, relative to meals and rentals licenses, **HB 1365**, establishing a commission to study the licensing of motor vehicle appraisers, **HB 1337**, relative to rules adopted by the assessing standards board regarding certification of appraisers by the department of revenue administration, **HB 1301**, relative to the regulation of fuel gas fitters, **HB 1325**, relative to licensure of home inspectors by the board of home inspectors, **HB 1631-FN**, relative to the state fire code and the state building code.

1:00 p.m. **HB 1182**, relative to return to state employment of recently deployed military personnel.

1:45 p.m. **HB 1229-FN**, relative to state licensure of hawkers and peddlers.

2:30 p.m. **HB 1626-FN**, requiring the licensing of building energy auditors.

3:00 p.m. Subcommittee work session on **HB 1688**, relative to the regulation of the installation and operation of boiler and pressure vessels.

FISH AND GAME AND MARINE RESOURCES, Fish and Game Headquarters, 11 Hazen Drive, Concord

9:30 a.m. Informational meeting.

Room 307, LOB

1:30 p.m. Executive session on **HB 1201**, including loaded muzzle-loading firearms in the prohibition of hunting from a vehicle, **HB 1507-FN**, relative to hunting and fishing licenses for disabled veterans, active duty members of the armed forces, and residents returning from active duty, **HB 1514-FN**, prohibiting the sale of raw skins or unskinned carcasses of fur-bearing animals.

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

10:00 a.m. Rescheduled public hearing on **HB 1169**, deleting the repeal of the New Hampshire health care quality assurance commission.

10:45 a.m. **HB 1649-FN**, relative to health information and patient rights and establishing a commission to study adding certain information to a driver's license.

1:00 p.m. **HB 1407**, relative to personal identifiers contained within vital records.

1:45 p.m. Executive session on **HB 1228-FN**, relative to criminal record checks by health facilities, **HB 1232**, establishing a committee to study elder abuse statewide, **HB 1384**, establishing a suicide fatality review committee, **HB 1426**, permitting patients to bring their medications to the hospital or health care facility, **HB 1430**, relative to the uniform anatomical gift act, **HB 1438**, relative to a patient's right to know regarding charges for health care, **HB 1526**, requiring the department of health and human services to establish a methodology for determining certain high cost long-term care cases, **HB 1553**, establishing a maternal mortality review panel to conduct comprehensive, multidisciplinary reviews of maternal deaths in New Hampshire, **HB 1339**, relative to the state services system and establishing a commission to study uncompensated care at community mental health centers, **HB 1548-FN**, relative to ambulatory surgical facilities under the law requiring reporting of hospital infections, **HB 1550-FN-L**, requiring substance abuse treatment drugs to be available to emergency medical providers when responding to emergencies in all emergency medical

vehicles.

HOME EDUCATION ADVISORY COUNCIL (RSA 193-A:10), Department of Education, Room 12, 101 Pleasant Street, Concord

3:30 p.m. Regular meeting.

JUDICIARY, Room 208, LOB

10:00 a.m. Executive session on **CACR 28**, relating to the definition of marriage. Providing that the state shall only recognize the union of one man and one woman as marriage, **HB 1590-FN**, repealing same sex marriage, **HB 1154**, relative to the period for which claims may be presented against a trust, **HB 1179**, relative to municipal access to the enhanced 911 data base, **HB 1691**, relative to the treatment of cable television as a protected utility service, **HB 1344**, relative to the taking of private property during a state of emergency, **HB 1413**, relative to the deposit of weekly rental payments by a tenant during an eviction proceeding, **HB 1290**, relative to unincorporated religious societies, **HB 1320**, permitting the victim of a crime to offer a statement at certain civil proceedings, **HB 1524**, relative to the liability of town and city health officers and overseers of public welfare, **HB 1336**, relative to health care liability claims.

LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES, Room 307, LOB

9:00 a.m. Subcommittee work session on **HB 1315-FN**, relative to the employer's lien on damages and benefits recovered from third persons by employees who have received workers' compensation and **HB 1368**, relative to the definition of "employee" for workers' compensation purposes.

9:15 a.m. Subcommittee work session on **HB 1163**, relative to the definition of employee with respect to private employment under the workers' compensation law.

9:30 a.m. Executive session on **HB 1137**, relative to withholding of wages, **HB 1163**, relative to the definition of employee with respect to private employment under the workers' compensation law, **HB 1168**, clarifying the definition of gross misconduct for purposes of unemployment compensation, **HB 1187**, relative to residential elevators and accessibility lifts, **HB 1368**, relative to the definition of "employee" for workers' compensation purposes, **HB 1385-FN**, relative to appeals under the workers' compensation law, **HB 1403**, relative to wrongful termination, **HB 1509-FN**, relative to unemployment compensation for self-employed individuals.

LEGISLATIVE ADMINISTRATION, Room 104, LOB

3:00 p.m. Executive session on **HB 1689**, exempting certain non-regulatory boards, commissions, councils, advisory committees, and task forces from repeal on June 30, 2011, **HB 1690**, making statutory changes required by the repeal of certain non-regulatory boards, commissions, councils, advisory committees, and task forces, **HB 1304**, extending the task force on homeless teenagers and the commission to study alternate fuel vehicles, **HB 1311**, relative to the sunset date of legislative study committees, **HB 1396**, relative to the extension of study committees, **HB 1451**, relative to the expiration dates of certain committees.

LOCAL AND REGULATED REVENUES, Room 303, LOB

1:00 p.m. Executive session on **HB 1138**, relative to the authority to expand municipal transportation improvement funds, **HB 1147**, excluding value attributed to unexercised approvals in determining the market value of land for property tax purposes, **HB 1276-FN-L**, relative to investment of capital reserve funds, **HB 1354**, relative to dog racing, **HB 1380-FN**, relative to assessing fees by zoning boards of adjustment, **HB 1439-L**, relative to tax exemptions for water and air pollution control installations, **HB 1489**, allowing municipalities to adopt a volunteer incentive property tax credit, **HB 1504**, establishing a liquor commission oversight committee, **HB 1583**, relative to the property tax exemption for organizations with charitable activities.

MUNICIPAL AND COUNTY GOVERNMENT, Room 301, LOB

10:00 a.m. Subcommittee work session on **HB 1151-L**, relative to the lapse of county appropriations, **HB**

1483, relative to appropriations in the county budget and expenditures of state and federal grants by counties.

11:00 a.m. Subcommittee work session on *HB 1287*, relative to setback requirements on private rights-of-way.

1:00 p.m. Subcommittee work session on *HB 1267-L*, relative to applications for hawkers and peddlers licenses.

Room 104, LOB

1:00 p.m. Subcommittee work session on *HB 1461*, relative to the municipal regulation of the sale of martial arts weapons.

PUBLIC WORKS AND HIGHWAYS, Room 201, LOB

10:15 a.m. Continued executive session on *HB 1418*, naming a bridge across the Connecticut River from Hinsdale, New Hampshire to Brattleboro, Vermont the Charles Dana Bridge and correcting the naming of a bridge across the Connecticut River in the town of Chesterfield, New Hampshire from the Judge Harlan Fiske Stone Bridge to the Justice Harlan Fiske Stone Bridge, *HB 1419*, naming a bridge across the Connecticut River from Hinsdale, New Hampshire to Brattleboro, Vermont, informally known as the Hinsdale Bridge, the Rudyard Kipling Bridge.

11:15 a.m. Full committee work session on *HB 2010*, relative to the state 10-year transportation improvement program.

RESOURCES, RECREATION AND DEVELOPMENT, Room 305, LOB

9:00 a.m. *HB 1148*, establishing the New Hampshire great ponds study commission.

9:20 a.m. *HB 1153*, relative to membership of the commission to study water infrastructure sustainability funding.

9:45 a.m. *HB 1159*, relative to the classification of snowmobile trails maintenance vehicles.

10:30 a.m. *HB 1348*, relative to enforcement of surface water classification.

12:00 p.m. *HB 1450*, relative to the designation of a portion of the Cochecho River as a protected river.

12:10 p.m. *HB 1231*, establishing a commission to study methods of replacing the Old Man of the Mountain as part of the overall state tourism plan.

12:30 p.m. *HB 1266*, relative to notification requirements for lowering the water level of a lake or pond.

1:00 p.m. *HB 1295*, establishing a committee to study the effects of milfoil and methods of eradication.

1:30 p.m. *HB 1298*, establishing a statewide septic system commission.

2:00 p.m. *HB 1222*, relative to the authority of the commissioner of the department of environmental services to grant permits under the comprehensive shoreland protection act.

2:45 p.m. *HB 1322*, relative to the dam management review committee.

3:00 p.m. *HB 1466*, relative to rafting of boats in Braun Bay.

SCIENCE, TECHNOLOGY AND ENERGY, Room 304, LOB

10:00 a.m. Public hearing on proposed amendment to *HB 1270*, relative to permitting existing hydroelectric plants to receive grants from the renewable energy fund for installing upgrades. The proposed amendment is a compromise between the stakeholders and the Public Utilities Commission. Copies of the proposed amendment are available from the Sergeant-at-Arms office.

TRANSPORTATION, Room 203, LOB

10:15 a.m. Executive session on *HB 1143*, establishing an exemption from driver restrictions on persons 16 to 18 traveling to and from school-sponsored events, *HB 1190*, authorizing transfer on death of motor vehicles, *HB 1463-FN*, establishing a memorial number plate to honor New Hampshire law enforcement officers who die in the line of duty, *HB 1465-FN-A*, establishing firefighter number plates, *HB 1494-FN*, reducing the number of required number plates for motor vehicles from 2 to one, *HB 1546-FN-A*, establishing Red Sox number plates to benefit the Children's Hospital at Dartmouth, *HB 1551-FN-A*, establishing cancer research number plates, *HB 1247*, establishing a speed limit for vehicles traveling through a toll booth or gate.

WAYS AND MEANS, Room 202, LOB

9:30 a.m. Subcommittee work session on **HB 1581**, relative to the taxation of railroads.

10:00 a.m. **HB 1129**, relative to saltwater fishing licenses for persons holding a lifetime license from the fish and game department.

10:15 a.m. **HB 1404**, relative to the regulation of real estate brokers and salespersons.

10:30 a.m. **HB 1292**, relative to underground storage tank facility permits, compliance, and cleanup fund eligibility.

10:45 a.m. **HB 1293-FN**, relative to the oil discharge cleanup fund.

11:00 a.m. **HB 1520**, relative to the rulemaking authority of and administrative fine authority for the department of resources and economic development.

1:00 p.m. Public hearing on proposed amendment to **HB 1607-FN-A**, relative to the reasonable compensation deduction under the business profits tax. The proposed amendment defines reasonable compensation. Copies of the proposed amendment will be available from the Sergeant-at-Arms office by 4:00 p.m. on Friday.

THURSDAY, FEBRUARY 11

CHILDREN AND FAMILY LAW, Room 206, LOB

11:00 a.m. Executive session on **CACR 29**, relating to parental rights. Providing that the state shall not abridge the responsibility of parents for the health, education, and welfare of their children, **HB 1474**, revising child support guidelines based on the income shares model, **HB 1565**, relative to application of the child support guidelines in high income cases, **HB 1156**, relative to the determination of parental rights and responsibilities, **HB 1216**, relative to the amount of the self-support reserve in child support cases, **HB 1420**, relative to the calculation of child support.

COMMERCE AND CONSUMER AFFAIRS, Room 302, LOB

10:00 a.m. Continued executive session from February 4, if needed and executive session on **HB 1180**, relative to the use of clotheslines, **HB 1233**, relative to the amount of medical payments coverage under motor vehicle liability policies, **HB 1243**, relative to automatic teller machine card overdraft fees, **HB 1244**, relative to insurance fraud, **HB 1252**, relative to the duration of medical payments coverage under motor vehicle liability policies, **HB 1253**, removing the exemption to the consumer protection act for insurance trade and commerce, **HB 1281-FN**, relative to certain securities laws, **HB 1342**, relative to the right of election to submit a claim for medical expenses under a medical payments motor vehicle liability policy or a health insurance policy, **HB 1366**, making certain technical corrections in the insurance laws, **HB 1392-FN**, requiring insurance companies to report to the insurance department the number of claims denied, **HB 1393**, establishing a commission to review and make suggestions for updating the treatment of New Hampshire investment trusts, **HB 1409**, banning biometrics for state or privately issued identification cards and as a condition of doing business, **HB 1486**, prohibiting the mandating of fire sprinkler systems in certain dwellings, **HB 1502**, relative to costs associated with cashing payroll checks, **HB 1519**, relative to the surety bond requirement for meals and rentals operators, **HB 1545-FN**, relative to group size for premiums charged by health insurance carriers when issuing small employer health coverage, **HB 1560**, prohibiting sellers of consumer goods from excluding or limiting implied warranties through disclaimers, **HB 1613-FN**, relative to the general banking laws of the state, **HB 1632-FN**, relative to the sale and delivery of home heating oil during a declared state of emergency, **HB 1656-FN**, requiring disclosure of fees by automobile dealers.

COMMISSION TO STUDY WATER INFRASTRUCTURE SUSTAINABILITY FUNDING (SB 60, Chapter 245:1, Laws of 2009), Room 103, State House

3:00 p.m. Regular meeting.

CRIMINAL JUSTICE AND PUBLIC SAFETY, Room 204, LOB

9:00 a.m. Subcommittee work session on **HB 1134**, authorizing federal law enforcement officers to use deadly and non-deadly force when assisting state law enforcement officials.

10:00 a.m. Continued executive session from February 9, if needed and executive session on **HB 1134**, authorizing federal law enforcement officers to use deadly and non-deadly force when assisting state law enforcement officials, **HB 1635-FN**, prohibiting the open carrying of a firearm in a public building.

EDUCATION, Room 207, LOB

10:00 a.m. Subcommittee work session on **HB 1523**, revising the pupil safety and violence prevention act.

ENVIRONMENT AND AGRICULTURE, Room 308, LOB

9:00 a.m. **HB 1456**, establishing a committee to study the use of pesticides, herbicides and their alternatives in residential neighborhoods, school properties, playgrounds and other places children congregate.

10:00 a.m. **HB 1299**, establishing a committee to study enacting a moratorium on the sale and use of fertilizers containing phosphorus.

11:00 a.m. **HB 1388**, establishing a cause of action for farmers sustaining damage from the use of genetically modified seeds or plants.

1:00 p.m. **HB 1172**, relative to the labeling of genetically modified seeds.

2:00 p.m. Executive session on **HB 1206**, adopting apple cider as the New Hampshire state beverage, **HB 1250**, clarifying that a quorum of the current use board is not required to hold public forums, **HB 1609-FN**, relative to current use and the land use change tax.

ETHICS COMMITTEE (RSA 14-B:2), Room 104, LOB

2:00 p.m. Consider and act upon draft "Report of Preliminary Investigation" of Complaint #2009-1 and regular meeting. Copies of the draft Report are available in State House Room 112 and on the Legislative Ethics Committee website.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 306, LOB

10:00 a.m. **HB 1273**, establishing a New Hampshire aero-space commission.

10:45 a.m. **HB 1422**, establishing a committee to study the establishment of a department of natural resources.

11:30 a.m. **HB 1240-FN**, relative to the use of state-owned vehicles.

1:00 p.m. **HB 1487**, relative to the definition of certified wetland scientists.

1:30 p.m. **HB 1570-FN**, requiring an affidavit of bills paid prior to the issuance of certain state and local permits.

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

9:00 a.m. Subcommittee work session on **HB 1572-FN**, relative to the certification of integrated residential communities.

Room 205, LOB

9:00 a.m. Subcommittee work session on **HB 1136**, requiring a report to be sent to the treatment facility on behalf of a person receiving treatment in the state mental health or developmental services system.

10:00 a.m. **HB 1623**, requiring certain patient identification for a pharmacist to dispense a schedule II or III controlled drug.

10:30 a.m. **HB 1636-FN**, establishing the real-time electronic controlled drug prescription monitoring program.

1:00 p.m. **HB 1692**, establishing a commission on primary care workforce issues.

LOCAL AND REGULATED REVENUES, Room 303, LOB

10:30 a.m. Continued executive session from February 9, if needed and executive session on **HB 1272**, relative to expanding the community revitalization tax relief program to provide incentives for rehabilitating historic structures, **HB 1297-FN**, requiring the racing and charitable gaming commission to establish fees for licensees conducting live racing to generate revenue that approximates the direct costs of administration, **HB 1335**, establishing a local option for lowering the interest rate on late and delinquent property tax payments and subsequent payments, **HB 1345**, relative to information for property tax assessments of commercial and

industrial properties, **HB 1427**, relative to the conversion period for quarterly billing for property taxes, **HB 1440**, relative to property tax exemptions for the disabled.

RESOURCES, RECREATION AND DEVELOPMENT, Room 305, LOB

- 9:30 a.m. Executive session on **HB 1148**, establishing the New Hampshire great ponds study commission, **HB 1153**, relative to membership of the commission to study water infrastructure sustainability funding, **HB 1159**, relative to the classification of snowmobile trails maintenance vehicles, **HB 1222**, relative to the authority of the commissioner of the department of environmental services to grant permits under the comprehensive shoreland protection act, **HB 1231**, establishing a commission to study methods of replacing the Old Man of the Mountain as part of the overall state tourism plan, **HB 1266**, relative to notification requirements for lowering the water level of a lake or pond, **HB 1295**, establishing a committee to study the effects of milfoil and methods of eradication, **HB 1298**, establishing a statewide septic system commission, **HB 1322**, relative to the dam management review committee, **HB 1348**, relative to enforcement of surface water classification, **HB 1450**, relative to the designation of a portion of the Cochemo River as a protected river, **HB 1466**, relative to rafting of boats in Braun Bay.
- 2:00 p.m. **HB 1186**, prohibiting smoking within certain areas of New Hampshire state parks and historic sites.
- 2:30 p.m. **HB 1194**, prohibiting smoking on beaches at state parks.

SCIENCE, TECHNOLOGY AND ENERGY, Room 304, LOB

- 9:30 a.m. Full committee work session on **HB 1377**, permitting utilities to establish loan programs for owners of residential and business property engaging in renewable energy and energy efficiency projects.

STATE FEDERAL RELATIONS AND VETERANS AFFAIRS, Room 203, LOB

- 9:00 a.m. Subcommittee work session on **HCR 21**, urging all members of Congress who vote in favor of a government run health insurance option to enroll in that option and forgo their right to participate in the Federal Employees Health Benefits Program.
- 9:30 a.m. Subcommittee work session on **HCR 29**, requiring the Congress of the United States of America to reaffirm its adherence to the Constitution of the United States regarding international agreements and treaties.
- 10:00 a.m. **HB 1610-FN**, establishing a New Hampshire commission on Native American affairs and recognizing the Abenaki and other American Indian residents as a minority population in the state of New Hampshire.
- 11:00 a.m. **HB 1343**, establishing a joint committee on the constitutionality of acts, orders, laws, statutes, regulations, and rules of the government of the United States of America in order to protect state sovereignty.
- 1:45 p.m. Executive session on **HB 1387**, establishing a commission to study the need for supportive housing for homeless veterans, **HB 1567-FN**, relative to leave of absence for military training, **HB 1568-FN-L**, relative to the definition of wars and conflicts for the purpose of determining eligibility for public assistance payments for burial expenses of veterans, **HB 1625**, relative to eligibility for the New Hampshire veterans' home.

TRANSPORTATION, Room 201, LOB

- 9:30 a.m. **HB 1663-FN**, relative to the exchange of inoperable E-Z pass transponders.
- 10:00 a.m. **HB 1620-FN-A**, establishing state park number plates.
- 10:30 a.m. **HB 1269**, relative to the operation of OHRVs and snowmobiles adjacent to public highways.
- 11:00 a.m. **HB 1561-FN**, relative to off highway recreational vehicle registrations.
- 11:30 a.m. **HB 1249**, relative to seasonal highway limits for certain vehicles.
- 12:00 p.m. **HB 1432-L**, relative to the use of blue lights on firefighting apparatus.

WAYS AND MEANS, Room 202, LOB

- 9:30 a.m. Executive session **HB 410**, relative to the licensing of alcohol and drug counselors, **HB 425-FN-A-L**, relative to remedies under the state right-to-know law and continually appropriating

- a special fund, **HB 1291-FN**, relative to the fuel oil importation fee, **HB 1581**, relative to the taxation of railroads, **SB 205-FN**, making various changes to the criminal statutes, **HB 681-FN**, relative to assessments for aquatic resource compensatory mitigation.
- 10:30 a.m. Subcommittee work session on **HB 1618-FN-A**, exempting certain federally tax-exempt transactions from the business profits tax.
- 11:00 a.m. Subcommittee work session on **HB 1518-FN**, increasing certain OHRV registration fees and fee for transfer of registration of an OHRV or snowmobile.
- 11:30 a.m. Subcommittee work session on **HB 1616-FN-A**, creating an exemption from the business enterprise tax for new businesses in New Hampshire.
- 1:00 p.m. Subcommittee work session on **HB 507-FN**, relative to taxes, fees, and credits under the insurance laws.
- 1:30 p.m. Subcommittee work session on **HB 626-FN**, relative to voter identification.

FRIDAY, FEBRUARY 12

ADVISORY COUNCIL ON UNEMPLOYMENT COMPENSATION (RSA 282-A:128), 32 South Main Street, Concord

8:30 a.m. Regular meeting.

CITIZEN-FUNDED ELECTION TASK FORCE (HB 513, Chapter 237:1, Laws of 2009), Room 103, State House

2:00 p.m. Regular meeting.

COMMITTEE TO STUDY THE IMPOSITION OF ASSESSMENTS TO RETIREMENT SYSTEM EMPLOYERS FOR EXCESS BENEFITS PAID TO RETIREES (SB 108, Chapter 304:1, Laws of 2009), Room 103, State House

1:00 p.m. Regular meeting.

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

10:00 a.m. Non-public session of the Complaint Review Committee.

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.

VOLUNTEER NH (RSA 19-H), Greater Manchester Chapter of the Red Cross, 1800 Elm Street, Manchester.

9:00 a.m. Regular meeting.

SUNDAY, FEBRUARY 14

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

1:00 p.m. Regular meeting.

TUESDAY, FEBRUARY 16

EDUCATION, Room 207, LOB

10:00 a.m. Executive session on **HR 21**, urging the department of education to conduct a survey of New Hampshire educators, **HB 1400**, requiring all colleges and universities to report crimes to the local law enforcement agency, **HB 1411**, requiring notice of the decision against rehiring be provided to educational support personnel, **HB 1412**, requiring due process for educational

support personnel, **HB 1414**, relative to teacher evaluations, **HB 1453**, relative to notice to legal guardians of students, **HB 1479-FN**, requiring that body mass index be assessed in all pupils in grades one, 4, 7 and 10, **HB 1523**, revising the pupil safety and violence prevention act, **HB 1580**, relative to home schooling.

ELECTION LAW, Room 308, LOB

10:00 a.m. Executive session on **HB 1319**, relative to single-member representative districts, **HB 1360**, permitting persons 17 years of age to register to vote, **HB 1476**, relative to periodic verification of the checklist, **HB 1528**, relative to observing voter check-in, **HB 1529**, relative to absentee voting, **HB 1549-FN**, prohibiting copying, reproducing, or retaining personal documents of voters, **HB 1574-FN**, relative to retention of election records, **HB 1608**, relative to general election candidates for offices that elect more than one person.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 308, LOB

9:00 a.m. Subcommittee work session on **HB 1688**, relative to the regulation of the installation and operation of boiler and pressure vessels.

Room 306, LOB

10:00 a.m. Subcommittee work session on **HB 1376**, relative to the regulation of pharmacies and pharmacists.

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

10:00 a.m. Executive session on **HB 1169**, deleting the repeal of the New Hampshire health care quality assurance commission, **HB 1407**, relative to personal identifiers contained within vital records, **HB 1555**, adding an exemption from immunization for conscientious beliefs, **HB 1623**, requiring certain patient identification for a pharmacist to dispense a schedule II or III controlled drug, **HB 1636-FN**, establishing the real-time electronic controlled drug prescription monitoring program, **HB 1649-FN**, relative to health information and patient rights and establishing a commission to study adding certain information to a driver's license, **HB 1692**, establishing a commission on primary care workforce issues and rescheduled executive session on **HB 1136**, requiring a report to be sent to the treatment facility on behalf of a person receiving treatment in the state mental health or developmental services system and rescheduled executive session on **HB 1572-FN**, relative to the certification of integrated residential communities.

1:00 p.m. Committee briefing on changes to HIPPA in the HITECH Act.

LEGISLATIVE ADMINISTRATION, Room 104, LOB

3:00 p.m. Continued executive session on **HB 1210**, relative to the availability of proposed amendments to bills and resolutions.

PUBLIC WORKS AND HIGHWAYS, Room 201, LOB

10:15 a.m. Rescheduled executive session on **HB 1578-FN**, relative to state agency evaluation of contractors and continued executive session on **HB 1480**, relative to rail authority bonds and executive session on **HB 2010**, relative to the state 10-year transportation improvement program.

SCIENCE, TECHNOLOGY AND ENERGY, Room 304, LOB

10:00 a.m. Executive session on **HB 1377**, permitting utilities to establish loan programs for owners of residential and business property engaging in renewable energy and energy efficiency projects, **HB 1242**, relative to broadband infrastructure, **HB 1353**, relative to group net energy metering, **HB 1659**, including solar hot water heating systems in electric renewable energy class I and continued executive session on **HB 1270**, relative to permitting existing hydroelectric plants to receive grants from the renewable energy fund for installing upgrades.

TRANSPORTATION, Room 203, LOB

10:15 a.m. Executive session on **HB 1249**, relative to seasonal highway limits for certain vehicles, **HB 1269**, relative to the operation of OHRVs and snowmobiles adjacent to public highways, **HB 1405**, relative to reverse signal operation safety requirements for construction equipment, **HB**

1408, relative to motor vehicle records, *HB 1432-L*, relative to the use of blue lights on firefighting apparatus, *HB 1561-FN*, relative to off highway recreational vehicle registrations, *HB 1620-FN-A*, establishing state park number plates, *HB 1663-FN*, relative to the exchange of inoperable E-Z pass transponders, *HB 1192*, relative to obstructions on motor vehicle windows.

THURSDAY, FEBRUARY 18

ADVANCED MANUFACTURING EDUCATION ADVISORY COUNCIL (RSA 188-E:21), Department of Education, Walker Building, Room 330, 21 South Fruit Street, Concord

3:00 p.m. Regular meeting.

COMMISSION TO STUDY WATER INFRASTRUCTURE SUSTAINABILITY FUNDING (SB 60, Chapter 245:1, Laws of 2009), Room 103, State House.

2:00 p.m. Regular meeting.

COUNTY-STATE FINANCE COMMISSION (RSA 28-B:1), Department of Health and Human Services, Conference Room 468, 129 Pleasant Street, Concord

1:00 p.m. Regular meeting.

ENVIRONMENT AND AGRICULTURE, Room 308, LOB

9:00 a.m. Executive session on *HB 1172*, relative to the labeling of genetically modified seeds, *HB 1299*, establishing a committee to study enacting a moratorium on the sale and use of fertilizers containing phosphorus, *HB 1388*, establishing a cause of action for farmers sustaining damage from the use of genetically modified seeds or plants, *HB 1456*, establishing a committee to study the use of pesticides, herbicides and their alternatives in residential neighborhoods, school properties, playgrounds and other places children congregate.

FRIDAY, FEBRUARY 19

ADMINISTRATIVE RULES (RSA 541-A:2), Rooms 210-211, LOB

9:00 a.m. Regular meeting.

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

1:00 p.m. Regular meeting.

CITIZEN-FUNDED ELECTION TASK FORCE (HB 513, Chapter 237:1, Laws of 2009), Room 103, State House

2:00 p.m. Regular meeting.

COMMISSION TO STUDY HOSPITAL BILLING PRACTICES OF HEALTH CARE PROVIDERS (SB 188, Chapter 265:1, Laws of 2009), Room 100, State House

1:00 p.m. Regular meeting.

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

9:30 a.m. Regular meeting.

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

10:00 a.m. Regular meeting.

MONDAY, FEBRUARY 22

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

9:00 a.m. Regular meeting.

MONDAY, MARCH 1

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

9:00 a.m. Regular meeting.

FRIDAY, MARCH 5

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

9:00 a.m. Continued regular meeting.

CITIZEN-FUNDED ELECTION TASK FORCE (HB 513, Chapter 237:1, Laws of 2009), Room 103, State House

2:00 p.m. Regular meeting.

MONDAY, MARCH 8

COUNCIL TO STUDY THE RELATIONSHIP BETWEEN PUBLIC HEALTH AND THE ENVIRONMENT (RSA 125-P), Room 205, LOB

9:30 a.m. Regular meeting.

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

1:00 p.m. Regular meeting.

TUESDAY, MARCH 9

CAPITAL BUDGET OVERVIEW COMMITTEE (RSA 17-J:2), Room 201, LOB

3:30 p.m. Rescheduled regular business.

THURSDAY, MARCH 11

COMMISSION TO STUDY WATER INFRASTRUCTURE SUSTAINABILITY FUNDING (SB 60, Chapter 245:1, Laws of 2009), Room 103, State House

3:00 p.m. Regular meeting.

FRIDAY, MARCH 12

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

10:00 a.m. Non-public session of the Complaint Review Committee.

1:00 p.m. Regular meeting.

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

9:30 a.m. Regular meeting.

OFFICIAL NOTICES

COUNTY DELEGATION NOTICE

Carroll County Delegation will meet in Executive Session on Monday, **February 8**, 2010 at 9:00 a.m. to work on the 2010 County Budget. The meeting will take place in the Carroll County Administration Building, Delegation Room, at 95 Water Village Road, Ossipee, NH. The Delegation will also consider and act upon any other business that may properly be brought before the meeting. The Executive Committee meeting will be followed by a meeting of the County Convention to vote on any recommendations or other business.

Rep. Karen C. Umberger, Clerk

Carroll County Delegation

COUNTY DELEGATION NOTICE

Hillsborough County Executive Committee will be meet on Friday **March 5** at 9:00 a.m. at the Hillsborough County Complex, Bouchard Building, Goffstown.

Rep. Maurice Pilotte Chairman
Hillsborough County Executive Committee

COUNTY DELEGATION NOTICE

Rockingham County 2010 Budget schedule:

Rockingham County Executive Committee will meet on Monday, **February 8** at 5:30 p.m. at the Hilton Auditorium, RCNH, Brentwood for the Subcommittee Chairs to report budget recommendations and for the Executive Committee to vote on the budget to be presented to the full Delegation.

Rockingham County Executive Committee will meet on Tuesday, **February 16** at 5:30 p.m. at the Commissioners Conference Room, RCNH, Brentwood, to finalize unfinished business prior to the Delegation Meeting.

Rockingham County Delegation (RSA 24:21-b) will meet on Tuesday, **February 16** at 6:00 p.m. at the Hilton Auditorium, RCNH, Brentwood, to adopt the County Budget for 2010. Sandwiches and light refreshments will be provided. Thursday, February 18 will be the storm date.

Rep. David A. Welch, Clerk
Rockingham County Delegation

REVISED FISCAL NOTES

The following House Bills have revised fiscal notes: HBs 232, 286, 507, 660, 662, 1128, 1506, 1603, 1611, 1643, 1649, 1664, 1672, 1673, 1674, 1675, 1676, 1677, 1678, 1679, 1680, 1681, 1683.

Karen O. Wadsworth, Clerk of the House

MEMBERS' NOTICES

The following notices are published in the House record as a courtesy to the member(s) requesting publication. These are not official public notices and will be limited to legislative policy or legislative social activities and political meetings or events. Publication should not be construed as support for either the events listed or the views espoused by the individual or organization sponsoring the event.

The New Hampshire Lakes Association is co-hosting Ice-fest along with the Cobbetts Pond Improvement Association on **February 6** from 11:00 a.m. to 3:00 p.m. Fun for the whole family. The event will take place on Cobbetts Pond in Windham at Castleton Conference Center. Ice skating, snow sculpting, ice fishing as well as a chili cook-off. For more information go to www.nhlakes.org.

Rep. Jane Beaulieu

The Board of Merrimack County Farm Bureau invites the Merrimack County Delegation and the Environment and Agriculture Committee for a luncheon on Tuesday, **February 9** at noon at the Department of Agriculture, Markets and Foods, State House Annex, Second Floor, 25 Capitol Street, Concord.

Reps. Candace CW Bouchard and Tara Sad

The New Hampshire Public Health Association cordially invites all legislators and staff to our 5th Annual Public Health and the Granite State: A Non-Partisan Overview for Policymakers to be held on Wednesday, **February 10** from 7:30-9:00 a.m. at the Holiday Inn, 172 North Main Street, Concord. Breakfast will be provided. Please RSVP to NHPHA at 228-2983 or email to info@nhpha.org.

Rep. Rich T. DiPentima

The LEAH Collective (creating awareness about the dangers of lawn herbicides and pesticides, educating about sustainable land care and advocating for earth changing legislation), and SafeLawns.org are sponsoring lunch and a movie for legislators on Wednesday, **February 10** at St. Paul's Church during the session lunch break. Paul Tukey, New England-based founder of SafeLawns.org, will be on hand to showcase his film, *A Chemical Reaction*. Learn what steps we can take for the sake of children's health and the environment. RSVP zannel1@metrocast.net.

Reps. Mary Cooney and Suzanne Smith

Northeast Delta Dental cordially invites all members of the New Hampshire Legislature and their staff to its Eleventh Annual Legislative Reception to be held Wednesday, **February 10** from 4:00 p.m. to 6:30 p.m. at its corporate office One Delta Drive in Concord.

Reps. Mary Jane Wallner and Sherman A. Packard

The Merrimack County Republican Committee invites all representatives to its candidates breakfast at 7:30 a.m. on Thursday, **February 11** at the Grappone Center. Tickets are \$20 or \$200 for a table. RSVP to danmcguire@gmail.com or 782-4918.

Reps. Carol M. McGuire and Jennifer R. Coffey

The Dartmouth Toxic Metals Research Program invites legislators to the screening of: "In Small Doses: Arsenic" on Thursday, **February 11** from 1:30-4:00 p.m. at the Red River Theatres, 11 South Main Street, Concord. Reception to follow. Please RSVP by the 1st of February to: laura.m.harrington@dartmouth.edu. The movie short, "In Small Doses: Arsenic," discusses the risks associated with exposure to potentially harmful amounts of arsenic in private well water. About one in five private wells in New England, including New Hampshire, contain unsafe levels of arsenic from naturally occurring sources in bedrock. A brief press conference will occur following the screening, including background on HB 1685, the Private Well Testing Bill, which would require testing of private wells for a variety of contaminants, including arsenic, at the time of a home sale and/or when a new well is installed. Join us for the reception and an opportunity to meet with Dartmouth and federal researchers, environmental agency representatives, state legislators, and community leaders to discuss the issue of well water testing in New Hampshire.

Reps. Mary Stuart Gile and Judith Spang

The Rockingham County Republican Committee will hold its annual Lincoln Day Dinner on Lincoln's birthday, **February 12**, at 6:00 p.m. at the Castleton, 92 Indian Rock Road, Route 111, Windham. The principal guest speaker is the Honorable George E. Pataki, former NY Governor. There will be a VIP reception with Governor Pataki. Tickets are \$50 per person. Please RSVP/ask questions to Jeannie Sangenario at 531-3814 or Rep. Will Smith at smi975@yahoo.com.

Rep. Will Smith

The Legislative Youth Advisory Council will meet Sunday, **February 14**, 1:00 p.m. at the NH Technical Institute. They will be planning public forums to gather additional information from youth on issues of concern to them. For further information contact Rep. Carolyn Gargasz, 465-7463, cgargasz@cs.com. The meetings are open to the public.

Rep. Carolyn Gargasz

The New Hampshire Lodging & Restaurant Association cordially invites all legislators to attend a reception at the Holiday Inn, 172 North Main Street, Concord on Wednesday, **February 17** from 4:00 to 7:00 p.m. The reception will provide an opportunity to meet with leaders of the hospitality industry.

Reps. Mary Jane Wallner and Sherman A. Packard

The Long Term Care Legislative Caucus will meet on Thursday, **February 18** at 2:00 p.m. in Room 205, LOB to hear a report on current levels of elderly abuse and exploitation. Leading the discussion will be representatives of the Attorney General's office and the Bureau of Elderly and Adult Services. Please contact Rep. Kate Miller at katemiller@metrocast.net with any questions.

Rep. Kate Miller

The New Hampshire oral health coalition cordially invites all legislators to the 3rd oral health Lunch and Learn for NH Policy Makers. Join us to discuss, the Cost of Delaying Dental Treatment. Thursday, **February 18**, 2010 from 12:00 to 1:30 p.m. at the Barley House and Tavern, 132 North Main Street, Concord. Ryan Tappin from the NH Center for Policy Studies and Shelly Gehshan from the PEW Initiative on Children's Dental Health will be the speakers. Please RSVP by Monday, February 15th at 415-5550 or email vlapointe@nhoralhealth.org.

Rep. Rich DiPentima

The NH Dental Society cordially invites all legislators to a Reception for Legislators to be held on Tuesday, **March 2** from 4:00 p.m. to 7:00 p.m. at the Holiday Inn in Concord. We look forward to seeing you there!

Reps. Mary Jane Wallner and Sherman A. Packard

The Barnstead Alton Republican Committee is on winter vacation this month. Next meeting will be **March 9** at JJ Goodwins in Center Barnstead with Former Governor John H Sununu.

Rep. Elaine Swinford

Breathe New Hampshire cordially invites all members of the New Hampshire Legislature for a legislative breakfast to be held Wednesday, **March 10** from 7:30 to 9:00 a.m. in the State House Cafeteria.

Rep. Rich T. DiPentima

All members of the Republican caucus are invited to the House Republican Alliance's weekly meeting. The

HRA will meet every Tuesday at 8:30 a.m. at the Upham Walker House, Park Street, Concord.
Reps. Nancy Elliott, Robert Mead and William O'Brien

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

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 **February 2010**. 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 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>
Feb. 9	9:00	Peter Woodbury School – Bedford	45/4
Feb. 10	9:00	Peter Woodbury School – Bedford	45/4
Feb. 10	10:30	St. Benedict Academy – Manchester	23/4
Feb. 11	9:00/10:30 SH/Manse	Peter Woodbury School – Bedford	67/4
Feb. 12	9:30/11:00 SH/HM	Weston Elementary School – Manchester	115/4
Feb. 17	9:30	Sanbornton Central School	29/4
Feb. 17	10:00	UNH Social Worker students	30/Col
Feb. 18	10:15/11:30 SH/HM	New Searles Elementary School – Nashua	66/4
Feb. 19	9:00	Kimball Walker School – Concord	27/4
Feb. 19	10:30	St. John Regional School- Concord	28/4
Feb. 24	2:00	Bedford Boy Scouts Pack 114	20/2
Feb. 25	9:30	Mascoma Valley Regional HS – French Exchange Students (Canaan)	26/HS

WEDNESDAY, FEBRUARY 10

AMENDMENTS

2010-0497h

Amendment to HB 213-FN Proposed by the Committee on Finance - C

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

4 Funding of Statewide Emergency Notification System Implementation. Funding for implementation of the statewide emergency notification system required by this act, including funds for software and hardware but excluding phones, shall be limited to \$600,000.

AMENDED ANALYSIS

This bill requires the bureau of emergency communications to develop and maintain a statewide emergency notification system. The bill limits funding for implementation of the system to \$600,000.

2010-0445h

Amendment to HB 523-FN

Proposed by the Committee on Finance - C

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

4 Use of Highway Funds Prohibited. The department of safety shall only expend available biennial appropriations, but shall expend no highway funds, to implement the requirements of section 1 of this act.

5 Effective Date.

I. Section 4 of this act shall take effect July 1, 2011.

II. The remainder of this act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill:

I. Amends certain provisions of RSA 651-C requiring DNA analysis of criminal offenders.

II. Repeals the definitions of “sexual offender” and “violent crime” in RSA 651-C.

III. Inserts a provision governing the applicability of RSA 651-C.

IV. Requires the department of safety to expend available biennial appropriations to fund the requirements of this act and prohibits the use of any highway funds for the purposes of this act.

2010-0417h

Amendment to HB 558-FN

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

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

AN ACT establishing a procedure for leasing state parks.

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

1 New Subdivision; Lease of State Parks. Amend RSA 216-A by inserting after section 6-a the following new subdivision:

Lease of State Parks

216-A:6-b Definitions. In this subdivision:

I. “Commissioner” means the commissioner of the department of resources and economic development.

II. “Director” means the director of the division of parks and recreation, department of resources and economic development.

III. “Division” means the division of parks and recreation, department of resources and economic development.

IV. “Lease” means a written instrument to which the state and a lessee are parties which provides for the development, management, or operation of a state park and the payment of rent to the state.

V. “Lease evaluation committee” or “committee” means the state park system advisory council, established in RSA 216-A:3-k. Only for the purpose of performing its duties under this subdivision relative to the evaluation of proposed leases of state parks and the monitoring of leases of state parks, the membership of the state park system advisory council shall also include the following individuals:

(a) If state historical sites or facilities are involved, the commissioner of the department of cultural resources or designee.

(b) The executive director of the fish and game department, or designee.

(c) The commissioner of the department of environmental services or designee.

(d) The director of the appropriate regional planning commission as determined by the commissioner of the department of resources and economic development.

(e) A representative from each local community who shall be appointed by the governing body of the local community.

VI. "Local community" means any municipality or unincorporated place:

(a) In which the state park which is the subject of the proposed lease is located, whether in whole or in part; or

(b) That abuts the state park which is the subject of the proposed lease; or

(c) That provides services to, or is affected by, the operation of the state park which is the subject of the proposed lease, as determined by the director in consultation with the appropriate regional planning commission.

VII. "State park" means any land or infrastructure, whether in whole or in part, owned by the state and managed by the division for recreational, cultural, historical, or educational purposes.

216-A:6-c Lease of State Parks.

I. Except as provided in this section, no state park shall be leased to any entity without legislative approval of the written report prepared pursuant to RSA 216-A:6-d, V, and subsequent approval of the lease by the governor and council.

II. This section shall not apply to operations related to souvenir and food service concessions, ski instruction, rental, or repair, or to any other similar type of auxiliary activity where the management and overall operations of the state park remains with the state.

216-A:6-d Evaluation of Proposed Lease.

I. The commissioner shall review all lease proposals and determine which proposals shall be submitted to the committee.

II. If the commissioner submits a lease proposal to the committee, the committee shall first determine if the lease proposal contains sufficient information to be evaluated under paragraph III. If the committee determines additional information is needed, it may request the lease applicant to provide such additional information as the committee determines is reasonably necessary to properly evaluate the proposal. The additional cost of providing such information to the committee shall be borne by the lease applicant.

III. The committee shall evaluate the proposed lease of a state park using the following criteria:

(a) The effect on the current 10-year strategic plan for the specific state park and the role of the state park in the state park system.

(b) The proposed lessee possesses the financial, technical, and managerial capabilities to ensure that the state park shall be managed and operated in accordance with any conditions the committee may deem necessary.

(c) The financial benefit of the proposed lease to the state park system.

(d) The benefits of the proposed lease to the public using the state park, to the public using the state park system, and to local communities and businesses in the area of the state park, and in the state as a whole.

(e) The environmental effects of the proposed lease.

(f) Any relevant issues in local communities which may be caused by the proposed lease, including land use, infrastructure issues, and emergency and other community services.

(g) Whether the activities in the proposed lease would be permitted under state or federal law.

(h) The proposed lessee agrees to the retention of as many state employees as is practicable under the proposed lease.

(i) The proposed lease will have a minimal net adverse impact on the economy, aesthetics, historical sites, public health or safety, or quality of life in a local community or in the state as a whole.

(j) The proposed lease shall specifically address any additional financial impacts to local communities in the areas of public safety and infrastructure maintenance and improvement and provide a means to meet such additional needs.

(k) The proposed lease shall contain a 10-year development plan detailing proposed expansion and improvements on the land which is the subject of the lease.

IV. The committee shall hold at least one public hearing in a local community on the proposed lease prior to the preparation of its written report. The commissioner shall post notice of the date, time, and place of the hearing at least 10 days in advance on the Internet site of the division of parks and recreation, in the

town hall of each local community, and in at least one publication of general circulation in each local community.

V. Upon completion of the evaluation, the committee shall prepare a written report of its findings and recommendations on the proposed lease. Copies of the report shall be submitted to the commissioner, the speaker of the house of representatives, the president of the senate, the chairperson of the house resources, recreation and development committee, the chairperson of the senate energy, environment and economic development committee, and to the members of the governing body in each local community.

VI. The committee shall hold an informational meeting in a local community, to occur not more than 30 days after completion of the written report. The commissioner shall post notice of the date, time, and place of the hearing at least 10 days in advance on the Internet site of the department of resources and economic development, in the town hall of each local community, and in at least one publication of general circulation in each local community.

VII. The commissioner shall not recommend a proposed lease to the legislature unless it meets the criteria set forth in paragraph III.

VIII. The committee shall monitor approved leases for the duration of the lease period to ensure compliance with lease terms.

216-A:6-e Lease Payments. All lease payments to the state shall be deposited in the state park fund established in RSA 216-A:3-i.

216-A:6-f Applicability. This subdivision shall not apply to any leases validly executed before the effective date of this subdivision or to the renewal of such leases.

2 New Paragraph; State Park System Advisory Council; Members. Amend RSA 216-A:3-k by inserting after paragraph I the following new paragraph:

I-a. In addition to the members listed in paragraph I, the council membership shall include the individuals set forth in RSA 216-A:6-b, V(a)-(e) only for the purpose of evaluating and monitoring leases of state parks pursuant to RSA 216-A:6-b through RSA 216-A:6-f.

3 Repeal. RSA 12-A:29-a, relative to terms of lease agreements for Cannon Mountain and Mount Sunapee, is repealed.

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

AMENDED ANALYSIS

This bill establishes a procedure for the leasing of state parks and repeals the lease provisions for the leasing of Cannon Mountain and Mount Sunapee.

2010-0192h

Amendment to HB 646-FN-LOCAL

Proposed by the Committee on Municipal and County Government - R

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

AN ACT relative to caps on total billings to counties for nursing home care services.

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

1 New Subparagraph; County Nursing Home; Reimbursement of Funds; Adjustment of Caps. Amend RSA 167:18-a, II by inserting after subparagraph (b) the following new subparagraph:

(c) The caps on total billings established in subparagraph (a) shall be reduced for each state fiscal year in the same percentage as any average statewide nursing home rate reduction attributable to application of a budget neutrality factor from the rates in effect on July 1 of each state fiscal year.

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

AMENDED ANALYSIS

This bill requires the reduction of the annual caps on total billings to counties in the same percentage as any statewide nursing home rate reduction attributable to application of a budget neutrality factor by the department of health and human services.

2010-0248h

Amendment to HB 1155

Proposed by the Committee on Municipal and County Government - C

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

1 New Section; Contracts with the Department of Environmental Services. Amend RSA 52 by inserting after section 25 the following new section:

52:26 Contracts with the Department of Environmental Services. Any contract between a district formed for the purpose of impoundment of water, organized pursuant to this chapter, and the department of environmental services for the construction, operation, and maintenance of any dam located within the district's boundaries that is in effect on the effective date of this act shall continue in effect unless terminated by the district. If the district terminates the contract, any obligations and liabilities outstanding at the time of such termination shall be outstanding obligations and liabilities of the district and, if the district is terminated, such obligations shall be treated in the same manner as under RSA 52:21.

AMENDED ANALYSIS

This bill:

I. Repeals the authority of water districts to enter into contracts with the department of environmental services for the construction, operation, or maintenance of dams.

II. Permits existing contracts between a water district and the department of environmental services for the construction, operation, and maintenance of dams to continue in effect unless terminated by the district.

2010-0249h

Amendment to HB 1166

Proposed by the Committee on Public Works and Highways - C

Amend the bill by replacing sections 2 and 3 with the following:

2 Delegation of Purchasing Authority; Use of Procurement Cards. Amend RSA 21-I:17-a, I to read as follows:

I. The director of plant and property management may, upon written application of the governing board of any agency, authorize such governing board, or one or more individuals designated by such board, to purchase supplies for the agency directly from vendors by the use of field purchase orders, **or by the use of procurement cards issued for that purpose**; provided, however, that no such field purchase order **or procurement card** shall be used where a total expenditure of more than \$500 is involved. The form and use of such field purchase orders **or procurement cards** shall be prescribed by rules adopted by the commissioner of administrative services, **in consultation with the state treasurer, and** pursuant to RSA 541-A **or in the department's manual of procedures described in RSA 21-I:14, I. Rules or procedures adopted by the commissioner relative to procurement cards shall include processes for monitoring the use of such cards.** ~~[The director may also authorize purchases using the integrated financial system for contracted commodities and services, provided that the total expenditure involved does not exceed \$5,000.]~~

3 Public Works Design and Construction; Approval by Capital Budget Overview Committee. Amend RSA 21-I:80, I(d) to read as follows:

(d) Notwithstanding any other provision of law, the commissioner is authorized to use the design build and construction management methods of contracting for any ~~[buildings that are part of capital projects]~~ **project**. The capital budget overview committee shall approve preliminary plans prior to construction, **reconstruction, alteration, or maintenance if the project is part of a capital project and:**

(1) The construction management method of contracting is used; or

(2) The design build method of contracting is used and the estimated cost is more than \$500,000.

AMENDED ANALYSIS

This bill:

I. Permits the division of plant and property management to procure supplies or services for the legislative and judicial branches of state government and recognizes that the division may include certain provisions regarding purchases by those branches, by municipalities, and by nonprofits in its contracts.

II. Authorizes the use of procurement cards for supplies purchased through the division of plant and property management for items below a set dollar value.

III. Requires capital budget overview committee approval only for certain state building projects over a specified amount.

IV. Repeals the authority of the director of plant and property management to purchase supplies for the New Hampshire College and University Council.

This bill is a request of the department of administrative services.

2010-0363h

Amendment to HB 1170

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

Amend the bill by replacing section 1 with the following:

1 Health Facility Licensure; Annual Inspections. RSA 151:6-a is repealed and reenacted to read as follows:

151:6-a Annual Inspection. The department of health and human services shall make at least one annual unannounced inspection of every facility licensed under this chapter, except home health care agencies and home care service provider agencies, which shall be inspected no less frequently than once every 24 months. The purpose of the inspection shall be to determine that the facility is in compliance with all provisions of this chapter, applicable rules adopted under this chapter, and all applicable codes. For residential care facilities, the inspection shall include a review of the programs and services offered in the facility to assure that the facility is in compliance with its current level of licensure, and a survey of the most recent individual resident needs determinations where such surveys are not done under the survey and certification process for Titles XVIII and XIX of the Social Security Act, as amended, to assure that the facility and its programs and services are appropriate to the needs of the residents. The department shall also conduct compliance monitoring visits as necessary to ensure that corrective action required to correct cited violations of this chapter or rules adopted under this chapter have been appropriately implemented. Inspection results shall be provided as a written report that identifies any noncompliance with this chapter, applicable rules adopted under this chapter, and any applicable codes. The results of this inspection and any later inspection shall be posted in a conspicuous place in the facility in the manner determined by the commissioner of the department of health and human services. The results so posted shall indicate the facilities and services inspected and the results for each such facility or service. This section shall not apply to facilities or entities that have deemed status under RSA 151:5-b. If a residential care facility, as referenced under RSA 151:9, VII(a)(1) or (2) or an adult day care program as referenced under RSA 151:2, I(f) has been inspected and is found to be deficiency-free for 2 consecutive years it shall be granted a one-year waiver from the provisions of this section and thereafter shall be inspected every other year; provided, that the facility remains deficiency-free when it is inspected, that the facility is not the subject of a founded complaint investigation under RSA 151:6, and the facility remains under the same administrator who is responsible for the day-to-day operation of the facility.

AMENDED ANALYSIS

This bill clarifies the procedure for annual inspections of home health care agencies and home care service provider agencies.

2010-0267h

Amendment to HB 1184

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

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

1 New Paragraph; Unused Prescription Drug Program; Temporary Storage. Amend RSA 318:58 by inserting after paragraph III the following new paragraph:

III-a. Any facility authorized to accept prescription drugs and devices for the program may temporarily store the drugs and devices appropriately but separately from the usual storage of such drugs and devices for the sole purpose of redispensing to individuals as provided in this section.

2 New Paragraph; Unused Prescription Drug Program; Participation. Amend RSA 318:58 by inserting after paragraph VI the following new paragraph:

VII. Participation in the program shall be voluntary and individuals in the program shall be informed that the prescription drugs and medical devices have been redispensed.

3 Rulemaking; Pharmacy Board; Date Added. Amend the introductory paragraph of RSA 318:59 to read as follows:

318:59 Rulemaking. The board shall, ***not later than December 31, 2010***, adopt rules, pursuant to RSA 541-A, for the program relative to:

4 Unused Prescription Drug Program; Immunity. Amend RSA 318:60 to read as follows:

318:60 Limited Immunity.

I. Accepting or dispensing of a prescription drug manufactured by the prescription drug manufacturer that is donated by any entity pursuant to this subdivision shall not subject a prescription drug manufacturer to criminal or civil liability for injury, death, or loss to person or property for failure to transfer or communicate product or consumer information or the expiration date of the donated prescription drug, or for damages related to improper storage of the donated prescription drug or use after the expiration date. Except as provided in this section, nothing in this subdivision shall in any way limit liability that would have existed under the original prescription.

II. Pharmacies, pharmacists, and other persons or entities acting in good faith, participating in the unused prescription drug program, and students and faculty of medical and pharmacy education institutions, with respect to the duties they perform as part of the program, shall not be subject to criminal or civil liability for injury, death, or loss to person or property for failure to transfer or communicate product or consumer information or the expiration date of the donated prescription drug, or for damages related to improper storage of the donated prescription drug or use after the expiration date, provided they comply with rules adopted by the board.

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

AMENDED ANALYSIS

This bill allows for the temporary storage of prescriptions in the unused prescription drug program, requires participants to be informed of the redispensing, sets a date for the adoption of rules by the pharmacy board, and expands the limited immunity for persons and facilities participating in the program.

2010-0220h

Amendment to HB 1199

Proposed by the Committee on Municipal and County Government - C

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

AN ACT relative to the boundaries of the North Conway water precinct.

Amend the bill by replacing section 1 with the following:

1 North Conway Water Precinct; Boundaries Approved. The 2010 legislative session hereby approves the boundaries of the North Conway Water Precinct as described in the 2007-102 Boundary Ratification Plan for the North Conway Water Precinct by H.E. Bergeron Engineers.

2010-0419h

Amendment to HB 1224

Proposed by the Committee on Education - C

Amend the bill by replacing section 1 with the following:

1 School Employee and Volunteer Background Investigations. Amend RSA 189:13-a, II-V to read as follows:

II. The selected applicant for employment or designated volunteer with a school administrative unit, school district, or chartered public school shall submit to the employer a notarized criminal history records release form, as provided by the division of state police, which authorizes the release of information regarding the presence or absence of any record of convictions of the applicant of felonies or ***arrests, charges pending disposition, or convictions of the applicant*** of the crimes listed in paragraph V. The applicant shall submit with the release form a complete set of fingerprints taken by a qualified law enforcement agency or an authorized employee of the school administrative unit, school district, or chartered public school. In the event that the first set of fingerprints is invalid due to insufficient pattern and a second set of fingerprints is necessary in order to complete the criminal history records check, the conditional offer of employment shall remain in effect. If, after 2 attempts, a set of fingerprints is invalid due to insufficient pattern, the school administrative unit, school district, or chartered public school may, in lieu of the criminal history records check, accept police clearances from every city, town, or county where an applicant has lived during the past 5 years.

III. The school administrative unit, school district, or chartered public school shall submit the criminal history records release form to the New Hampshire state police which shall conduct a criminal history records check through its records and through the Federal Bureau of Investigation. Upon completion of the background investigation, the state police shall examine the list of crimes constituting grounds for non-approval of employment, or non-acceptance of volunteer services in that school administrative unit, school district, or chartered public school, and shall report the presence or absence of any such crime to the school administrative unit, school district, or chartered public school. Under no circumstances shall the criminal records be released to the school administrative unit, school district, or chartered public school. The school administrative unit, school district, or chartered public school shall maintain the confidentiality of all criminal history records information received pursuant to this paragraph. If the criminal history records information indicates no criminal record, the school administrative unit, school district, or chartered public school shall destroy the information received immediately following its review of the information. If the criminal history records information indicates that the applicant has been convicted of a felony or ***has been arrested for or charged pending disposition for or convicted*** of a crime listed in paragraph V, the school administrative unit, school district, or chartered public school shall review the information for a hiring decision, and the division of state police shall notify the department of education of any such ***arrests, charges pending disposition, or*** convictions. The school administrative unit, school district, or chartered public school shall destroy any criminal history record information that indicates a criminal record within 30 days of receiving such information.

IV. The school administrative unit, school district, or chartered public school may require the selected applicant for employment or designated volunteer to pay the actual costs of the background investigation and a criminal history records check.

V. Any person who has been ***arrested for or charged pending disposition for or*** convicted of any violation or attempted violation of RSA 630:1; 630:1-a; 630:1-b; 630:2; 632-A:2; 632-A:3; 632-A:4; 633:1; 639:2; 639:3; 645:1, II or III; 645:2; 649-A:3; 649-A:3-a; 649-A:3-b; 649-B:3; or 649-B:4; or any violation or any attempted violation of RSA 650:2 where the act involves a child in material deemed obscene; in this state, or under any statute prohibiting the same conduct in another state, territory, or possession of the United States, shall not be hired by a school administrative unit, school district, or chartered public school. By decision of the appropriate governing body, a school administrative unit, school district, or chartered public school may deny a selected applicant a final offer of employment if such person has been convicted of any felony in addition to those listed above. The governing body may adopt a policy stating that any person who has been convicted of any felony, or any of a list of felonies, shall not be hired.

AMENDED ANALYSIS

This bill prohibits the hiring of persons arrested for or charged pending disposition for certain crimes by school administrative units, school districts, and chartered public schools. This bill also requires applicants for driver education certificates and school licenses to notify the director of the division of motor vehicles if they have been arrested, indicted, or summonsed to court for certain offenses.

2010-0261h

Amendment to HB 1239

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

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

AN ACT relative to processing certain environmental permits and administrative fines for violations of dredge and fill requirements.

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

1 New Subparagraphs; Suspension of Permit Review; Enforcement Action. Amend RSA 482-A:3, XIV by inserting after subparagraph (e) the following new subparagraphs:

(f) The time limits under this paragraph shall not apply to an application from an applicant that has previously been found in violation of this chapter pursuant to an action initiated under RSA 482-A:13 through RSA 482-A:14-b.

(g) The department may suspend review of an application under this section until the applicant has corrected a violation that is the subject of an enforcement action on the property to the satisfaction of the department. "Enforcement action" means a proceeding initiated by or at the request of the department

against a person who is believed to have violated applicable requirements, which is intended to cause the person to comply with applicable requirements or to impose a monetary penalty or both.

2 Administrative Fines. Amend RSA 482-A:13 to read as follows:

482-A:13 Administrative Fine. The commissioner, after notice and hearing in accordance with the procedures set forth in RSA 541-A, is empowered to impose an administrative fine of up to [~~\$2,000~~] **\$5,000** for each offense upon any person who violates any provision of this chapter. This fine is appealable under RSA 541. Any administrative fine imposed under this section will not preclude the imposition of further penalties under this chapter. The proceeds of administrative fines levied pursuant to this section shall be placed in the nonlapsing fund authorized in RSA 482-A:14, III.

3 Time for Rendering Decision. RSA 483-B:5-b, V(d) is repealed and reenacted to read as follows:

(d) Except as provided in subparagraphs (e) and (f) if the department fails to render a decision in the time frame provided in this paragraph, the department shall notify the applicant that a determination was not made within the statutory time requirements. Upon this notice, the department shall reimburse the applicant 25 percent of the application fee. Within 14 days following the date on which action should have been taken pursuant to the applicable time frame established in this paragraph, the department shall issue an approval or denial of the permit application, or reach a mutually acceptable agreement with the applicant for an extension of the time limit to act upon the application. After 14 days, if the department has not rendered a decision or made an agreement for an extension, an additional 25 percent of the application fee shall be reimbursed to the applicant.

4 New Subparagraphs; Suspension of Permit Review; Enforcement Action. Amend RSA 483-B:5-b, V by inserting after subparagraph (e) the following new subparagraphs:

(f) The time limits under this paragraph shall not apply to an application from an applicant that has previously been found in violation of this chapter pursuant to an action initiated under RSA 483-B:18.

(g) The department may suspend review of an application under this section until the applicant has corrected a violation that is the subject of an enforcement action on the property to the satisfaction of the department. "Enforcement action" means a proceeding initiated by or at the request of the department against a person who is believed to have violated applicable requirements, which is intended to cause the person to comply with applicable requirements or to impose a monetary penalty or both.

5 Time for Rendering Decision. RSA 485-A:17, II-b(d) is repealed and reenacted to read as follows:

(d) Except as provided in subparagraphs (e) and (f), if the department fails to render a decision in the time frame provided in this paragraph, the department shall notify the applicant that a determination was not made within the statutory time requirements. Upon this notice, the department shall reimburse the applicant 25 percent of the application fee. Within 14 days following the date on which action should have been taken pursuant to the applicable time frame established in this paragraph, the department shall issue an approval or denial of the permit application, or reach a mutually acceptable agreement with the applicant for an extension of the time limit to act upon the application. After 14 days, if the department has not rendered a decision or made an agreement for an extension, an additional 25 percent of the application fee shall be reimbursed to the applicant.

6 New Subparagraphs; Suspension of Permit Review; Enforcement Action. Amend RSA 485-A:17, II-b by inserting after subparagraph (e) the following new subparagraph:

(f) The department may suspend review of an application under this section until the applicant has corrected a violation that is the subject of an enforcement action on the property to the satisfaction of the department. "Enforcement action" means a proceeding initiated by or at the request of the department against a person who is believed to have violated applicable requirements, which is intended to cause the person to comply with applicable requirements or to impose a monetary penalty or both.

7 Action on Applications. Amend RSA 485-A:31 to read as follows:

485-A:31 Action on Applications.

I. Subject to paragraphs II and III, the department shall give notice in writing to the person submitting the plans and specifications for subdivision of land of its approval or disapproval of such plans and specifications within 30 days of the date such plans and specifications and the required fees are received by the department and shall give notice in writing to the person submitting plans and specifications for sewage or waste disposal systems of its approval or disapproval of such plans and specifications within 15 working days of the date such plans and specifications and the required fees are received by the department. Unless

such written disapproval shall be mailed to the person submitting plans and specifications within 30 days in the case of plans and specifications for subdivision of land and 15 working days in the case of plans and specifications for sewage or waste disposal systems from the date of receipt with the required fees by the department, the plans and specifications shall be deemed to have been approved. The department shall send a copy of the approval or disapproval of such plans and specifications to the planning board or board of selectmen of the affected municipality.

II. The time limits under this paragraph shall not apply to an application from an applicant that has previously been found in violation of this chapter pursuant to an action initiated under RSA 485-A:42 or RSA 485-A:43.

III. The department may suspend review of an application under this section until the applicant has corrected a violation that is the subject of an enforcement action on the property to the satisfaction of the department. "Enforcement action" means a proceeding initiated by or at the request of the department against a person who is believed to have violated applicable requirements, which is intended to cause the person to comply with applicable requirements or to impose a monetary penalty or both.

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

AMENDED ANALYSIS

This bill:

I. Raises the fine imposed for violation of the chapter regarding fill and dredge permits in the wetlands.

II. Enables the department of environmental services to suspend review of an application until the applicant has corrected a violation that is the subject of an enforcement action on the property to the satisfaction of the department.

2010-0353h

Amendment to HB 1245

Proposed by the Committee on Election Law - C

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

AN ACT relative to declarations of candidacy by presidential candidates.

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

1 Presidential Nominations; Declaration of Candidacy. Amend RSA 655:47, I to read as follows:

I. The names of any persons to be voted upon as candidates for president at the presidential primary shall be printed on the ballots upon the filing of declarations of candidacy with the secretary of state in the following form and signed by the candidate:

I, _____, ***swear under penalties of perjury that I am qualified to be a candidate for president of the United States pursuant to article II, section 1, clause 4 of the United States Constitution, which states, "No person except a natural born citizen, or a citizen of the United States, at the time of the adoption of this Constitution, shall be eligible to the office of President; neither shall any person be eligible to that office who shall not have attained to the age of thirty-five years, and been fourteen years a resident within the United States."*** I further declare that I am domiciled in _____, in the city (or town or unincorporated place) of _____, county of _____, state of _____, ~~[and meet the qualifications for the office of president;]~~ that I am a registered member of the _____ party; that I am a candidate for nomination for the office of president to be made at the primary election to be held on the _____ day of _____; and I hereby request that my name be printed on the official primary ballot of said _____ party as a candidate for such nomination.

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

AMENDED ANALYSIS

This bill modifies the declaration of candidacy to be filed by candidates for president by inserting the presidential qualifications contained in the United States Constitution.

2010-0137h

Amendment to HB 1262

Proposed by the Committee on Transportation - C

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

1 Parking Signs; Disabled. Amend RSA 265:73-a to read as follows:

265:73-a Parking Signs; Disabled. A parking space on private or public property that is reserved for persons who are disabled shall be marked by a sign affixed to a post or a building. Said sign shall be clearly visible to anyone directly approaching that particular space. ***The bottom of the sign shall be at least 60 inches but not more than 120 inches from the ground. Failure to comply with the sign placement requirements of this section shall subject the property owner to a \$100 fine per parking space per day.***

2 Applicability. The sign height requirements in RSA 265:73-a, as amended by section 1 of this act, shall apply to existing disabled parking signs beginning October 1, 2011.

3 Effective Date. This act shall take effect January 1, 2011.

2010-0346h

Amendment to HB 1271

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

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

AN ACT establishing a task force on work and family.

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

1 New Chapter; Task Force on Work and Family. Amend RSA by inserting after chapter 276-E the following new chapter:

CHAPTER 276-F

TASK FORCE ON WORK AND FAMILY

276-F:1 Task Force on Work and Family Established. There is established a task force on work and family, the purpose of which is to identify the multiple barriers which keep New Hampshire workers from achieving economic security and maximizing their contributions to the state's economy as well as attending to family responsibilities.

276-F:2 Membership; Compensation; Terms.

I. The members of the task force shall be as follows:

(a) Two members of the house of representatives, appointed by the speaker of the house of representatives.

(b) Two members of the senate, appointed by the president of the senate.

(c) One member appointed by the governor.

(d) A representative of Early Learning NH, appointed by that organization.

(e) A representative of the commission on the status of women, appointed by the commission.

(f) A representative of the commission on the status of men, appointed by the commission.

(g) The commissioner of the department of employment security, or designee.

(h) The commissioner of labor, or designee.

(i) The commissioner of the department of health and human services, or designee.

(j) A representative of the New Hampshire Women's Lobby, appointed by that organization.

(k) A representative of the Business and Industry Association of New Hampshire, appointed by the association.

(l) A representative of the New Hampshire Small Business Association, appointed by that organization.

(m) A representative of the New Hampshire Small Business Development Center at the university of New Hampshire, appointed by the center.

(n) A representative of a local chamber of commerce, appointed by the governor.

(o) A representative of a young professionals and skilled workers network within a local chamber of commerce, appointed by the New Hampshire Association of Chamber of Commerce Executives.

(p) A representative of the Greater New Hampshire Human Resource Association, appointed by the association.

(q) A representative of the university of New Hampshire, Carsey Institute, appointed by the institute.

(r) A representative of the New Hampshire Children's Trust Fund, appointed by that organization.

(s) A representative of New Hampshire Legal Assistance, appointed by the executive director.
(t) A representative of the university of New Hampshire cooperative extension, appointed by the extension.

- (u) A member of the Women's Business Center, appointed by that organization.
- (v) A representative of Child and Family Services, appointed by that organization.
- (w) A representative of the New Hampshire Children's Alliance, appointed by that organization.
- (x) The commissioner of the department of education, or designee.
- (y) A member of the Workforce Opportunity Council, appointed by the council's chairperson.
- (z) A member of the New Hampshire AFL-CIO, appointed by the chapter president.

II. Members of the task force shall serve without compensation, except that legislative members shall receive mileage at the legislative rate when attending to the duties of the task force.

III. Members of the task force on work and family established in 2007, 373, (HB 306 of the 2007 legislative session) on the effective date of this section may continue to serve on the task force established in this chapter until January 1, 2011. Thereafter, members shall be appointed as provided in paragraph I. Non-legislative members of the task force shall serve a 2-year term, beginning January 1, 2011, except that the initial appointment of 12 such members shall be for one year. Legislative members of the task force shall serve a term co-terminous with their term in office. Any vacancy shall be filled in the same manner as the original appointment.

276:3 Duties.

I. The task force shall:

- (a) Collect data and information concerning work-family issues, including employer policies and practices that enable employees to balance work responsibilities and family commitments and also help employers improve productivity.
- (b) Survey businesses to identify barriers to implementing family-responsive employment policies and practices.
- (c) Develop and promote a system of incentives and rewards, such as the Alfred P. Sloan Awards, for businesses that provide family-responsive benefits.
- (d) Research programs and benefits that attract and retain young professionals and skilled workers and also provide opportunities for elders to continue working on reduced schedules.
- (e) Continue to provide public education on work-family issues and on the need for workplace policies and practices that support the well-being of families and promote a strong and prosperous economy.

II. The task force shall periodically hold hearings in different geographic regions of the state to solicit information and testimony from employers, employees, state agencies, and interested councils and organizations.

276-F:4 Chairperson; Quorum. The members of the task force shall elect a chairperson from among the members. The first meeting of the task force shall be called by the first-named house member and shall be held within 45 days of the effective date of this section. Thereafter the task force shall meet at the call of the chair. Twelve members of the task force shall constitute a quorum.

276-F:5 Report. On or before November 1, 2010, and each year thereafter, the task force shall submit an annual report its activities and findings, including any recommendations for proposed legislation, to the speaker of the house of representatives, the senate president, the house clerk, the senate clerk, the governor, and the state library.

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

AMENDED ANALYSIS

This bill establishes a statutory task force on work and family.

2010-0318h

Amendment to HB 1281-FN

Proposed by the Committee on Commerce and Consumer Affairs - C

Amend RSA 421-B:10, I(b)(7) as inserted by section 3 of the bill by replacing it with the following:

(7) Has engaged in dishonest or unethical practices in the ~~[securities business]~~ **conduct of business in the state of New Hampshire or elsewhere;**

**Amendment to HB 1286
Proposed by the Committee on Education - C**

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

AN ACT requiring nonpublic schools and public academies to obtain a criminal history records check on employees and volunteers.

Amend the bill by replacing section 1 with the following:

1 School Employee and Volunteer Background Investigations. Amend RSA 189:13-a to read as follows:

189:13-a School Employee and Volunteer ~~[Background Investigations]~~ **Criminal History Records Check.**

I. The employing school administrative unit, school district, or chartered public school shall complete a ~~[background investigation and a]~~ criminal history records check on every selected applicant for employment in any position in the school administrative unit, school district, or chartered public school prior to a final offer of employment. **A nonpublic school or public academy approved by the New Hampshire state board of education shall submit a criminal history records check on applicants for employment pursuant to this section.** A school administrative unit, school district, ~~[or]~~ chartered public school, **nonpublic school, or public academy** may extend a conditional offer of employment to a selected applicant ~~[after completing a background investigation]~~, with a final offer of employment subject to a successfully completed criminal history records check. No selected applicant may be extended a ~~[conditional]~~ **final** offer of employment unless the school administrative unit, school district, ~~[or]~~ chartered public school, **nonpublic school, or public academy** has ~~[initiated]~~ **completed** a criminal history records check. The school administrative unit, school district, ~~[or]~~ chartered public school, **nonpublic school, or public academy** shall not be held liable in any lawsuit alleging that the extension of a conditional or final offer of employment to an applicant, or the acceptance of volunteer services from a designated volunteer, with a criminal history was in any way negligent or deficient, if the school administrative unit, school district, ~~[or]~~ chartered public school, **nonpublic school, or public academy** fulfilled the requirements of this section.

II. The selected applicant for employment or designated volunteer with a school administrative unit, school district, ~~[or]~~ chartered public school, **nonpublic school, or public academy** shall submit to the employer a notarized criminal history records release form, as provided by the division of state police, which authorizes the release of information regarding the presence or absence of any record of convictions of the applicant of felonies or of the crimes listed in paragraph V. The applicant shall submit with the release form a complete set of fingerprints taken by a qualified law enforcement agency or an authorized employee of the school administrative unit, school district, ~~[or]~~ chartered public school, **nonpublic school, or public academy**. In the event that the first set of fingerprints is invalid due to insufficient pattern and a second set of fingerprints is necessary in order to complete the criminal history records check, the conditional offer of employment shall remain in effect. If, after 2 attempts, a set of fingerprints is invalid due to insufficient pattern, the school administrative unit, school district, ~~[or]~~ chartered public school, **nonpublic school, or public academy** may, in lieu of the criminal history records check, accept police clearances from every city, town, or county where an applicant has lived during the past 5 years.

III. The school administrative unit, school district, ~~[or]~~ chartered public school, **nonpublic school, or public academy** shall submit the criminal history records release form to the New Hampshire state police which shall conduct a criminal history records check through its records and through the Federal Bureau of Investigation. ~~[Upon completion of the background investigation,]~~ The state police shall examine the list of crimes constituting grounds for non-approval of employment, or non-acceptance of volunteer services in that school administrative unit, school district, ~~[or]~~ chartered public school, **nonpublic school, or public academy**, and shall report the presence or absence of any such crime to the school administrative unit, school district, ~~[or]~~ chartered public school, **nonpublic school, or public academy**. Under no circumstances shall the criminal records be released to the school administrative unit, school district, ~~[or]~~ chartered public school, **nonpublic school, or public academy**. The school administrative unit, school district, ~~[or]~~ chartered public school, **nonpublic school, or public academy** shall maintain the confidentiality of all criminal history records information received pursuant to this paragraph. If the criminal history records information indicates no criminal record, the school administrative unit, school district, ~~[or]~~ chartered public school, **nonpublic school, or public academy** shall destroy the information received immediately following its review of the

information. If the criminal history records information indicates that the applicant has been convicted of a felony or of a crime listed in paragraph V, the school administrative unit, school district, ~~[or]~~ chartered public school, **nonpublic school, or public academy** shall review the information for a hiring decision, and the division of state police shall notify the department of education of any such convictions. The school administrative unit, school district, ~~[or]~~ chartered public school, **nonpublic school, or public academy** shall destroy any criminal history record information that indicates a criminal record within 30 days of receiving such information.

IV. The school administrative unit, school district, ~~[or charter]~~ **chartered public school, nonpublic school, or public academy** may require the selected applicant for employment or designated volunteer to pay the actual costs of the ~~[background investigation and a]~~ criminal history records check.

V. Any person who has been convicted of any violation or attempted violation of RSA 630:1; 630:1-a; 630:1-b; 630:2; 632-A:2; 632-A:3; 632-A:4; 633:1; 639:2; 639:3; 645:1, II or III; 645:2; 649-A:3; 649-A:3-a; 649-A:3-b; 649-B:3; or 649-B:4; or any violation or any attempted violation of RSA 650:2 where the act involves a child in material deemed obscene; in this state, or under any statute prohibiting the same conduct in another state, territory, or possession of the United States, shall not be hired by a school administrative unit, school district, ~~[or]~~ chartered public school, **nonpublic school, or public academy**. By decision of the appropriate governing body, a school administrative unit, school district, ~~[or]~~ chartered public school, **nonpublic school, or public academy** may deny a selected applicant a final offer of employment if such person has been convicted of any felony in addition to those listed above. The governing body may adopt a policy stating that any person who has been convicted of any felony, or any of a list of felonies, shall not be hired.

VI. This section applies to any employee, selected applicant for employment, designated volunteer, or volunteer organization which contracts with a school administrative unit, school district, ~~[or]~~ chartered public school, **nonpublic school, or public academy** to provide services, including but not limited to cafeteria workers, school bus drivers, custodial personnel, or any other service where the contractor or employees of the contractor provide services directly to students of the district ~~[or]~~, chartered public school, **nonpublic school, or public academy**. The cost for ~~[background investigations, including]~~ criminal history records checks~~[,]~~ for employees or selected applicants for employment with such contractors shall be borne by the contractor.

VII. The school administrative unit, school district, ~~[or]~~ chartered public school, **nonpublic school, or public academy** shall not be required to complete a ~~[background investigation or a]~~ criminal history records check on volunteers, provided that the governing body of a school administrative unit, school district, ~~[or]~~ chartered public school, **nonpublic school, or public academy** shall adopt a policy designating certain categories of volunteers as “designated volunteers” who may be required to undergo a ~~[background investigation and a]~~ criminal history records check.

VIII. A school administrative unit, school district, chartered public school, **nonpublic school, public academy**, or school official acting pursuant to a policy establishing procedures for certain volunteers shall be immune from civil or criminal liability, provided the school administrative unit, school district, chartered public school, **nonpublic school, public academy**, or school official has in good faith acted in accordance with said policy. Nothing in this paragraph shall be deemed to grant immunity to any person for that person’s reckless or wanton conduct.

IX.(a) Substitute teachers, student teachers, student interns, and other educational staff shall apply for a criminal history records check at the employing school administrative unit, school district, chartered public school, nonpublic school, or public academy. The division of state police shall complete the criminal history records check and, upon completion, shall issue a letter to the applicant. The letter shall be valid for 30 days from the date of issue and shall constitute satisfactory proof of compliance with this section.

(b) Student teachers and student interns shall submit a criminal history records check upon enrollment in a teacher preparation program, but shall not be required to submit additional criminal history records checks if the student teacher or student intern maintains continuous enrollment in the teacher preparation program.

(c) In addition to the criminal history records check fee, substitute teachers, student teachers, and student interns shall pay an additional fee of \$25 to the division of state police to offset the additional administrative costs under this paragraph.

X. Violations of this section shall be jointly investigated by the state police and the department of education. Information obtained through such investigations shall remain confidential and shall not be subject to RSA 91-A.

XI. In this section, "public academy" shall have the same meaning as in RSA 194:23, II.

AMENDED ANALYSIS

This bill requires nonpublic schools and public academies to submit a criminal history records check through the division of state police.

This bill is a request of the department of safety.

2010-0160h

Amendment to HB 1361

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

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

AN ACT relative to procedures for notification of parole hearings.

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

2 Adult Parole Board; Notice of Hearings. Amend RSA 651-A:11, II-a to read as follows:

II-a. At least 15 and not more than 30 days prior to any parole hearing, the adult parole board ***or the department of corrections*** shall send a copy of the information described in paragraph I by first class mail to the victim of the person seeking parole, or to the next of kin of such victim if the victim has died, if request for such notice has been filed with the ~~[board]~~ ***department of corrections***. The victim or next of kin so requesting shall keep the ~~[board]~~ ***department of corrections*** apprised of his ***or her*** current mailing address.

AMENDED ANALYSIS

This bill removes the requirement that notice of parole hearings be published in a newspaper and requires notice of hearings to be posted electronically. The bill also requires the department of corrections to provide certain information to the victim of the person seeking parole.

2010-0286h

Amendment to HB 1378-FN

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

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

AN ACT establishing an adopt-a-state park program in the state park system and establishing an adopt-a-forest fire tower program in the division of forests and lands.

Amend the bill by inserting after section 1 the following and renumbering the original section 2 to read as 6:

2 Woodland Fire Control; Duties and Authority of Director of Division of Forests and Lands. Amend RSA 227-L:2, I(b) to read as follows:

(b) Maintain the present ~~[mountain lookout stations]~~ ***forest fire towers***, establish and maintain additional ~~[stations]~~ ***towers*** connected by telephone lines or radio communication, and use aircraft and other available means for surveillance, detection, reporting, and control of forest fires and shall have the right to receive and hold, in the name of the state, gifts of land for observatory sites and rights of way for paths and telephone and electric lines.

3 New Subparagraph; Woodland Fire Control; Duties and Authority of Director of Division of Forests and Lands. Amend RSA 227-L:2, I by inserting after subparagraph (b) the following new subparagraph:

(c) Establish an adopt-a-forest fire tower program by directly involving interested citizens, groups, associations, and businesses in the maintenance of New Hampshire's state fire forest towers. The director shall develop and recommend rules to be adopted by the commissioner, pursuant to RSA 541-A, relative to implementing the adopt-a-forest fire tower program, including application and evaluation procedures to allow interested parties to adopt a forest fire tower.

4 Woodland Fire Control; Duties and Authority of Director of Division of Forests and Lands. Amend RSA 227-L:2, II(b) to read as follows:

(b) Cooperate with the forestry departments of the states of Maine, Massachusetts, and Vermont in the establishment and maintenance jointly of ~~[lookout stations]~~ ***forest fire towers*** serving New Hampshire and any of such other states.

5 Woodland Fire Control; Taking Land. Amend RSA 227-L:3 to read as follows:

227-L:3 Taking Land. If sites or rights of way necessary for the maintenance and effective operation of ~~[lookout stations]~~ **forest fire towers**, fire trails, or lines cannot be acquired by gift or purchase, the department shall have the right to acquire the same under the power of eminent domain, and the value shall be determined as provided in RSA 227-H:3, II.

AMENDED ANALYSIS

This bill establishes an adopt-a-state park program in the state park system. The bill also requires the director of the division of forests and lands to establish an adopt-a-forest fire tower program.

2010-0441h

Amendment to HB 1379

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

Amend the bill by replacing section 1 with the following:

1 Promotion of Park Facilities. Amend RSA 216-A:3-f, I to read as follows:

I. The director of parks and recreation in consultation with the director of ~~[economic]~~ **travel and tourism** development shall formulate an annual promotion program for state park facilities.

Amend the bill by deleting section 2 and renumbering the original section 3 to read as 2.

AMENDED ANALYSIS

This bill requires the director of parks and recreation and the director of travel and tourism development to jointly formulate an annual promotional program for state park facilities.

2010-0388h

Amendment to HB 1428-FN

Proposed by the Committee on Executive Departments and Administration - R

Amend the bill by inserting after section 8 the following and renumbering the original section 9 to read as 10:

9 Call, Substitute, or Volunteer, Firemen; Surviving Spouse. Amend RSA 100-A:19, III- V to read as follows:

III. If, upon the receipt by the board of trustees of proper proof of the death of a call, substitute, or volunteer fireman who was eligible for benefits under this section indicating that such death was the natural and proximate result of an injury received while in the actual performance of fire duty at some definite time and place, the board decides that death was the result of an accident in the performance of fire duty and was not caused by willful negligence on the part of such fireman, an annual allowance equal to the allowance payable to the fireman on ~~[his]~~ becoming totally and permanently disabled, as set forth in paragraph II above, shall be payable to ~~[his widow]~~ **the surviving spouse**, to continue ~~[during her widowhood]~~ **until death**; or if there is no ~~[widow]~~ **surviving spouse**, or if the ~~[widow]~~ **surviving spouse** dies ~~[or remarries]~~ before the youngest child of the deceased fireman has attained age 18, then to his **or her** child or children under such age, divided in such manner as the board in its discretion shall determine, to continue as a joint and survivorship allowance for the benefit of such child or children under said age until every child dies or attains said age; or if there is no ~~[widow]~~ **surviving spouse** or child under age 18 living at the death of the fireman, then to his **or her** dependent father or dependent mother as the board shall determine, to continue ~~[for life]~~ **until death**; provided that if none of the aforementioned beneficiaries is living at the death of the fireman no benefit shall be payable under the provisions of this paragraph.

IV. For purposes of this section, firemen shall be acknowledged as performing their fire duties when they are going to, returning from, or working at a fire or other public emergency; when performing all work within the scope of employment of the fireman under the expressed or implied authority of a superior officer; and in such other cases as the board may from time to time decide to be for the public interest.

V. In the case of a call, substitute, or volunteer fireman in receipt of an allowance under paragraph II above as the result of a disability received in line of fire duty, who dies while in receipt of such allowance as the result of such injury received in the performance of fire duty, the payment of such allowance shall continue to his ~~[widow]~~ **or her surviving spouse** until ~~[she]~~ **the surviving spouse** dies ~~[or remarries]~~, or to his **or her** child or children until each reaches the age of 18 years.

2010-0089h

Amendment to HB 1441

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

Amend the bill by replacing section 1 with the following:

1 New Paragraph; Claimant Eligibility and Compensation. Amend RSA 21-M:8-h by inserting after paragraph VII the following new paragraph:

VIII. Any person who was a victim of a crime under investigation by the cold case homicide unit as established in New Hampshire Laws 2009, 269:1 shall be eligible for victim's compensation regardless of the date of the crime. Compensation under this paragraph shall be limited to counseling expenses and expenses associated with the victim's participation in pre- and post-conviction proceedings.

AMENDED ANALYSIS

This bill provides that a victim of a crime under investigation by the cold case homicide shall be eligible for victim's compensation regardless of the date of the crime.

2010-0332h

Amendment to HB 1454-FN

Proposed by the Minority of the Committee on Judiciary - R

Amend RSA 132:30 as inserted by section 1 of the bill by replacing it with the following:

132:30 Consent Required. Notwithstanding any provision of law to the contrary, no medication or medical procedure shall be performed or provided, including dentistry, vaccinations and immunizations, and abortions to or upon any unemancipated minor without the written consent of a parent or guardian of such minor, as provided in paragraphs II and III, except in the case of a medical emergency. In the case of an abortion, the minor shall also consent to the abortion.

2010-0424h

Amendment to HB 1462

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

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

AN ACT establishing a shoreland advisory committee.

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

1 New Section; Shoreland Advisory Committee Established Amend RSA 483-B by inserting after section 20 the following new section:

483-B:21 Shoreland Advisory Committee. The department of environmental services shall establish an ad hoc committee to address residential shorefront owner input and perspective relating to the regulation of shoreland development under this chapter and the regulation of shoreline structures under RSA 482-A.

I. The advisory committee shall consist of owners of property within the protected shoreland.

II. Membership shall represent lakes of under 1,000 acres, lakes of over 1,000 acres, rivers of fourth order or above, and tidal shoreland. There shall be 2 members from each of the 10 counties.

III. The council shall meet at least 4 times per year.

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

AMENDED ANALYSIS

This bill requires the department of environmental services to establish a shoreland advisory committee.

2010-0327h

Amendment to HB 1471

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

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

AN ACT requiring the governor's office of energy and planning and the board of home inspectors to develop a document relative to home energy efficiency for home buyers.

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

1 New Section; Home Inspectors; Home Energy Efficiency; Rulemaking. Amend RSA 310-A by inserting after section 188 the following new section:

310-A:188-a Home Energy Efficiency; Rulemaking. The governor's office of energy and planning, in consultation with the board of home inspectors, shall develop a document which shall be provided by home

inspectors to their clients who are buyers or prospective buyers of single-family residential dwellings or condominium units. The document shall be provided at the time the home inspector provides the buyer or prospective buyer with the inspector's property inspection report. The document shall include where and how home buyers can obtain information and materials on energy efficiency that is specific to New Hampshire, and shall be provided through the efficiency programs administered by the electric utilities pursuant to RSA 374-F:4, VIII. Distribution of the document by home inspectors shall begin no later than January 1, 2011. The requirement to distribute the document either in hand or electronically to clients shall be included in rules adopted by the board under RSA 541-A. No additional fees shall be imposed or collected in connection with the development and provision of the document.

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

AMENDED ANALYSIS

This bill requires the governor's office of energy and planning and the board of home inspectors to develop a document relative to home energy efficiency for home buyers and begin distribution no later than January 1, 2011.

2010-0479h

Amendment to HB 1481

Proposed by the Committee on Public Works and Highways - R

Amend RSA 237:9 as inserted by section 1 of the bill by replacing it with the following:

237:9 Tolls. The commissioner of transportation, with the approval of the governor and council, shall establish toll rates and other charges for use of the New Hampshire turnpike system or any part of the right-of-way and other property acquired in connection therewith. The governor and council shall approve or reject the commissioner's proposed toll rates and other charges within 90 days of receiving them. The tolls collected shall be deposited with the state treasurer who shall keep the same in a separate account ~~for~~ **to be used exclusively for purposes of the New Hampshire turnpike system including, without limitation, the operating expenses, construction, reconstruction, and maintenance of** the New Hampshire turnpike system ~~[and the operating expenses and maintenance costs of the system shall be paid from said account. From the balance remaining after payment of operating expenses and maintenance costs, there shall be paid].~~ **All operating expenses and maintenance costs shall be paid from said account. From the balance remaining after the payment of operating expenses and maintenance costs, there shall be paid** the interest and principal on the bonds issued to finance the system. **No part of such revenues shall, by transfer of funds or otherwise, be diverted to any other purpose whatsoever.** Fourteen days previous to the time any interest or principal is payable, on any general obligation bonds issued to finance the system, the state treasurer shall examine the existing balance and, except as otherwise provided in RSA 237:10, if such balance is insufficient to make the payment, then he shall notify the governor who shall immediately draw his warrant on the highway fund to cover any deficit and if the funds in both of the above accounts are insufficient, the governor shall draw his warrant upon the state's general fund to the amount necessary to meet the payments. Any funds paid out from the state's highway fund or general fund for the above purposes shall be reimbursed from the collection of tolls as soon as such funds are available. Any funds that have been or may be expended for any portion of the system by the department of transportation shall be repaid to said department when, in the opinion of the governor and council, sufficient funds are available. Any excess income may be used for further system extensions in accordance with RSA 237:5, II(m). No provision of this chapter shall constitute a covenant with bondholders with respect to the charging, collection or disposition of tolls.

AMENDED ANALYSIS

This bill requires revenues from turnpike tolls to be used exclusively for the construction, reconstruction, and maintenance of the turnpike system.

2010-0506h

Amendment to HB 1490

Proposed by the Committee on Ways and Means - C

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

AN ACT establishing a citizens task force to study state revenues and expenditures.

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

1 New Subdivision; Department of Administrative Services; Citizens Task Force to Study State Revenues and Expenditures. Amend RSA 21-I by inserting after section 86 the following new subdivision:

Citizens Task Force to Study State Revenues and Expenditures

21-I:87 Citizens Task Force Established; Membership.

I. There is hereby established a citizens task force to study state revenues and expenditures.

II. The citizens task force shall be composed of the following 13 members:

(a) Four members of the house of representatives, appointed by the speaker of the house of representatives, one of whom shall be a member of the ways and means committee, one of whom shall be a member of the finance committee, and one of whom shall be a member of the public works and highways committee.

(b) Two members of the senate, appointed by the president of the senate.

(c) Seven public members with an expertise in finance and state government, appointed by the governor.

III. Members of the task force shall serve without compensation, except that legislative members of the task force shall receive mileage at the legislative rate when attending to the duties of the task force.

IV. The chair of the task force shall be appointed by the governor and shall serve a 4-year term. Legislative members of the task force shall serve a term coterminous with their term in office. Non-legislative members of the commission shall serve 4-year terms, except that the initial appointments shall be for staggered terms of 2, 3, and 4 years. Subsequent appointments shall be made in the same manner as the initial appointment.

V. The first meeting of the task force shall be called by the first-named house member and shall be held within 45 days of the effective date of this section. Thereafter, the task force shall meet at the call of the chair. Seven members of the task force shall constitute a quorum.

VI. The citizens task force may adopt rules of procedure for its meetings and hearings as it deems necessary and proper.

21-I:88 Duties. The citizens task force shall:

I. Analyze current state revenues and expenditures, consider the projected growth of state revenues and expenditures, and recommend future spending practices to maintain a balanced budget.

II. Study the range of needs for government services in the state and determine what changes have occurred or may occur in the need for such services.

III. Recommend changes in state expenditures and revenues in order to meet the existing and projected need for government services.

IV. Solicit information and testimony from those individuals, agencies, and entities that may be of assistance to the task force in the performance of its duties.

21-I:89 Reports. On or before December 1, 2010, and every year thereafter, the citizens task force shall make a report of its findings and recommendations, including any recommendations for future legislation, to the governor, the speaker of the house of representatives, president of the senate, and the state library. The task force also may submit recommendations for future legislation during any designated filing period of the general court or as otherwise permitted by legislative rule.

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

AMENDED ANALYSIS

This bill establishes a citizens task force to study state revenues and expenditures.

2010-0146h

Amendment to HB 1495

Proposed by the Committee on Education - C

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

AN ACT relative to approval of chartered public schools from July 1, 2009 through June 30, 2011.

Amend the bill by replacing section 1 with the following:

1 Chartered Public Schools. Amend 2009, 144:153 to read as follows:

144:153 Chartered Public Schools. ~~[No new chartered public schools shall be approved by]~~ The state board of education ***may issue approval of a chartered public school*** ~~[under]~~ ***in accordance with*** the provisions of RSA 194-B:3-a between July 1, 2009 and June 30, 2011.

AMENDED ANALYSIS

This bill removes the prohibition on approval of new chartered public schools between July 1, 2009 and June 30, 2011 and authorizes the state board of education to issue approval of chartered public schools within that same time period.

2010-0500h

Amendment to HB 1506-FN-A-LOCAL

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

Amend RSA 422:35, II as inserted by section 2 of the bill by replacing it with the following:

II. There is hereby established the state aeronautical fund. All airways toll revenue paid over by the director of the division of motor vehicles under RSA 422:34 shall be deposited in the fund. The commissioner is authorized to accept gifts to further the purposes of this chapter and shall deposit them in the fund. The moneys in the fund shall be nonlapsing and shall be continually appropriated to the department for the purpose of funding maintenance of airports within the state that are open for public use and planning and implementing capital improvements to such airports.

Amend RSA 422:35 as inserted by section 2 of the bill by inserting after paragraph II the following new paragraph:

III. The director shall annually report on the state aeronautical fund to standing committees of the senate and the house of representatives with jurisdiction over taxation and jurisdiction over aeronautical projects. The format of the report shall be as follows:

- (a) Total moneys received from each revenue source.***
- (b) List of projects funded and expenditure totals for each.***
- (c) Moneys remaining in the fund.***

Amend the bill by replacing section 3 with the following:

3 Effective Date. This act shall take effect July 1, 2011.

AMENDED ANALYSIS

This bill establishes a state aeronautical fund and places revenue from the airways toll in the fund.

2010-0394h

Amendment to HB 1512

Proposed by the Committee on Executive Departments and Administration - C

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

AN ACT establishing a deferred retirement option in the judicial retirement plan.

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

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

VIII. Any member who resigns from office on or after January 1, 2010, and who has at least 7 years of creditable service, may collect a vested deferred retirement allowance beginning at an age and years of service at which the member would otherwise have been eligible to retire pursuant to paragraphs I through IV. The member shall submit a written application to the board setting forth on what date, not less than 30 days nor more than 90 days subsequent to the filing of the application, the member desires to begin deferred retirement. Upon deferred retirement, the member's deferred retirement allowance shall equal that percentage of the member's final year's salary before resigning that the member would have received pursuant to paragraphs I through IV if the member had served until retirement at the age at which the member's deferred retirement begins with the number of years of creditable service earned by the member before resigning. In lieu of receiving a vested deferred retirement allowance, the resigning member may at

any time exercise the member's rights under RSA 100-C:8 for a return of the member's accumulated contributions.

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

AMENDED ANALYSIS

This bill allows judges who resign from office to elect to receive a deferred retirement benefit under the judicial retirement plan.

2010-0470h

Amendment to HB 1516-FN-A Proposed by the Committee on Finance - R

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

AN ACT relative to funding the Claremont, Colebrook, Milford, and Keene District Courts in fiscal year 2011.

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

1 Operation and Funding of Certain District Courts. For the fiscal year ending June 30, 2011 the judicial branch shall continue to operate the Colebrook District Court, the Keene District Court, the Claremont District Court, and the Milford District Court, and shall fund the operation of such courts within their existing appropriations.

2 Waiver of Fiscal Year 2011 Lease Payments. The department of administrative services shall work with the municipalities leasing office space to the state for the Colebrook District Court, the Claremont District Court, and the Keene District Court to obtain written agreements that waive the state's obligation for fiscal year 2011 lease payments.

3 Effective Date.

I. Section 1 of this act shall take effect July 1, 2010.

II. The remainder of this act shall take effect upon its passage.

AMENDED ANALYSIS

This bill requires the judicial branch to continue to operate the Claremont, Colebrook, Milford, and Keene District Courts in fiscal year 2011 and to fund the operation of such courts within their existing appropriations. The bill also requires the department of administrative services to work with the municipalities leasing office space to the state for the Colebrook District Court, the Claremont District Court, and the Keene District Court to obtain written agreements that waive the state's obligation for fiscal year 2011 lease payments.

2010-0410h

Amendment to HB 1527 Proposed by the Committee on Education - C

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

1 New Subparagraph; Regulation of Private Postsecondary Career Schools; Definitions. Amend RSA 188-D:19, II by inserting after subparagraph (n) the following new subparagraph:

(o) Schools or churches with tax-exempt status in the state and which offer only religious courses or programs.

2 Postsecondary Education Commission; Rulemaking Authority. Amend RSA 188-D:26 to read as follows:
188-D:26 Rulemaking Authority. The executive director in consultation with the postsecondary education commission shall adopt such rules, pursuant to RSA 541-A, as may be necessary in order to carry out the provisions of this subdivision, ***including such rules establishing a procedure for creating exclusions from the definition of "private postsecondary career school" under RSA 188-D:19, II.***

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

AMENDED ANALYSIS

This bill exempts schools or churches with tax-exempt status in the state and which only offer religious courses or programs from the definition of private postsecondary career school. The bill also authorizes the executive director of the postsecondary commission, in consultation with the postsecondary education commission, to adopt rules establishing a procedure for creating exceptions to the definition of "private postsecondary education commission."

2010-0232h

Amendment to HB 1537

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 allowing primary care providers to provide preventive oral health services to children between 0 and 3 years of age under the state Medicaid program.

Amend RSA 126-A:4-g as inserted by section 1 of the bill by replacing it with the following:

126-A:4-g Children's Oral Health Initiative.

I. The department shall seek funding for a Medicaid children's oral health initiative program as part of the department's budget for the biennium ending June 30, 2013, and each biennium thereafter. The program shall provide reimbursement to primary care providers who deliver preventative oral health services, such as dental screenings and fluoride varnish treatments, to children between 0 and 3 years of age enrolled in the state Medicaid program. Primary care providers who choose to participate in the program shall complete training approved by the department and submit evidence of program completion to the department, which shall maintain a list of trained providers. Program implementation, including adoption of rules required by paragraph II, and submission of a Medicaid state plan amendment as required by paragraph III, shall be contingent upon sufficient funding.

II. The commissioner shall adopt rules under RSA 541-A relative to administration of the children's oral health initiative, including eligibility criteria, the type and frequency of services covered, reimbursement rates, and provider training requirements. The department also shall develop a list of approved training programs, which shall include, but may not be limited to, those offered by the American Academy of Pediatrics and the Southern New Hampshire Area Health Education Center. Upon implementation of the program, the department shall provide, upon request, a list of dentists participating in the state Medicaid program to primary care providers in the oral health initiative.

III. The department shall submit a Title XIX Medicaid state plan amendment to the Centers for Medicare and Medicaid Services for the purpose of establishing the children's oral health initiative.

AMENDED ANALYSIS

This bill directs the department of health and human services to seek funding for a children's oral health initiative that would enable primary care providers to deliver preventive oral health services to children between 0 and 3 years of age under Medicaid. The program is contingent upon future funding and approval of a state Medicaid plan amendment.

2010-0418h

Amendment to HB 1566-FN

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

Amend RSA 167:4-a, II as inserted by section 1 of the bill by replacing it with the following:

II. The commissioner is hereby authorized to request and receive from any bank, trust company, savings and loan association, credit union, or other financial institution doing business in this state the financial records of any applicant for or recipient of medical assistance whose eligibility for medical assistance is based upon the applicant or recipient's age, blindness, or disability. The institution shall furnish the information specified in paragraph VI within 15 days of the department's request.

Amend RSA 167:4-a, VI as inserted by section 2 of the bill by replacing it with the following:

VI. The department, in coordination with financial institutions doing business in the state, may develop and operate a data match system, using automated data exchanges to the maximum extent feasible, in which each financial institution is required to provide, when requested by the department and subject to reasonable reimbursement as set forth in Public Law 110-252, up to 5 years of information regarding the name, record address, social security number or other taxpayer identification number, monthly account balance, and other identifying information for each applicant or recipient who maintains an account at the financial institution, as identified by the department by name and social security number or other taxpayer identification number. The system shall be based on a cost-effective search algorithm and shall include means to assure compliance with the provisions of this section. The department shall provide a status report regarding the implementation of the data match system to the oversight committee on health and human

services, established in RSA 126-A:13, on or before November 1, 2010, and annually thereafter, until implementation has been fully completed. The report shall summarize the department's findings and recommendations to date, including savings generated by the asset verification system, barriers to implementation, if any, anticipated future actions, and the department's assessment of the relative success of the project.

AMENDED ANALYSIS

This bill authorizes the department of health and human services to establish an electronic asset verification system to obtain financial records in order to verify eligibility for medical assistance for the aged, blind, and disabled.

2010-0462h

Amendment to HB 1571

Proposed by the Committee on Local and Regulated Revenues - C

Amend the bill by replacing section 1 with the following:

1 New Paragraph; Property Taxation; Annual Inventory Form; Penalties. Amend RSA 74:7-a by inserting after paragraph II the following new paragraph:

III. If the property is transferred during the tax year to a different owner and the inventory blank was mailed or delivered to the previous owner, the penalty of loss of appeal rights shall not apply to the subsequent owner.

AMENDED ANALYSIS

This bill adds an exemption to the loss of the right to appeal for tax relief for a failure to file an annual inventory form.

2010-0299h

Amendment to HB 1579-FN

Proposed by the Committee on Executive Departments and Administration - C

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

1 Electioneering by Public Employees. RSA 659:44-a is repealed and reenacted to read as follows:
659:44-a Electioneering by Public Employees.

I. In this section:

(a) "Electioneer" means to act or communicate in any way a reasonable person would understand as intended to influence the vote of a voter.

(b) "Public employee" means any person employed by a public employer, but shall not include any elected official or any person appointed to office by the governor and executive council.

(c) "Public employer" means the state of New Hampshire and any political subdivision thereof; any state, county, or municipal council, commission, board, agency, or authority; the university system of New Hampshire; and the community college system of New Hampshire.

(d) "Public resources" means government-owned property, government-leased property, or services acquired by government for use by employees to fulfill their governmental duties, including, but not limited to, facilities, vehicles, uniforms, telephones, facsimile machines, photocopy machines, paper, printing supplies, computers, software, e-mail systems, signs, bulletin boards, web sites, or other means of communication paid for with government funds for governmental purposes.

(e) "Question" means any constitutional amendment, warrant article, or other issue to be voted on by voters at any election or at any annual or special meeting of the voters of the unit of government.

II. No public employee shall knowingly electioneer for or against a candidate for public office or political party using public resources or time when that employee is being paid to be at his or her government job.

III. Elected officials and those appointed by the governor and executive council may electioneer for a candidate for public office or political party, but they shall not knowingly endorse a candidate for public office or a political party as an official act of the state of New Hampshire or any political subdivision thereof; any state, county, or municipal council, commission, board, agency, or authority; the university system of New Hampshire; or the community college system of New Hampshire.

IV.(a) Except as provided in this section, no public employee shall knowingly use public resources or time when being paid to be at his or her government job to electioneer for or against a question.

(b) This section shall not prohibit a public employee from electioneering using public resources and work time on a question concerning a matter over which the employee as part of his or her employment duties has responsibility, supervision, control, authority, or jurisdiction, or relating to a question on a statewide ballot relating to the authority, operation, or function of the political subdivision by which the individual is employed, provided such electioneering is authorized in writing by the employee's job description or employer's written policies, in writing by the head of the employee's department, the town or city manager, or the town administrator, or by vote, in a public meeting and duly recorded in its minutes, of the governing body of the employer.

(c) This section shall not prohibit any public employee, authorized by the employer to attend such meeting on work time, from using time when being paid to be at his or her government job to electioneer for or against any question at any annual meeting, deliberative session, public hearing, or any public meeting of a governmental body held in conformance with RSA 91-A.

V. This section shall not prohibit the use of public facilities such as the state house lawn, town commons, meeting halls, school assembly rooms, community access television, or government-owned or operated public facilities for electioneering events held in accordance with and only to the extent permitted by the public use policies of the controlling governmental authority, provided any use for electioneering allowed be on an equal opportunity and nonpartisan access basis.

VI. Any person who knowingly violates this section shall be guilty of a misdemeanor.

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

AMENDED ANALYSIS

This bill changes the definition of "electioneering" as it applies to public employees, modifies the applicability of the prohibition against electioneering by public employees, and permits public employees to electioneer for or against questions under specified circumstances.

2010-0427h

Amendment to HB 1602-FN

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

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

1 Committee Established. There is established a committee to study establishing a secure multi-program forensic psychiatric hospital as part of New Hampshire hospital and developing a proposal to expedite construction and operation of such a treatment facility.

2 Membership and Compensation.

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

(a) Five members of the house of representatives, appointed by the speaker of the house of representatives.

(b) Two members of the senate, appointed by the president of the senate.

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:

I. Review the history of the current secure psychiatric unit and places to which persons are committed under RSA 651:8-b, RSA 135-C, RSA 171-B, and RSA 623:1, including previous efforts and proposals to locate a secure psychiatric unit in an environment more conducive to mental health care treatment rather than incarceration.

II. Study issues of federal reimbursement for the secure psychiatric unit and explore other sources of funding for the construction and operation of a secure multi-program forensic psychiatric hospital, including private charities and other entities with an interest in ensuring that consumers of health care services, including persons with severe mental illnesses who are a threat to other persons or to themselves, have adequate access to needed care.

III. Identify possible legal liabilities and court challenges that could arise from the continued co-mingling of non-adjudicated persons with severe mental illness or disorders with individuals who have been adjudicated and deemed to need mental health care intervention.

IV. Work with the commissioners of the department of corrections and the department of health and human services, to develop a proposal to expedite construction and operation of a secure multi-program forensic psychiatric hospital, including preparing to submit a request for the 2012-2013 capital budget relative to building a new facility.

V. Solicit information from any source the committee deems relevant to the purpose for which it is established.

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

5 Report. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before November 30, 2010.

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

AMENDED ANALYSIS

This bill establishes a committee to study establishing a secure multi-program forensic psychiatric hospital as part of New Hampshire hospital and developing a proposal to expedite construction and operation of such a treatment facility.

2010-0469h

Amendment to HB 1606-FN Proposed by the Committee on Finance - C

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

AN ACT relative to state aid for wastewater and public water supply projects.

Amend the bill by replacing section 1 with the following:

1 Wastewater and Public Water Supply Projects; Priority Given. As new revenue or appropriations become available to fund state aid under RSA 486 or RSA 486-A, the department of environmental services shall give priority on a first-in, first-out basis to communities that had wastewater projects eligible under RSA 486 or public water supply projects eligible under RSA 486-A that were not funded in fiscal year 2009, fiscal year 2010, or fiscal year 2011.

AMENDED ANALYSIS

This bill requires the commissioner of the department of environmental services to give priority for state aid to communities with wastewater and public water supply projects that were eligible for such aid, but unfunded in fiscal years 2009, 2010, and 2011, on a first-in, first-out basis as such funds become available.

2010-0401h

Amendment to HB 1668-FN Proposed by the Committee on Executive Departments and Administration - C

Amend the bill by replacing section 1 with the following:

1 Retired State Employees; Medical and Surgical Benefits; Group II Creditable Service. Amend RSA 21-I:30, II and III to read as follows:

II. For the purposes of this section, "retired employee" means ~~each group II state employee who retires. "Retired employee" also means~~ each group I state employee who:

(a) Has at least 10 years of creditable service for the state if the employee's service began prior to July 1, 2003 or 20 years of creditable service if the employee's service began on or after July 1, 2003, and who also is at least 60 years of age at the time of retirement; or

(b) Has at least 30 years of creditable service for the state at the time of retirement, regardless of the employee's age; or

(c) Is but for the provisions of 1989, 376:10, otherwise eligible to receive medical and surgical benefits under this section notwithstanding subparagraphs (a) and (b), and paragraph IV, on June 30, 1989, and who retires between July 1, 1989, and June 30, 1994; or

(d) Dies or retires and is eligible for accidental death or accidental disability retirement benefits, regardless of the state employee's age or number of years of creditable service; or

(e) Retires and is eligible for ordinary disability retirement benefits, regardless of the state employee's age; or

(f) Dies and is eligible for ordinary death retirement benefits, if the state employee was eligible for service retirement at the time of his death, if the state employee had at least 10 years of creditable service for the state if the employee's service began prior to July 1, 2003 or 20 years of creditable service if the employee's service began on or after July 1, 2003.

II-a. For the purposes of this section, "retired employee" also means each group II state employee who:

(a) Retires if the employee's state service began prior to July 1, 2010 or who retires with at least 20 years of creditable service for the state if the employee's state service began on or after July 1, 2010; or

(b) Dies or retires and is eligible for accidental death or accidental disability retirement benefits, regardless of the state employee's age or number of years of creditable service; or

(c) Retires and is eligible for ordinary disability retirement benefits, regardless of the state employee's age; or

(d) Dies and is eligible for ordinary death retirement benefits, if the state employee was eligible for service retirement at the time of his or her death, if the state employee had at least 20 years of creditable service for the state if the employee's state service began on or after July 1, 2010.

III. Any vested deferred state retiree may receive medical and surgical benefits under this section if the vested deferred state retiree is eligible. To be eligible, a ***group I*** vested deferred state retiree shall have at least 10 years of creditable service with the state if the employee's service began prior to July 1, 2003 or 20 years of creditable service ***with the state*** if the employee's service began on or after July 1, 2003 ***and a group II vested deferred state retiree shall have at least 20 years of creditable service with the state if the employee's service with the state began on or after July 1, 2010.*** In addition, if the vested deferred state retiree is a member of group I, such retiree shall be at least 60 years of age to be eligible. If the vested deferred state retiree is a member of group II, such retiree shall not be eligible until 20 years from the date of becoming a member of group II and shall be at least 45 years of age.