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 12, 2010** **No. 14**
Contains: Reports and Amendments for February 17, 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 17th at 10:00 a.m.**

In prior years we have rotated consideration of committee reports on the Regular Calendar. In this way, all committees have an opportunity for their bills to be heard early in the session day. On February 17th, following the Special Order bills, we will begin with the Committee on Criminal Justice and Public Safety.

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 throughout March.

Terie Norelli, Speaker

NOTICE

There will be a meeting of committee Chairmen and Vice Chairmen on Tuesday, **February 16,** at **8:30 a.m.** in Rooms 301-303, LOB.

Terie Norelli, Speaker

NOTICE

There will be a Democratic Caucus on Wednesday, **February 17** at **9:00 a.m.** in Representatives Hall.
Rep. Mary Jane Wallner, Majority Leader

NOTICE

There will be a Republican Caucus on Wednesday**, February 17** at **8:45 a.m.** in Rooms 305-307, LOB.
Rep. Sherman A. Packard, Republican Leader

HOUSE DEADLINES

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 25

TO BE MAILED *FRIDAY:* February 26

Karen O. Wadsworth, Clerk of the House

WEDNESDAY, FEBRUARY 17

CONSENT CALENDAR

CHILDREN AND FAMILY LAW

SPECIAL ORDER

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.**

SPECIAL ORDER

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.**

SPECIAL ORDER

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.**

HB 1193, relative to the definition of allowable child care expenses for purposes of determining child support and establishing a legislative oversight committee relative to implementation of the 2009 New Hampshire Support Guidelines Review and Recommendations. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Mary Stuart Gile for Children and Family Law: This bill, as amended, removes the current limitations on the cost of child care for purposes of determining child support and expands the definition of "work-related" to include education and training costs. The bill further establishes a legislative oversight committee relative to the 2009 New Hampshire child support guidelines review and recommendations. **Vote 18-0.**

HB 1214, relative to the grounds for suspending or revoking a foster home license. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Deanna S Rollo for Children and Family Law: This bill was requested by the department of health and human services. It permits the agency to suspend or revoke a foster parenting license if there is a repeated inability or unwillingness on the part of the foster parent to work cooperatively with the department, other service providers or the child's parents in implementing the child's case plan. There are rules established for documenting infractions and a process for review within the agency. The amendment requires a yearly report to the legislature of any foster parent license revocations. **Vote 18-0.**

HB 1217, relative to liability issues associated with the juvenile diversion program. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Beth R. Arsenault for Children and Family Law: This bill waives liability for employers who participate in the community service component of the juvenile diversion program. The waiver exempts the employers from certain employee benefits requirements and limits liability for damages to cases of negligence. **Vote 18-0.**

HB 1536-FN, relative to administering psychotropic drugs to children in court ordered placements. **REFER FOR INTERIM STUDY.**

Rep. Barbara Hull Richardson for Children and Family Law: There are growing concerns about the impact of psychotropic drugs on the developing minds of children. This bill is an attempt to tighten restrictions on the use of these drugs in children by being sure there are safeguards built in to limit their use. **Vote 18-0.**

HCR 24, supporting the Youth PROMISE Act. **OUGHT TO PASS.**

Rep. Anne C. Grassie for Children and Family Law: This resolution supports the youth promise (prison reduction through opportunities, mentoring, intervention, support and education) act. This act will provide grants to local governments to plan, assess, and implement evidence-based and promising practices related to juvenile delinquency and criminal street gang activity prevention and intervention to ensure that youth lead productive, safe, healthy gang-free and law abiding lives. **Vote 16-1.**

COMMERCE AND CONSUMER AFFAIRS

HB 1191, relative to fire sprinkler systems. **REFER FOR INTERIM STUDY.**

Rep. Donna L Schlachman for Commerce and Consumer Affairs: The committee considered two bills concerning fire sprinklers in new or existing one, 2-, or 3-family dwellings. This bill prohibits the state building code review board, municipalities and local land use boards from adopting measures requiring fire sprinklers under the updated national building code. The committee elected to place this bill in Interim Study to consider all the aspects of mandating fire sprinklers in new or existing one, 2-, or 3-family dwellings rather than prohibiting them outright. **Vote 16-0.**

SPECIAL ORDER

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 1208, relative to rebate exemptions. **OUGHT TO PASS.**

Rep. James F Headd for Commerce and Consumer Affairs: This bill adds exemption to insurance rebate law allowing insurance companies to offer promotional items valued at $25 or less per customer per year and to further offer raffles under certain circumstances not to exceed $1000 per year. There are to be no fees or purchase requirements to participate and the raffle must be available to all, even those who are not customers. This bill was submitted at the request of the insurance department. **Vote 16-1.**

HB 1209, relative to service contracts. **INEXPEDIENT TO LEGISLATE.**

Rep. Paul McEachern for Commerce and Consumer Affairs: This bill was introduced at the request of the insurance department. The department decided not to pursue the legislation. **Vote 17-0.**

HB 1236, relative to underwriting on the basis of credit information. **OUGHT TO PASS.**
Rep. Donald H Flanders for Commerce and Consumer Affairs: RSA 412 provides for the regulation of forms and rates for property and casualty insurance. RSA 412:15 III specifically enables insurers writing automobile and homeowners insurance to use, within parameters delineated in administrative rule INS 3300, any information from credit reports, credit histories and credit scoring models for underwriting and rating purposes. There is not a statutory prohibition for insurers to use that same information as the sole reason for cancellation, refusal to write, or refusal to renew policies under RSA 417-A and RSA 417-B. Such a practice is unacceptable. Therefore, HB 1236, requested by the insurance department, proposes to amend RSA 417-A and RSA 417-B so that while credit information may be used in making determinations, it is not the sole basis for the decision. **Vote 16-0.**
HB 1280-FN, relative to life and health guaranty limits. **OUGHT TO PASS.**
Rep. Stephen T DeStefano for Commerce and Consumer Affairs: This bill clarifies the limit that the New Hampshire life and health insurance guaranty association can become responsible for, if an insurer becomes insolvent. The limit is raised from $100,000 to $300,000 for long term care insurance benefits. **Vote 18-0.**
HB 1282-FN, requiring insurance companies to send a copy of any claim which is denied to the insured and to the provider. **INEXPEDIENT TO LEGISLATE.**
Rep. Jill Shaffer Hammond for Commerce and Consumer Affairs: This bill would have required insurance companies to send a copy of any claim which is denied to the insured and to the provider. This would have added unnecessarily to paper work requirements in insurance, especially since insureds are already notified when a claim is denied and providers are sent lists of denied claims from the insurers. **Vote 17-0.**
HB 1309-FN, requiring insurance coverage for infertility treatments. **INEXPEDIENT TO LEGISLATE.**
Rep. Matt J Quandt for Commerce and Consumer Affairs: The bill was withdrawn on request of the sponsor. **Vote 17-0.**
HB 1312, relative to notification by banks concerning crediting deposits in bank accounts. **INEXPEDIENT TO LEGISLATE.**
Rep. David J Palfrey for Commerce and Consumer Affairs: This bill requires a bank to provide notification to a customer to assent to certain banking practices when opening an account. The committee felt that this legislation is not necessary. Federal Regulation CC regarding funds availability already requires disclosure prior to account opening, including details of when deposits are considered to be received and when funds will be available for withdrawal. In addition, consumers are already given a deposit account agreement and disclosure at account opening. Requiring banks to receive the assent or approval of their account management policies from every deposit account customer prior to debiting or crediting an account would cripple the payment system and impose enormous operational expenses on banks that will ultimately be passed on to consumers. **Vote 14-0.**
HB 1316, requiring new construction and renovations of commercial buildings over 4,000 square feet to follow the Leadership in Energy and Environmental Design (LEED) guidelines relative to volatile organic compounds. **INEXPEDIENT TO LEGISLATE.**
Rep. Paul McEachern for Commerce and Consumer Affairs: This bill adopts a standard published by a private organization to apply to volatile organic compounds in the construction and renovation of buildings of 4000 square feet or more. This effort should begin with the Building Code Review Board. **Vote 16-0.**
HB 1321, relative to foreclosure consultants. **INEXPEDIENT TO LEGISLATE.**
Rep. James F Headd for Commerce and Consumer Affairs: The bill requires that foreclosure consultants be licensed either as a notary public or justice of the peace. The stated purpose of the bill is to have a background check run on these people through the JP or notary public process in the secretary of state office. The request would better be handled through the banking commission and, if desired, licensing procedures for New Hampshire could be developed. **Vote 17-0.**
HB 1352, relative to direct shippers. **OUGHT TO PASS WITH AMENDMENT.**
Rep. Joel F Winters for Commerce and Consumer Affairs: Each direct shipper will only be required to file reports with the liquor commission in months that they make a sale to NH residents, as opposed to the current system where they report every month, even if there have been no sales. Customers of wine shippers will also be able to order one case per month (108 liters per year) instead of the current 60 bottles per year. **Vote 18-0.**

HB 1357, requiring funds for the purchase of modular or manufactured housing to be held in escrow until an occupancy permit is issued and relative to the development of a manufactured housing buyer's guide. **INEXPEDIENT TO LEGISLATE.**

Rep. Susi Nord for Commerce and Consumer Affairs: This bill was an attempt to add a layer of protection for people who encounter a problem with the installation when they purchase a manufactured or modular home. The committee had heard that people who have FHA loans for these purchases have a 10% holdback until a certificate of occupancy is issued and that this holdback is an extra incentive for the installer to ensure that the homebuyer is able to move in. Unfortunately, duplicating this process for those not purchasing through a bank proved unwieldy and impractical. **Vote 18-0.**

HB 1363, relative to continuing care communities. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Jill Shaffer Hammond for Commerce and Consumer Affairs: This bill allows continuing care retirement communities (CCRCs) to enter into 'at-home' continuing care contracts. CCRCs are bricks and mortar operations where an individual or couple contracts with the company for lodging, board, and medical care by paying a substantial entrance or accommodation fee for housing ranging from independent apartments, townhouses or cottages, through assisted living units, nursing home facilities to Alzheimer units. This bill would allow a CCRC to deliver at-home care to a contractee who will be a future resident at such a facility, but still resides and receives services in his or her independent home. **Vote 18-0.**

HB 1417, allowing companion dogs in certain areas of restaurants. **OUGHT TO PASS.**

Rep. Angeline A Kopka for Commerce and Consumer Affairs: This bill is enabling legislation that will allow a restaurant owner, at his/her discretion, to permit well-behaved companion dogs into public areas of a food service establishment. Dogs would not be permitted to enter any food preparation or production areas. The restaurant owner must post notice prominently displayed at all public entrances advising patrons that companion dogs are permitted on the premises. This does not change the use of service dogs, which are already allowed in restaurants under the Americans with disabilities act. **Vote 15-0.**

HB 1459, relative to the board of trust company incorporation. **OUGHT TO PASS.**

Rep. David J Palfrey for Commerce and Consumer Affairs: This bill reallocates the duties of the board of trust company incorporation to the banking commissioner. The board of trust company incorporation is in favor of this reallocation of duties. This change would bring the regulation of non-depository trust companies under the control of the banking commissioner. **Vote 17-0.**

HB 1597-FN, relative to employer-provided health insurance coverage and prohibiting denial of coverage for preexisting conditions. **INEXPEDIENT TO LEGISLATE.**

Rep. Jill Shaffer Hammond for Commerce and Consumer Affairs: This bill sought to provide a safety net for workers who lose their jobs by extending indefinitely COBRA coverage beyond 18-months, until an insured either was eligible for another employer-based group plan or for Medicare. It would also have prohibited an insurer from denying a policy or coverage to an individual due to pre-existing condition. As it stands now, those who continue with COBRA (a rather expensive option for someone unemployed) are often those with pre-existing conditions who would find it nearly impossible to get affordable coverage otherwise. As these people stay on an employer's coverage, the employer may find that older ex-employees, or their dependents, may adversely affect that small business' group rating. The mechanism for addressing the needs of hard-to-cover individuals is through the state's high risk pool. It is clear that some reforms and expansion of coverage for the unemployed, addressing access and affordability issues, are still needed. The insurance department will be reporting back to the committee in May regarding how this can be achieved through modifications to the state's high risk pool policy. **Vote 16-1.**

CRIMINAL JUSTICE AND PUBLIC SAFETY

HB 1131, relative to requirements for firefighter certification. **OUGHT TO PASS.**

Rep. David A Welch for Criminal Justice and Public Safety: This bill asks the legislature to act in the place of the fire standards and training commission which could not garner the votes. The issue is a national standard for certifying firefighters. This would benefit those full-time firefighters who may move from one state to another. **Vote 17-0.**

SPECIAL ORDER

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 1161, repealing the requirement to obtain a license to sell in order to sell pistols or revolvers at retail. **OUGHT TO PASS WITH AMENDMENT.**

Rep. David A Welch for Criminal Justice and Public Safety: This bill repeals RSA's 159:8, 159:8a, 159:8b relative to the requirement of obtaining a local license to sell firearms at retail from the chief of police. During testimony, it appeared that many chiefs of police were not aware of the statute. Also, during the testimony it appeared that RSA 159:10 relative to sales without a license ought to be repealed as well. The amendment repeals RSA 159:10 as well. **Vote 17-0.**

HB 1173, relative to the requirement for certification as a habitual offender. **REFER FOR INTERIM STUDY.**

Rep. Laura C Pantelakos for Criminal Justice and Public Safety: The committee feels this bill should go to interim study so the committee can do further research. The committee needs to look at how a person is certified as a habitual offender. If we are able to study this problem through the summer, we may be able to find some solution to this problem. **Vote 18-0.**

SPECIAL ORDER

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 1334, relative to penalties for unpaid fines concerning hazardous materials accidents. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Laura C Pantelakos for Criminal Justice and Public Safety: The committee was told the towns and cities were having a problem collecting the money for clean up of hazardous materials. This bill puts a penalty for each day the claim is not paid. It also includes court costs and legal fees so that the city or town is not responsible. **Vote 18-1.**

SPECIAL ORDER

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 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. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Stanley E Stevens for Criminal Justice and Public Safety:. The committee wishes to use this study to investigate various segments of the wiretapping laws. **Vote 18-0.**

SPECIAL ORDER

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.**

SPECIAL ORDER

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.**

SPECIAL ORDER

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 1452-FN, relative to commercial motor vehicle operation. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Barbara A McCarthy for Criminal Justice and Public Safety: The purpose of the bill is to bring us into compliance with federal law. Failure to do so would cost the department of transportation essential federal funding. **Vote 20-0.**

SPECIAL ORDER

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-compliancy 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 1492, requiring police officers receiving notice of a motor vehicle accident to respond to the scene of the accident. **INEXPEDIENT TO LEGISLATE.**

Rep. Delmar D Burridge for Criminal Justice and Public Safety: Testimony given indicates a perceived local problem at a particular location is best resolved by awareness to the needs and concerns of the senior population. The chief of police giving particulars about the bill's intent agreed that the unintended consequences are an unnecessary burden to local police and conflicted with best policy practices. **Vote 20-0.**

HB 1496, relative to time limits on suspended sentences. **INEXPEDIENT TO LEGISLATE.**

Rep. Beth Rodd for Criminal Justice and Public Safety: This bill stems from a constituent concern regarding a court case where a defendant continued to be serving a suspended sentence eleven years after the crime. The objective was to align suspended sentence guidelines with parole/probation time limits. However, the attorney general's office advised that with such limits, recommended sentences would have to be increased. The current suspended sentence practices allow the AG's office more latitude in giving the accused a second chance. **Vote 20-0.**

HB 1501, relative to recording oral communications. **INEXPEDIENT TO LEGISLATE.**

Rep. Stanley E Stevens for Criminal Justice and Public Safety: This is another bill that the committee felt could best be dealt with through interim study as proposed in HB 1372. **Vote 18-1.**

SPECIAL ORDER

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 1601, requiring the inclusion of certain offenses against adults on the public sexual offender list. **REFER FOR INTERIM STUDY.**

Rep. David A Welch for Criminal Justice and Public Safety: This bill would include in the sexual offenders public list, those who offended against those older than 18 years of age, who have committed acts of aggravated felonious sexual assault. The list has been crafted to only include sexual acts against our children. The committee has heard from those that fear rape and related acts and feel that they should be listed as well. The committee has voted to study the matter. **Vote 20-0.**

SPECIAL ORDER

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 1630-FN, relative to filing criminal complaints. **INEXPEDIENT TO LEGISLATE.**

Rep. Larry G Gagne for Criminal Justice and Public Safety: This bill allows any person to file a criminal complaint with the clerk of the district court alleging a violation-level offense, a class B or a class A misdemeanor offense. The majority of the committee felt that the clerk of the district court should not be the one to determine if probable cause exists. We felt that it should be the decision of the judge of the court. **Vote 18-1.**

SPECIAL ORDER

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 1637-FN, relative to the registration of criminal offenders. **INEXPEDIENT TO LEGISLATE.**

Rep. Stanley E Stevens for Criminal Justice and Public Safety: This bill would allow tier III offenders, the highest and most serious level of offenders, to petition to have their name removed from the public list. The committee did not feel this to be appropriate. Further, it would substantially take us out of compliance with the Adam Walsh Act. The committee recommends that the subject matter of this bill be referred to the interim study bill HB 1601, which also deals with the registration of criminal offenders. **Vote 19-0.**

SPECIAL ORDER

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 1665-FN, relative to the penalty for using a stiletto, switch knife, dagger, or dirk-knife, in the commission of an offense. **OUGHT TO PASS WITH AMENDMENT.**

Rep. David A Welch for Criminal Justice and Public Safety: This bill, as amended, removes certain classes of knives from the prohibited class, RSA 159:16, carrying or selling weapons. Currently these knives are legal to use during certain sporting activities such as fishing or hunting. Law enforcement, EMT's and other first responders use such knives as well. Imagine that you are a first responder and you lose that handy automatic

knife. Where can you purchase a replacement? Passage of this bill makes sense to all who currently possess them and even more sense to collectors and those who may want to sell them. **Vote 19-0.**

SPECIAL ORDER

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

SPECIAL ORDER

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.**

SPECIAL ORDER

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.**

SPECIAL ORDER

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.**

SPECIAL ORDER

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 1150, removing certain references to nomination for the office of vice-president. **OUGHT TO PASS.**

Rep. Timothy Horrigan for Election Law: This bill deletes a reference to the office of vice president from a form filed by candidates in our first in the nation presidential primary. Up to and including 2008, there was a vice presidential preference primary alongside the presidential race, but the vice presidential race was eliminated during last year's session. The bill additionally deletes a reference to the office of vice president from a statute dealing with third-party presidential candidacies in the general election. **Vote 15-0.**

HB 1205, relative to the membership of the ballot law commission. **INEXPEDIENT TO LEGISLATE.**

Rep. Kevin D Hodges for Election Law: This bill would write into law the traditional practice of appointing members to the ballot law commission by the speaker of the house, the president of the senate, and the governor in deference to the majority and minority parties' wishes. We see no good reason to write into law what is already the established practice when the tradition has always worked well. We have faith that this tradition will be upheld in the future. **Vote 18-1.**

HB 1225-FN-L, requiring a security escort for the delivery of ballots to the clerk. **INEXPEDIENT TO LEGISLATE.**
Rep. Kathleen M Hoelzel for Election Law: This bill would require a security escort for the delivery of ballots to the town/city clerk after an election. Many, if not most, clerks have an escort by the local police who were at the polling place. Any clerk or moderator can call for local or state police for assistance as needed. This bill would definitely be an additional cost to towns and cities. Therefore, it is an Article 28A issue for the state. **Vote 17-0.**
SPECIAL ORDER
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.**
HB 1341, relative to election day procedures. **INEXPEDIENT TO LEGISLATE.**
Rep. David M Pierce for Election Law: This bill would give the supervisors of the checklist the power to deny a ballot to any registered voter who has changed his/her name or party affiliation since registering to vote. The committee unanimously rejected that authority for the supervisors. The bill would also require already overworked moderators to do as much as set up separate areas for challengers and re-design the entire polling place. The committee also unanimously voted to support the moderators against this added burden. **Vote 18-0.**
HB 1535-FN, relative to delivery and collection of ballots for armed services voters. **OUGHT TO PASS WITH AMENDMENT.**
Rep. Shawn N Jasper for Election Law: This bill as introduced and as amended share the common goal of seeing to it that our overseas uniformed service members have their votes counted. The committee amendment replaces the entire bill, with language drafted by the department of state and the office of the attorney general, necessary to comply with the federal MOVE Act. (Military Overseas Voter Act.). While we all share in the goal of the act., implementing it without fundamentally altering our election process has proven to be very complicated. Our only other option would have been to hold our primary elections during the summer, an option which the committee unanimously rejected. The department of state and the attorney general's office recently sent members of their staffs to Washington D.C. to work directly with the department of justice, the department of defense and the election assistance commission, to insure that we fully comply with the Move Act. In order to keep our September primary in place and comply with the act., it will be necessary to make some changes to our recount procedure. After a primary any request for a recount will have to be made during the day following a primary and only a losing candidate who is within 1 ½ percent or 10 votes, whichever is higher, of the nearest wining candidate may request a recount. Since 1990 there have only been 14 primary recounts, which have changed the result of the original count, all of those recounts were within this margin. This will not effect the recount provisions following a general election. This is made necessary by the fact that the act requires that military ballots be sent no later than 45 days before the general election. The other change that we will notice is that when there is a special election we will no longer be able to change the special election date to the date on which the primary would have been held, when the primary is canceled. Again this is due to the time requirement for delivery of ballots. Finally, while this amendment implements all of the policy changes which are necessary to implement the act, time has not allowed us to make all of the technical corrections which are needed to avoid conflict in every area of our election laws. As this is an early bill, which the house granted the committee extra time to work on, we felt it necessary to pass the policy at this time and present the technical corrections to the second committee, for adoption prior to passing the bill on to the senate. **Vote 13-0.**

ENVIRONMENT AND AGRICULTURE

SPECIAL ORDER
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.**
SPECIAL ORDER
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.**
HB 1575, relative to commercial composting. **REFER FOR INTERIM STUDY.**
Rep. Suzanne J Smith for Environment and Agriculture: Composting, whether on large scale or in the home, is one more way that we can reduce what is sent to the landfill thus saving the state money and further helping our environment. This bill addressed larger composting facilities that currently are not regulated in the state. However, as written, this bill was too convoluted and included many issues that should be in rules, not statute. Nevertheless, the committee feels that this issue merits further study. **Vote 13-0.**

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 1139, relative to the regulation of podiatrists by the board of podiatry. **OUGHT TO PASS WITH AMENDMENT.**
Rep. Donald F Ryder for Executive Departments and Administration: This bill is a housekeeping bill. It updates the name of the examination podiatrists are required to pass along with additional requirements. It also raises the per diem compensation they will receive for meeting attendance. The renewal period is increased to a two year period with the cost adjusted and a penalty instituted for neglect of renewal. The amendment adds a military clause, adds "proctored" to exam requirements and removes a clause allowing free control over rulemaking. **Vote 17-0.**
HB 1145, relative to the practice of dental hygienists. **INEXPEDIENT TO LEGISLATE.**
Rep. Carol M McGuire for Executive Departments and Administration: This committee is reviewing the regulation of dental hygienists in HB1593. Therefore, the sponsor of this bill has requested inexpedient to legislate and it's scope be included in a broader bill. **Vote 17-0.**
HB 1220, relative to meals and rentals licenses. **OUGHT TO PASS.**
Rep. Ken Hawkins for Executive Departments and Administration: This bill will include rooms and meals taxpayers in the right to know law only for the information shown on their publicly displayed license. Currently, they are restricted from sharing such information so the liquor commission or health officer conducting an investigation of the premises cannot access department of revenue administration records for the status of such licenses. This bill facilitates inter-agency problem investigations. **Vote 17-0.**
HB 1235, relative to regulation of dentistry by the board of dental examiners. **OUGHT TO PASS WITH AMENDMENT.**
Rep. Carol M McGuire for Executive Departments and Administration: This bill updates some terminology, clarifies requirements for recusal and exempts consultants from the need for a New Hampshire dentist's license. It also expands the scope of practice to include teeth bleaching, other than by over the counter products. **Vote 15-1.**
HB 1301, relative to the regulation of fuel gas fitters. **OUGHT TO PASS WITH AMENDMENT.**
Rep. Maurice L Pilotte for Executive Departments and Administration: This bill was introduced to address issues "flagged" by the joint legislative committee on administrative rules (JLCAR). (1) Standards of education or experience for trainees. (2) Request for reciprocity of licensing from other states provided their requirements are equivalent to or greater than those of our state. (3 Giving the commissioner specific

authority to establish a license reinstatement fee for any individual or business entity license after completion of a suspension or revocation period resulting from disciplinary action. (4) Giving the commissioner specific authority to establish a late license renewal fee for failing to renew a license after more than 90 days have passed since expiration. (5) Adding to the options for disciplinary action the possibility of immediate suspension when warranted. **Vote 14-0.**

HB 1313, relative to personal trainers. **INEXPEDIENT TO LEGISLATE.**

Rep. Charlotte Houde-Quimby for Executive Departments and Administration: This bill would require a duty to disclose,for any person who holds himself or herself out to be a personal trainer or otherwise offers individual fitness training to individuals, the qualifications and education such trainer possesses prior to providing any services or accepting any fees from the client. However, since there are currently no statues and/or rules pertaining to this occupation, the committee agreed that much more work would be required prior to implementing any such legislation. **Vote 17-0.**

HB 1325, relative to licensure of home inspectors by the board of home inspectors. **INEXPEDIENT TO LEGISLATE.**

Rep. Stella Scamman for Executive Departments and Administration: This bill was brought forward to grandfather home inspectors for licensure who have been practicing for at least 5 years. Since this bill was requested, the board has implemented procedures that no longer make this bill necessary. The board has issued over 170 home inspectors licenses including grandfathering applicants with qualifications and credentials. **Vote 14-0.**

HB 1337, relative to rules adopted by the assessing standards board regarding certification of appraisers by the department of revenue administration. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Peter B Schmidt for Executive Departments and Administration: This bill removes the requirement that the assessing standards board and the equalization standards board hold at least three public forums annually throughout the state since in the past 2 ½ years, nearly no one from the public has been in attendance other than at the annual meeting of the New Hampshire municipal association in Manchester, where the two boards will continue to hold the one required annual meeting of each board. The Manchester forum has drawn heavy public participation and served the public well. In the event future issues generate strong public interest, the two boards will hold meetings in the appropriate locations. **Vote 15-1.**

HB 1365, establishing a commission to study the licensing of motor vehicle appraisers. **INEXPEDIENT TO LEGISLATE.**

Rep. Charlotte Houde-Quimby for Executive Departments and Administration: The purpose of this bill is to create a commission to study motor vehicle appraisers for what appears to the committee to be a need for arbitration between auto body shops, consumers and insurance companies. The insurance commissioner has "the full power and authority to make, promulgate, amend and rescind reasonable rules and regulations," RSA 400-A:15 and should explore and initiate discussions with the Attorney General's consumer protection division. **Vote 13-2.**

HB 1631-FN, relative to the state fire code and the state building code. **REFER FOR INTERIM STUDY.**

Rep. Carol M McGuire for Executive Departments and Administration: This bill addresses a number of problems with New Hampshire's building regulations. The building code and the fire code have overlapping jurisdictions and, in many cases, contradictory provisions. They are updated at different times by different organizations and interpreted differently by different officials in various positions and locations throughout the state. This situation creates problems for architects, engineers, contractors, and other building professionals. However, HB 1631 as presently written does not address all the problematic codes and may not be the optimum interpretation. Interim study will allow the details to be addressed and ensure that all parties are involved in the solution. **Vote 15-0.**

FINANCE

SPECIAL ORDER

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.**

SPECIAL ORDER

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.**

SPECIAL ORDER

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.**

SPECIAL ORDER

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.**

SPECIAL ORDER

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.**

HB 1651-FN, requiring that current information and reports relative to the state budget be made available on the state website. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Fran Wendelboe for Finance: The purpose of this bill is to make available to the legislature and the citizens of New Hampshire through the state website information and reports relative to state spending and expenditures. The committee amendment accommodates both the sponsors' central purpose and the realities of limited financial, staff, hardware and software resources. The amendment starts by requiring the posting of a wide variety of documents that already exist, including monthly state expenditures, annual salaries of state employees, links to audit reports, agency annual reports and budgets as well as the governor's budget. This bill also creates a legislative committee to work with the department of administrative services and the

office of information technology to identify additional components that reasonably can be added to the website to provide increased transparency. Links will be provided to ease the consumer's path to the information. The intent of the legislative committee is to monitor compliance with the initial reporting information and will establish reasonable timelines for implementation based on staffing and funding to include state grant information, state contract information, an online version of the state's checkbook, and a searchable budget database. The bill, as amended, includes components of another bill (HB 1670) which was ITL'd but components were incorporated into this bill to make a stronger, more comprehensive, bi-partisan commitment to government transparency and accountability. **Vote 22-0.**

HB 1684-FN, requiring an annual state operating budget. **INEXPEDIENT TO LEGISLATE.**

Rep. Bernard L Benn for Finance: The sponsor of this bill spoke with the committee about the intentions of the last constitutional convention that worked to establish annual legislative sessions and suggested that an annual budget would have been a natural result of the annual session. The committee concluded, however, that the current process results in the best uses of legislative resources, making it possible for full attention to be given to the budget process, leaving the second year of the session for agencies and the legislature alike to focus on oversight as well as other legislative matters that help us better meet the needs of the citizens of New Hampshire. There would also be significant costs incurred in that legislative and executive staff who have myriad responsibilities other than the budget would not be able to carry out those other duties. **Vote 24-1.**

SB 157, relative to the procedure for listing candidates on election ballots and establishing a citizen-funded election task force. **OUGHT TO PASS.**

Rep. Robert A Foose for Finance: With the amendment that the House adopted when this bill came from the policy committee, the secretary of state's office estimated that it could comply with the requirements of the bill for less than $10,000. **Vote 24-1.**

FISH AND GAME AND MARINE RESOURCES

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. **INEXPEDIENT TO LEGISLATE.**

Rep. John W Henson for Fish and Game and Marine Resources: This bill though well intentioned, would give added license privileges to service personnel following discharge for one year and to ertain disabled veterans. However, the bill was unclear as to disability determination. We agreed with the sponsors that it would need considerable work to make it workable. **Vote 15-0.**

HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS

SPECIAL ORDER

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

Rep. Trinka 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.**

SPECIAL ORDER

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.**

SPECIAL ORDER

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

Rep. Robert G Bridgham 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 1228-FN, relative to criminal record checks by health facilities. **INEXPEDIENT TO LEGISLATE.**

Rep. Suzanne S Butcher for Health, Human Services and Elderly Affairs: This bill would have removed the requirement for criminal background check by the state police if a health facility obtains a comparable check from another source approved by the commissioner of health and human services. This was an attempt to eliminate duplication, since some health facilities are required to obtain checks by their national associations. However, testimony made clear that we need to continue to require checks through the state police, since it is not feasible to approve or oversee the national checks. **Vote 18-0.**

HB 1232, establishing a committee to study elder abuse statewide. **INEXPEDIENT TO LEGISLATE.**

Rep. Thomas E Donovan for Health, Human Services and Elderly Affairs: Though the bill dealt with elder abuse, the bulk of the sponsor's testimony dealt with those individuals who may have been "falsely charged" and the emotional effect upon individuals when this may have taken place. The committee was unanimous in feeling that there were numerous committees/groups that deal with elder abuse and the information that this bill would have concentrated on was available by accessing these groups directly. **Vote 19-0.**

HB 1339, relative to the state services system and establishing a commission to study uncompensated care at community mental health centers. **INEXPEDIENT TO LEGISLATE.**

Rep. Rich T DiPentima for Health, Human Services and Elderly Affairs: The committee agrees that removing the contractual agreements between the state and the community mental health centers would not be in the best interest of either party. The use of the rulemaking process to replace contracts would not achieve the same results and would be extremely cumbersome. The committee understands that the mental health centers in New Hampshire are currently underfunded and provide substantial amounts of uncompensated care. The community mental health centers provide vital and even life-saving services to thousands of clients even in the absence of adequate state funding. These services also save the state a great deal of money by preventing the need for emergency medical care and correctional expenses. However, the committee feels that establishing a study commission is unnecessary since the problem of uncompensated care is well documented and already widely understood to be real. The resolution of this problem rests with the legislature providing the necessary funding, not with studying what we already know. **Vote 19-0.**

HB 1426, permitting patients to bring their medications to the hospital or health care facility. **INEXPEDIENT TO LEGISLATE.**

Rep. Frank G Case for Health, Human Services and Elderly Affairs: This bill would require hospitals and health facilities to allow patients to bring medications to the hospital or health care facility as a money saving effort. However, both hospitals and health care facilities have policies in place for the storage and administration of medications. First, medications must be stored in a secure locked container (medication cart) or in the locked medication room. In many hospitals the medications are given to patients using bar coding technology, matching the right pill, the right dose, the right time to the right patient. Health care facilities also are concerned about the right resident, the right pill, the right medication and the right time. These protocols are in place to prevent medication errors. The original containers from pharmacies will not have the bar coding or packaging parameters able to accomplish these goals. All of these protocols are in place to protect patient safety. In addition, some hospitals currently do allow patients to bring medications under limited circumstances. **Vote 18-0.**

HB 1430, relative to the uniform anatomical gift act. **OUGHT TO PASS.**

Rep. Suzanne S Butcher for Health, Human Services and Elderly Affairs: This is an update of New Hampshire's anatomical gifts law, adapted from the model of the national conference of commissioners of uniform state laws, to harmonize with national and regional efforts to facilitate organ donations. It makes small changes, such as making clear the primacy of a health care durable power of attorney, but does not change what is already working well in New Hampshire, such as our donor registry. Over 4,000 people in New England are waiting for an organ. There was no testimony in opposition to this bill. **Vote 18-0.**

SPECIAL ORDER

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 1438, relative to a patient's right to know regarding charges for health care. **INEXPEDIENT TO LEGISLATE.**
Rep. Rich T DiPentima for Health, Human Services and Elderly Affairs: While the committee felt that this bill was well intentioned, the unanticipated consequences could result in increasing health care costs rather than lowering them. The bill would require an individual provider to estimate the costs of services, including the services provided by other providers involved in the case such as anesthesia, pathology and radiology. This would create an undue burden on providers and increase the cost of care. The department of insurance currently maintains an interactive web site that lists the costs for 40 of the most common medical procedures by hospital. The New Hampshire hospital association is currently developing a pricing transparency initiative focused on providing hospital charge estimates to patients. They have also created a list of common outpatient services which many hospitals often provide that can be posted on their own websites. With the development of these initiatives, the committee feels that this bill is not necessary at this time. **Vote 17-0.**
HB 1548-FN, relative to ambulatory surgical facilities under the law requiring reporting of hospital infections. **OUGHT TO PASS.**
Rep. Rich T DiPentima for Health, Human Services and Elderly Affairs: The legislature passed a bill a few years ago that mandated the reporting of certain infections by hospitals to the department of health and human services. At that time, ambulatory surgical facilities were not included in that reporting requirement, although most of them are currently reporting. Considering that similar infections can occur as a result of an ambulatory surgical procedure as with a hospital surgical procedure, the committee agrees that the reporting of such incidents would be in the best interest of patient care and public health. The experience with the law requiring hospitals to report infections has been very positive. Reporting has resulted in practices to reduce the very costly and serious health consequences associated with hospital acquired infections. We expect this same benefit to be expanded to the ambulatory surgical centers. As more surgical procedures are being accomplished in an ambulatory setting, reporting of infections related to these procedures will become even more important for assuring patient safety. **Vote 17-0.**
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. **INEXPEDIENT TO LEGISLATE.**
Rep. Thomas E Donovan for Health, Human Services and Elderly Affairs: Upon realizing that nearly all emergency vehicles now have substance abuse treatment drugs available and that the consensus is that the system in place is working fine in this area, the prime sponsor was comfortable that this legislation was not needed at this time. **Vote 17-0.**
HB 1553, establishing a maternal mortality review panel to conduct comprehensive, multidisciplinary reviews of maternal deaths in New Hampshire. **OUGHT TO PASS WITH AMENDMENT.**
Rep. Alida I Millham for Health, Human Services and Elderly Affairs: Maternal mortality is always a devastating event. Fortunately, there are few women in NH who die in pregnancy related or pregnancy associated situations. There has been a small but concerning increase in the number of maternal deaths. This legislation would establish a carefully constituted review panel to study maternal mortality information to determine causes, trends, and potential responses. The panel would review adverse events including statistics and causes, and outline, in aggregate, corrective action plans and make recommendations for system change. The amendment increases protection of the confidential nature of the process and the information. There is an organization in existence that the commissioner of health and human services may delegate the

management of the panel to that would result in no expense to the state. The study of maternal mortality has surfaced as an issue of importance in several health care publications recently. **Vote 18-0.**

JUDICIARY

SPECIAL ORDER

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.**

SPECIAL ORDER

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 1132, relative to the creation and severance of joint tenancy in real property. **INEXPEDIENT TO LEGISLATE.**

Rep. William L O'Brien for Judiciary: The testimony during the public hearing did not establish a compelling need to change the law on how joint tenancies are created and dissolved. Especially in light of the language of the bill that introduces discussions of foreclosure deeds or sheriff's deed severing joint tenancies there exists the danger of unintended consequences. More needs to be known about the foreclosure process and sheriff's deeds and how each should affect joint tenancies before we can recommend this legislation. **Vote 16-2.**

HB 1219, repealing the wartime registration of aliens laws. **OUGHT TO PASS.**

Rep. Frances D Potter for Judiciary: RSA 114, enacted in 1917, requires that whenever a state of war shall exist between the United States of America and any foreign country the governor may direct every citizen of that country to personally register. This statute conflicts with the federal alien registration act and is thus unenforceable. In addition the statute could only be enforced during wartime, and the United States hasn't had a declared war since World War II. Currently, security concerns regarding foreign citizens on American soil are almost entirely handled by the federal government. **Vote 18-0.**

HB 1284, relative to posting of minutes under the right-to-know law. **INEXPEDIENT TO LEGISLATE.**

Rep. Lucy M Weber for Judiciary: The bill would require that within five business days of a meeting, draft minutes must be posted in two public places, one of which is always available for public viewing, and one of which may be the public body's web site. The posting requirement poses a number of practical concerns. Imagine the additional House staff which would be required if all minutes of all House committees had to be posted both on the House web site and somewhere in hard copy. Similar costs would be imposed on every governmental subdivision which must comply. Moreover, there is no provision in the bill for the removal of posted materials. Currently, RSA 91-A requires that minutes be open to public inspection within five business days. Most minutes are, in fact, posted in some manner during that time period. The committee concluded that to require inflexible additional posting requirements would result in needless expense, would be ecologically insensitive, and would constitute an unfunded mandate under Article 28-a. **Vote 17-0.**

HB 1306, relative to approval of recommendations of marital masters and judicial referees. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Gary B Richardson for Judiciary: This bill requires the judge who approves a master's report to certify that he or she has read and approved the master's decision. The bill as amended requires the judge to certify that he or she has read the recommendations and agrees that the master has applied the correct legal standard to the facts determined by the marital master. **Vote 17-0.**

HB 1410, prohibiting lobbyists from serving on judicial branch commissions, committees, boards, or similar government entities. **REFER FOR INTERIM STUDY.**

Rep. William L O'Brien for Judiciary: The consensus of the committee is that registered lobbyists should not be members of governmental boards. We are aware that this prohibition was rejected by the Senate in the first half of this term and that only recently a similar prohibition was rejected by the House. We do not believe, however, that this issue should, or will go away, and therefore agree that there is value in studying it, learning what objections exist to such a ban and determining whether the legislation can be crafted that would accommodate legitimate objections. **Vote 18-0.**

SPECIAL ORDER

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 1137, relative to withholding of wages. **OUGHT TO PASS WITH AMENDMENT.**

Rep. James W Craig for Labor, Industrial and Rehabilitative Services: The law currently allows an employer to withhold a portion of employee wages if the employer has a written authorization from the employee for various reasons specifically listed in the statute. This bill adds a category to the statutory list as follows: "Legal plans and identity theft plans without financial advantage to the employer when the employer has given his or her written authorization and deductions are only recorded." **Vote 17-0.**

HB 1163, relative to the definition of employee with respect to private employment under the workers' compensation law. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Jeffrey P Goley for Labor, Industrial and Rehabilitative Services: Currently railroad employers are not covered in the workers compensation safety provisions. This bill will add them to the provision so that they can follow the same safety guidelines as the rest of New Hampshire employers. **Vote 17-0.**

HB 1168, clarifying the definition of gross misconduct for purposes of unemployment compensation. **OUGHT TO PASS WITH AMENDMENT.**

Rep. James W Craig for Labor, Industrial and Rehabilitative Services: This bill changes the definition of "gross misconduct" to make clear that all such misconduct must be work related. It also changes the generic term "dishonesty" to "theft of an amount greater than $500.00." The bill does not change the unemployment compensation in any way; it merely clarifies the definition of "gross misconduct" in the statute. **Vote 17-0.**

HB 1187, relative to residential elevators and accessibility lifts. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Russell D Bridle for Labor, Industrial and Rehabilitative Services: This bill as amended will allow accessibility lifts and residential elevators to be installed in any residential property so long as it is accessible to only one residential unit and is contained within said unit and that it meets any applicable safety criteria established by rule pursuant to RSA 157-B:17-A. **Vote 17-0.**

SPECIAL ORDER

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 1368, relative to the definition of "employee" for workers' compensation purposes. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Mary J Gorman for Labor, Industrial and Rehabilitative Services: This bill states a written agreement between an employer and an employee affirms all criteria of the term "employee" have been met. This bill also states that if the commissioner of the department of labor finds an employer has misrepresented the

relationship between the employer and the person providing services, penalties may be levied against the employer. **Vote 17-0.**

HB 1403, relative to wrongful termination. **INEXPEDIENT TO LEGISLATE.**

Rep. Charles F Weed for Labor, Industrial and Rehabilitative Services: We heard compelling testimony from several employees who felt they were surprisingly and abusively mistreated after many years of consistently positive performance evaluations. The perception of unjust treatment may have resulted from changes in supervisory personnel. It appears that these employees were not, prima facie, in any protected categories of workers, that the employer behavior may not have reached the level of workplace harassment, and that the hostile environment perceived may not be covered by current employment discrimination statutes. It was clear that valuable employees were aggrieved and hurt. If there is institutionalized misbehavior, in the long run it will hurt the institution. But until it is demonstrated that this is a situation affecting more employees and more places of work, this issue does not reach the level of requiring new legislation and change of public policy. **Vote 17-0.**

LEGISLATIVE ADMINISTRATION

HB 1311, relative to the sunset date of legislative study committees. **INEXPEDIENT TO LEGISLATE.**

Rep. John B Hunt for Legislative Administration: This bill provides that all study committees shall be repealed on the earlier of the date to file its report or the first Wednesday of December of the even numbered years. The text of the bill conflicts with current House rules. There is a Senate bill which addresses the same subject more comprehensively, so the committee decided to wait for that bill. **Vote 16-0.**

HB 1396, relative to the extension of study committees. **INEXPEDIENT TO LEGISLATE.**

Rep. John B Hunt for Legislative Administration: This bill provides that study committees could be extended upon the approval of the speaker of the house and the senate president. As with HB 1311 above the committee will address the issue of when study committees end with the comprehensive Senate bill. **Vote 16-0.**

HB 1451, relative to the expiration dates of certain committees. **INEXPEDIENT TO LEGISLATE.**

Rep. John B Hunt for Legislative Administration: All the specific committees that would have been extended in this bill are included in the all encompassing bill HB 1689 that lists all the study committees to be retained. They include the rivers management advisory committee, the local river management advisory committees, the lakes management advisory committee, and the oil disbursement fund. **Vote 15-0.**

HB 1689, exempting certain non-regulatory boards, commissions, councils, advisory committees, and task forces from repeal on June 30, 2011. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Alfred C Lerandeau for Legislative Administration: This is the first of two bills embodying the exhaustive work of the so-called "Committee on Committees." It contains the list of those non-regulatory statutory boards, committees and commissions which have been recommended as being exempt from the sunset date of June 30, 2011. The Committee on Committees made these recommendations after an exhaustive evaluation involving questionnaires to the subject committees and commissions, discussions with members, and consultations with the affected departments and House policy committees. They found these entities to be active, and performing necessary governmental functions. The bill as originally drafted exempted 86 separate entities from the repeal. The amendment deletes two of the originally listed committees, and adds 49 additional entities. **Vote 15-0.**

HB 1690, making statutory changes required by the repeal of certain non-regulatory boards, commissions, councils, advisory committees, and task forces. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Alfred C Lerandeau for Legislative Administration: This bill, the companion to HB 1689, repeals 39 non-regulatory statutory boards, commissions and committees effective December 31, 2010. These are entities which the "Committee on Committees" found were relatively inactive, which were duplicative of other committees, or whose functions could be performed by a non-governmental entity. The amendment, which replaces the bill in its entirety, lists 39 entities for repeal. Non-regulatory statutory boards, committees and commissions not included in either bill are those the Committee on Committees found need more discussion, to evaluate whether they could be consolidated, or whether their structure or purpose should be reexamined in light of present circumstances. These entities will sunset automatically if no action is taken during the 2011 legislative session. **Vote 16-0.**

LOCAL AND REGULATED REVENUES

SPECIAL ORDER
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.**
SPECIAL ORDER
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.**
SPECIAL ORDER
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.**
SPECIAL ORDER
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 then 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.**
SPECIAL ORDER
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.**

MUNICIPAL AND COUNTY GOVERNMENT

SPECIAL ORDER
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 1142, relative to signatures required to petition a warrant article. **INEXPEDIENT TO LEGISLATE.**

Rep. Margaret M Crisler for Municipal and County Government: This bill would change the minimum number of legal voters required to place a petition article on the town warrant from 25 to 2% of the legal voters. The committee felt that 25 citizen signatures not only has historical precedent, it encourages citizen participation on issues of local interest. Also, determining the 2% calculation on a constant basis would place an undue burden on municipal officials as well as cause confusion to citizens. **Vote 17-0.**

SPECIAL ORDER

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.**

HB 1211, relative to special meetings in towns with official ballot town meetings. **OUGHT TO PASS.**

Rep. Larry Brown for Municipal and County Government: It was the unanimous conclusion of the committee that, since the text of the changes to the ordinances or building codes proposed can be read before and at the time of the vote, and that since the text of those changes can not be altered at a deliberative session, the specifics of each article presented for consideration are a sufficient warning and protection to the general public and the voter. One session, at which the vote takes place, is sufficient **Vote 18-0.**

HB 1300, relative to placement of warrant articles for town meetings on official ballots. **INEXPEDIENT TO LEGISLATE.**

Rep. Margaret M Crisler for Municipal and County Government: This bill would change the minimum number of legal voters required to place a petition article concerning the use of the official ballot on the warrant from 25 to 2% of the legal voters and also that a minimum of 2% of the legal voters are required to be in attendance at the deliberative session in order to change a warrant article. Although we agreed with the intent of this bill, the committee felt that these requirements would cause confusion and impose an undue burden on the municipality and would hamper the proper conduct of town business. **Vote 17-0.**

HB 1310, allowing towns to hire certain health care workers. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Dianne E Schuett for Municipal and County Government: This is enabling legislation which would allow the governing body of a city, town or village district to hire a health care worker. The amendment corrected technical reference to a "licensed provider." The bill also declares immunity for the municipality. **Vote 17-1.**

HB 1327, establishing a commission to establish a framework for the franchising of cable access by cities and towns. **INEXPEDIENT TO LEGISLATE.**

Rep. Deborah Wheeler for Municipal and County Government: The introduction of this bill and the legislative hearing have resulted in follow-up discussion by both the cable TV providers and the New Hampshire community access stations to work collaboratively in crafting a tool to assist communities in negotiating cable TV franchises. Therefore, since the principal entities are open to work in an amicable solution, this committee feels there is no need for formal legislation. **Vote 17-0.**

HB 1369-L, relative to pool safety. **INEXPEDIENT TO LEGISLATE.**

Rep. Betsey L Patten for Municipal and County Government: The statewide building code for residential property was adopted by this legislature in 2002 in RSA 155-A, New Hampshire building code. All the codes were gathered together in this one chapter to make it user friendly for our construction industry and homeowners. This bill would have established new swimming pool standards and placed those in RSA 31- powers and duties of the town and in RSA 47 – power of city councils. The provisions offered in this bill could conflict with the state building code requirements and the penalty provisions established in RSA 676:17 – administrative and enforcement procedures. Pool barrier requirements found in the state building code, AG105.1 and AG105.2 cover the design of barriers for residential swimming pools, spas and hot tubs. These design controls are intended to provide protection against potential drowning and near drowning by

restricting access to swimming pools, spas and hot tubs. The committee felt that AG105.1 and 2 covers much more than the proposed bill. **Vote 18-0.**

HB 1497, relative to terms of office for Concord school board members. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Jessie L Osborne for Municipal and County Government: This bill as amended will give the Concord school district the ability to elect a charter commission to create a local procedure, which does not require the approval to revise, amend, or replace its charter. The Concord school district charter is currently the only one in chapter law. This bill provides for the voters of the Concord school district to elect a charter commission in 2010 utilizing RSA.49-B:4. Upon passage by the voters of the Concord school district of the recommendations of the charter commission in 2011 Concord will have control of it's own charter, and the statutes for the Concord charter would then be revoked. **Vote 18-0.**

HB 1596-FN-L, relative to the civil forfeiture of unlicensed dogs. **INEXPEDIENT TO LEGISLATE.**

Rep. Elaine M Lauterborn for Municipal and County Government: The intent of this bill was to move up by two weeks the date when the list of dog owners who failed to license is prepared, and to move up the date when the dog warrant is authorized by the local governing body. The bill would also double the cost of service that could be recovered by the city or town. Cities typically register hundreds of dogs during those last two weeks of May. This change would likely result in many disgruntled dog owners and a more lengthy dog warrant for officials to deal with. **Vote 18-0.**

PUBLIC WORKS AND HIGHWAYS

SPECIAL ORDER

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.**

SPECIAL ORDER

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.**

SPECIAL ORDER

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

Rep. Alfred C Lerandeau 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.**

SPECIAL ORDER

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 1221, relative to excavating and dredging permits. **INEXPEDIENT TO LEGISLATE.**

Rep. Judith T Spang for Resources, Recreation and Development: This bill seeks to address a perception by the public that the department of environmental services does not respond quickly enough to complaints against alleged violations of wetlands regulations or implement adequate notification to abutters. While the committee agrees with the sponsor that there may be problems with the process, currently the department lacks sufficient personnel to respond within the short time frame dictated by this bill. The department supports the initiative by the committee to undertake a performance audit of compliance with land resource regulations to address widespread dissatisfaction by both the public and land developers. **Vote 19-1.**

SPECIAL ORDER

B 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 1305, relative to designating uses for surface waters. **REFER FOR INTERIM STUDY.**

Rep. Jim U McClammer for Resources, Recreation and Development: This bill was introduced to address inconsistencies between federal and state statutes regarding water quality standards. The committee feels the bill is necessary but the language needs to be carefully considered before passage. The issues are subtle and can benefit by being thoroughly studied and solutions vetted. The existing water quality standards advisory committee within the department of environmental services (DES) has agreed to work on this issue in partnership with the committee. **Vote 19-0.**

SPECIAL ORDER

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.**

SPECIAL ORDER

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.**

SCIENCE, TECHNOLOGY AND ENERGY

SPECIAL ORDER

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.**

STATE FEDERAL RELATIONS AND VETERANS AFFAIRS

HB 1415, relative to the donation of official records of state governors and members of Congress to the state of New Hampshire. **OUGHT TO PASS.**

Rep. Alfred P Baldasaro for State-Federal Relations and Veterans Affairs: The committee feels this is a great way to preserve the history of records and official papers generated by the governor for further historians. The governor, within one year of leaving office, shall donate a selection of official papers and records to the state **Vote 16-0.**

TRANSPORTATION

SPECIAL ORDER

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 1190, authorizing transfer on death of motor vehicles. **INEXPEDIENT TO LEGISLATE.**

Rep. Karen C Umberger for Transportation: The bill requested the establishment of a transfer on death form to allow vehicle owners to designate a person as a beneficiary for a motor vehicle upon their death. Currently, state law provides several ways to title vehicles to identify a beneficiary upon death. Some of the methods are joint tenancy with right of survivorship, identifying the owners of the vehicles with an "or." For example John Smith or John Doe. Additionally a vehicle can be titled to a trust. The committee believed these were adequate options to ensure vehicles could be transferred upon the death of its owner without creating an additional form. **Vote 14-0.**

SPECIAL ORDER

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.**

SPECIAL ORDER

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.**

SPECIAL ORDER

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.**

SPECIAL ORDER

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.**

SPECIAL ORDER

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.**

SPECIAL ORDER

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 1463-FN, establishing a memorial number plate to honor New Hampshire law enforcement officers who die in the line of duty. **INEXPEDIENT TO LEGISLATE.**

Rep. Richard T Stuart for Transportation: This bill establishes a plate to honor law enforcement officers who die in the line of duty. There are estimated expenses of $48,000 while the income is only $20,000. It would also have amended RSA 261. The committee voted it inexpedient to legislate but appreciates the sentiments of the bill's sponsors **Vote 14-0.**

HB1494-FN, reducing the number of required number plates for motor vehicles from 2 to one. **INEXPEDIENT TO LEGISLATE.**

Rep. Theodoros V Rokas for Transportation: This bill would have reduced the number of required plates for motor vehicles from 2 to one. The majority of the committee felt that the present law is sufficient and no changes are necessary at this time. There are many different entities that would be adversely affected by eliminating one of the plates. Parking garages, parking enforcement, law enforcement and easy pass operations are just a few **Vote 12-1.**

HB 1546-FN-A, establishing Red Sox number plates to benefit the Children's Hospital at Dartmouth. **INEXPEDIENT TO LEGISLATE.**

Rep. C. Pennington Brown for Transportation: Specialty license plates are confusing to law enforcement and flood gates would open wide if this one is accepted. License plates must be easy to read and while the cause is worthy this plate would create an unintended precedent. **Vote 12-0.**

HB 1551-FN-A, establishing cancer research number plates. **INEXPEDIENT TO LEGISLATE.**

Rep. Karen C Umberger for Transportation: This bill requested the establishment of a cancer research plate with the funds going to the department of health and human services bureau of prevention services to be used for cancer prevention programs. The committee supports all efforts to reduce cancer. However, the committee cannot support the creation of a new number plate. The transportation committee has established a committee to study special number plates which will hopefully provide a solution to the plethora of requests that are received for special number plates. **Vote 14-0.**

SPECIAL ORDER

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

CACR 22, relating to taxation. Providing that taxes imposed by the state of New Hampshire or its subdivisions may be graduated. **INEXPEDIENT TO LEGISLATE.**

Rep. Ron J Mack for Ways and Means: The overwhelming majority of the committee felt that article 5 of the second part of the constitution assuring all citizens "proportional and reasonable assessments, rates and taxes" should not be changed. The unintended consequences and complexities that will arise from implementing a graduated rate cries out for more study and research. **Vote 18-1.**

HB 660-FN, relative to the life settlements act. **OUGHT TO PASS WITH AMENDMENT.**

Rep. William G Johnson for Ways and Means The policy relative to life settlements having been settled, this committee focused only on fees and penalties. We found the penalties consistent with the department's current policy and fees are within the usual range. **Vote 17-1.**

SPECIAL ORDER

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.**

HB 1611-FN-A-L, establishing a sales and use tax. **INEXPEDIENT TO LEGISLATE.**

Rep. Robert M Walsh for Ways and Means: This bill imposes a 2.25% sales tax upon most retail items and also imposes a use tax upon items purchased out of state and used in New Hampshire. The sponsor provided an organized and well thought-out presentation which included a "means test" for low income persons who would apply for and receive a card, which upon presentation to a vendor would exempt the goods purchased from the imposition of the sales tax. Testimony from several retail firms indicated that this would be most detrimental to their businesses. The committee opinion was with the New Hampshire retailers. We need their business and the jobs they produce. **Vote 17-2.**

WEDNESDAY, FEBRUARY 17

SPECIAL ORDER

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 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.

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, Article78 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.

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.**

RESOURCES, RECREATION AND DEVELOPMENT

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.**

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.**

WEDNESDAY, FEBRUARY 17
REGULAR CALENDAR

COMMERCE AND CONSUMER AFFAIRS

HB 1268-FN, prohibiting the use of a person's occupation when obtaining insurance coverage.
INEXPEDIENT TO LEGISLATE.
Rep. Donna L Schlachman for Commerce and Consumer Affairs: The intent of this bill is to prohibit the use of occupation as a factor in setting insurance rates in the individual motor vehicle insurance market. As written, however, it would have been applied to all forms of insurance, including workers' compensation insurance where occupation is a critical aspect in setting rates. The committee heard again that occupation is used by only a few companies in New Hampshire in determining insurance rates but consumers should take time to shop for the best coverage at the best price. The New Hampshire insurance department's website provides a tool to help citizens comparison shop. **Vote 16-2.**
HB 1493, establishing a committee to study comprehensive mental health parity. **OUGHT TO PASS WITH AMENDMENT.**
Rep. Donna L Schlachman for Commerce and Consumer Affairs: This bill is an important step to achieving mental health parity in our health care system. Mental health issues have long taken a back seat to physical illnesses even though one in four individuals may develop a mental illness in any given year. The committee heard that most times mental illnesses are treatable, and by doing so, we can avoid the development of secondary physical illnesses. Untreated and under treated mental illnesses put a strain on businesses through decreased productivity at work and increased absenteeism. It is no secret that untreated mental illness contributes to family instability, is a drain to community resources, and causes difficulties in school for children. This bill was amended to include substance use disorders that also have a high impact on communities and are a significant factor in employment problems. The recently passed federal mental health parity and addiction equity act, aimed at ending discrimination for mental health and addiction, only covers

employers with 50 or more employees. Given the fact that most New Hampshire businesses employ fewer than 50 people, this is a good time for us to look at our own laws. **Vote 12-5.**

HB 1505, establishing a commission to study state-imposed burdens on unregulated businesses. **INEXPEDIENT TO LEGISLATE.**

Rep. Paul McEachern for Commerce and Consumer Affairs: This bill is an example of an overly broad jurisdiction for a commission. Under this bill the commission could study any imposition of rules of conduct, for instance the child labor laws. While well intended, the bill is too vague to be useful. **Vote 16-1.**

HB 1541-FN, prohibiting the sale of e-cigarettes to minors. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Donna L Schlachman for Commerce and Consumer Affairs: Most on the committee had never heard of e-cigarettes (e for electronic) but learned that our youth call the act of smoking them "vaping" (inhaling vapors) and smoke them on school property before and after classes. These highly addictive unregulated substitutes for tobacco are sold on the internet and at kiosks in malls. They are marketed as a "green" way to smoke. In place of tobacco they have nicotine cartridges that are inserted into a cigarette-like holder; the liquid is then vaporized and inhaled. E-cigarettes come in bright colors and in flavors such as strawberry, peppermint, chocolate, watermelon and grape. The teenagers who testified at the hearing said that the advertisements pop up on teen oriented websites. FDA testing of products labeled as containing no nicotine even found low levels of nicotine as well as other known carcinogens. Some on the committee felt we should wait for the FDA to institute a federal ban. Others believed they had learned enough about the content of the cartridges, which can contain toxic levels of nicotine. While these may be good choices for adults trying to kick the tobacco habit, smoke in no-smoking zones, and smell nicer, they should not be sold to minors. The fiscal note on the bill concerned the potential costs related to prosecuting violators. The amendment moved the effective date closer to passage. **Vote 15-4.**

HB 1627-FN, relative to the regulation of manufactured housing and modular buildings. **REFER FOR INTERIM STUDY.**

Rep. Susi Nord for Commerce and Consumer Affairs:. There are many parts to this bill which is ultimately intended to help consumers who have major issues with a manufactured or modular housing installation. The committee has heard numerous horror stories over the years about what happens to consumers who have a problem but cannot find anyone to help them resolve it. The vast majority of consumers in NH are very satisfied with their purchase, but the few who have problems can find them catastrophic both financially and emotionally. The committee is dedicated to working with the building industry to find a way to create a place for consumers to get help when they have a major problem without further depressing this beleaguered industry. **Vote 16-1.**

ENVIRONMENT AND AGRICULTURE

HB 1278-FN, relative to milk producer-distributors. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Pamela Z Tucker for the **Majority** of Environment and Agriculture: This bill allows NH farmers to increase the amount of raw milk sold from 20 quarts a day to 80 quarts a day. Raw milk generally sells in the range of $5 - $9 a gallon versus $1.50 a gallon when sold to a processor. Farmers will now have the ability to sell more milk at a higher price, helping them in these difficult economic times. This bill also gives the consumer more choice and supports local businesses and NH made products. There have been no reported cases of bad milk in NH under the current conditions. If one was to arise, the source would be identified immediately. **Vote 12-1.**

Rep. Leigh A Webb for the **Minority** of Environment and Agriculture: As much as the minority of the committee agrees with the majority in providing more opportunities to our dairy farmers, the minority is concerned that raising the number of quarts of raw milk to be sold without being licensed, and thus without being subjected to either inspections of the facility and herd, or testing of the milk to be sold, raises the risk of tainted raw milk entering the marketplace and thus potentially negatively affecting the entire industry. The minority could not comfortably support this bill without some provision to address at least voluntary registration (at no cost) of the farms involved and random inspections and periodic testing of the product (at minimal cost).

FINANCE

HB 1674-FN-L, relative to the calculation of total education grants to municipalities and the calculation of excess education tax payments. **INEXPEDIENT TO LEGISLATE.**
Rep. Kimberley S Casey for Finance: This bill calls for amending state education funding now in place so as to continue without any time limit the protection offered by what is commonly referred to as the collar. Current law utilized this technique as a transition for the current biennium to keep the rate of decrease or increase in state education funding that school districts would need to deal with immediately within a manageable range. School districts had this biennium to prepare for the changes that would take place once the temporary collar was removed. The committee understands that while some communities are happy and others unhappy with the current plan, we know of no way to please everyone and we conclude that within the range of choices available to us the current plan makes it possible for districts to plan responsibly. **Vote 24-0.**

FISH AND GAME AND MARINE RESOURCES

HB 1201, including loaded muzzle-loading firearms in the prohibition of hunting from a vehicle.
MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.
Rep. Rose Marie Rogers for the **Majority** of Fish and Game and Marine Resources: The intent of this bill is to include a loaded muzzle loader as a logical extension of existing statutes which prohibit the transportation of loaded firearms. The committee feels that the safety of the general public and fish and game conservation officers must be preserved. **Vote 14-1.**
Rep. Michael J McCarthy for the **Minority** of Fish and Game and Marine Resources: The minority feels that though poaching by what ever means is wrong and illegal, the language of this bill exceeds its stated objective and exceeds the scope of fish and game. The proposed provisions for hunter safety contained in this bill will have an impact on the second amendment rights of gun owners in New Hampshire, even if they are not hunters.
HB 1514-FN, prohibiting the sale of raw skins or unskinned carcasses of fur-bearing animals.
INEXPEDIENT TO LEGISLATE.
Rep. Margaret E Porter for Fish and Game and Marine Resources: This bill prohibits sale of fur-bearer skins and carcasses but in fact is both anti-trapping and anti-commerce legislation. New Hampshire has a long history of strictly regulated and licensed trapping. Trappers provide a necessary service to the fish and game department as well as towns and municipalities and individual landowners, assisting with nuisance complaints and rabies-infected animals. The sale of pelts is their chief compensation for the services provided. In New Hampshire, as in most states, fur-bearer populations are controlled and managed by trapping. This bill raised numerous questions about interstate commerce and prohibiting commerce as a means of reducing (without completely eliminating) trapping. Additionally, there was testimony from other classes of people whose livelihoods would be eliminated or adversely affected by the passage of this bill. It would also deprive the self-funded fish and game department of revenue in a time of tight budgeting. **Vote 15-0.**

JUDICIARY

CACR 21, relating to judges and sheriffs. Providing that judges and sheriffs may serve after the age of 70 years. **INEXPEDIENT TO LEGISLATE.**
Rep. Robert H Rowe for Judiciary: The governor vetoed a similar bill last year that would extend senior active status to judges over 70 years of age saying, "The appointment process for new judicial officers as set forth in our Constitution weighs against the adoption of a significantly expanded senior active status for judges over age 70."
Our founding fathers, in 1783, created Article 78 Part Second of the constitution to address the aging of both jurists and sheriffs, stating "No person shall hold the office of judge of any court, or judge of probate, or sheriff of any county, after he has attained the age of seventy years." The constitution is the supreme law of New Hampshire and as our founding document it should remain as our anchor and our foundation of stability. This legislation is defective in the sense that it offers no provisions to remove an ancient judge unable to perform his or her duties, other than the arduous process of impeachment or bill of address. **Vote 14-3.**
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. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**
Rep. Robert B Thompson for the **Majority** of Judiciary: This amendment violates the intent of our constitution. We should never enshrine discrimination into the living document called our constitution.

These rights given to us in our constitution are rights granted to all our citizens. There is no exceptions clause or language which excludes any person. Our representative government is elected and expected to use judgment in its decision making. This amendment is an attempt to change our constitution by bringing a referendum to the ballot. **Vote 12-8.**

Rep. William L. O'Brien for the **Minority** of Judiciary: During last year's debate over same gender marriage there were two themes that were dominant. Within the legislature, proponents of redefining marriage claimed that the people were ready for, and even wanted, this change. Outside of the legislature, the predominant response heard by members of the minority, from same gender marriage proponents and opponents alike, was that a cultural shift of this nature should not be decided within the legislature. Proponents wished to demonstrate their belief that the time had come for this change. Opponents firmly believed that the legislature was seeking a radical, social, and cultural change that would never be accepted by the people just, as in other states when the question has been put to the people it has not been accepted. It appears that same gender marriage opponents were correct. The majority of the Judiciary Committee is refusing to place this question before the people. They will not let New Hampshire vote.

HB 1307, relative to appointments and reappointments of marital masters. **WITHOUT RECOMMENDATION.**

STATEMENT IN FAVOR OF OUGHT TO PASS:

Marital cases represent the largest number of cases by far in the courts and they are the most difficult issues to resolve. Many cases reoccur in court year after year, mostly on issues of custody, visitation and support. It also must be remembered that 70 to 80 percent of these cases are not heard by a judge but rather a contract employee of the judicial branch, namely marital masters. Prior to a marital master's initial contract appointment for three years, there is a public hearing. Currently this is the only time the governor and executive council, and the public, see them and have input. The contract renewal is handled by the judicial branch. The public never has an opportunity to express its views as to the quality of the marital master's work during the prior contract term. All this bill does is require an executive council public hearing prior to masters being reappointed for additional terms. This would result in five or fewer executive council hearings a year. This is not too many considering the importance of the masters' work and the effect it has on the lives, assets, and income of our citizens.

Rep. Robert H Rowe

STATEMENT IN FAVOR OF INEXPEDIENT TO LEGISLATE.

This bill would require the governor and council to approve the appointment of marital masters and hold performance reviews and public hearings for the reappointment of marital masters every three years. Marital masters are not judicial officers under the constitution. They are employees of the judicial branch and subject to performance reviews by the judicial branch of government. We would all like to think that all parties to a divorce would leave the courthouse happy and satisfied with the decision. Unfortunately, that is rarely possible. Marital masters are required to make decisions in contentious cases between litigants who are sometimes bitter and acrimonious. In such cases, it is not unusual to blame the marital master when the decision is not to one's liking. To require marital masters to go through a public hearing every three years with the prospect of being criticized for making difficult decisions would not be in the public interest of attracting the best candidates to serve as marital masters. There was little evidence offered to the committee that the current system of judicial review of marital masters is not working effectively**.**

Rep. Gary B Richardson

HB 1330, relative to the preservation of religious freedom. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Gary B Richardson for the **Majority** of Judiciary: This bill would prohibit a government entity from "substantially burdening" the exercise of religion. Unfortunately "substantially burdening" is defined very broadly as any action that would tend to "inhibit or curtail religiously motivated practice." In addition, the bill fails to define what would constitute a compelling governmental interest. As such, the bill is overly broad and could result in unintended consequences. For example, the bill could be interpreted to exempt religious institutions from zoning regulations. Religious freedom is already protected in our constitution, and if those protections are inadequate, the changes should be made by a specific law directed at the perceived inadequacy, or if it is felt that the constitution is inadequate, by constitutional amendment. **Vote 12-6.**

Rep. William B Smith for the **Minority** of Judiciary: The free exercise of religion is basic, and no government should have the authority to take it away. Prior to 1990, it was understood that government couldn't limit religious freedom unless it could show a "compelling interest" in doing so and no less restrictive means are available to accomplish that interest. However, in *Employment Division v Smith*, the supreme court in 1990 held that the "compelling interest" test could only be applied if a law directly targets religion, and not in cases where the law is generally applicable, with only incidental adverse effect on the free exercise of religion. In 1993, Congress passed the religious freedom restoration act to restore the "compelling interest" test for federal law. States are free to enact their own legislation to strengthen religious liberty. Thirteen states have enacted such laws, and another twelve states have favorable state court decision to require the "compelling interest" test. The minority believes that the recent infringements on freedom of religion in New Hampshire point to the need to join the states that have enacted the restoration

HB 1590-FN, repealing same sex marriage. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Robert B. Thompson for the **Majority** of Judiciary: This bill takes away rights granted by this legislature last year. We already have loving committed couples married in New Hampshire. These couples and their children now enjoy equally the legal and societal benefits of marriage. There has been no detrimental impact to the state of New Hampshire. This bill is flawed and unjust. **Vote 12-8.**

Rep. Nancy J. Elliott for the **Minority** of Judiciary: The minority believes that last year the legislature made a mistake passing gay marriage. Legislators ignored the voice of the citizens of New Hampshire to attend to the desires of special interest activists. These activists would have us believe that heterosexual marriage and gay marriage are the same thing. Nothing could be further from the truth. The consummation of gay marriage cannot even be spoken of in polite society and a gay marriage is not valid without it. We have said that this new group of people are married because of these practices. This new marriage has nothing to do with fairness as two people that love each other but do not consummate, cannot be married. To the minority this is confusion and should not have been placed into law. The minority believes that it is time to recognize the error that was made and pass HB 1590 to repeal gay marriage.

HCR 26, reaffirming the state's religious heritage and constitutional rights to practice religion and free speech. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Robert B Thompson for the **Majority** of Judiciary: A majority of the committee agrees that this resolution is not necessary. We are already protected in our religious freedom and free speech by the United States Constitution, as well as our New Hampshire Constitution. Religious rights and freedoms encompass all faiths including nonchristians, agnostics, and atheists. This resolution is not necessary and denies religious rights of others in its wording and intent. **Vote 11-7.**

Rep. Nancy J Elliott for the **Minority** of Judiciary: HCR 26 reaffirms our religious heritage. It shows us how we have historically respected religion in our society. The minority believes that our country and state have strayed from this respect of religious thought. We see it in a recent court decision that forced a young lady to attend public school because of her Christian beliefs. Daniel Webster stated it best when he said, "If we and our posterity … live always in the fear of God and shall respect His commandments … we may have the highest hopes of the future fortunes of our country. But, if we … neglect religious instruction and authority, violate the rules of eternal justice, trifle with the injunctions of morality, and recklessly destroy the constitution which holds us together, no man can tell how sudden a catastrophe may overwhelm us and bury all our glory in profound obscurity."

LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES

HB 1385-FN, relative to appeals under the workers' compensation law. **INEXPEDIENT TO LEGISLATE.**

Rep. Sally H Kelly for Labor, Industrial and Rehabilitative Services: This bill relates to the appeal process for workers' compensation claims. Appeals to the supreme court must be based on either process or question of law, rather then fact. This bill seeks to change that for the benefit of workers' compensation claims. The current appeal process must be fact based and begins with a hearing before one person at the department of labor. It can be further appealed to the appellate board which is made up of three individuals. If at that point there is a question of either due process or law it can be appealed to the supreme court. The majority of the committee believes the current appeals process works. **Vote 15-2.**

LOCAL AND REGULATED REVENUES

HB 1276-FN-L, relative to investment of capital reserve funds. **OUGHT TO PASS.**
Rep. Steve Vaillancourt for Local and Regulated Revenues: In an attempt to acquire a greater rate of return on invested funds, this bill would simply allow pooling of the assets of capital reserve funds maintained separately on the books of towns. While the committee is not certain if in fact pooling will result in slightly higher yields, especially in these times when most yields are less than one percent, the committee sees nothing wrong with this idea. In other words, there's some upside potential and no downside. **Vote 17-0.**
HB 1439-L, relative to tax exemptions for water and air pollution control installations. **OUGHT TO PASS WITH AMENDMENT.**
Rep. Timothy Butterworth for Local and Regulated Revenues: This bill was recommended by the department of environmental services (DES) to assure that personal home septic systems are not included in the property tax exemptions under the air and water pollution control device law. This issue is of concern because of a pending court case. The amendment, presented by the original sponsors, replaces the entire bill. It makes a distinction between "sewage disposal systems" and "wastewater control devices." This still allows dormitories, resorts, large motels, hotels and other developments which build their own wastewater control systems to receive exemptions, but not those which use a septic system and leach field. No committee member supported the idea that a personal septic system should be exempted from town property tax assessments. **Vote 17-0.**
HB 1489, allowing municipalities to adopt a volunteer incentive property tax credit. **INEXPEDIENT TO LEGISLATE.**
Rep. Timothy Butterworth for Local and Regulated Revenues: The intent of this bill was to encourage involvement in towns by rewarding volunteers with reductions in their taxes. The committee had a number of concerns: that volunteers are sometimes less industrious than employees, that the IRS might think reductions in taxes was a form of payment, that towns might have to do the same kind of paperwork they do for employees, that there might be a negative impact on the unpaid volunteers, and that those whose taxes might be zeroed out would still be voting on town budgets, perhaps for the very organizations in which they are "volunteering." After considering these problems, the committee was unanimous. **Vote 18-0.**
HB 1504, establishing a liquor commission oversight committee. **INEXPEDIENT TO LEGISLATE.**
Rep. Robert L Theberge for Local and Regulated Revenues: This legislation would create an oversight committee for the liquor commission. The committee unanimously feels that it is unwilling to relinquish its authority to any other entity and furthermore believes that it is unnecessary at this time to have an oversight committee. The liquor commission is currently operating in such a way that its revenue projections are increasing. **Vote 17-0.**
SPECIAL ORDER
HB 1522, relative to local spending caps. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: REFER FOR INTERIM STUDY.**
Rep. Mary Beth Walz for the **Majority** of 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.**
Rep. Steve Vaillancourt for the **Minority** of Local and Regulated Revenues: Tragic is the only word that the minority can think to describe the majority reaction to this bill which would simply clarify the right of people in cities and towns to vote on spending cap referendums. In fact, such spending caps have already been approved in numerous cities, and this bill simply represents an attempt to forestall law suits declaring the will of the people as illegal. Tragically, rather than addressing the basic right of people to vote to amend their charter, the majority tried to bring forward smoke and mirrors, claiming how specific proposals could be

flawed. Nothing about this bill would mandate any specific proposal; that would still be up to any given city or town. The same city or town would have the right to repeal a spending cap in a succeeding year, so nothing in this bill would tie the hands of future generations or even of voters two years out. Tragically again, one member of the majority insisted that people were "too emotional" to vote on their city charter. The minority believes this is tantamount to saying people are too stupid to decide what is best for them. Too emotional to elect Barack Obama? The minority thinks not. Too emotional to elect Scott Brown? The minority thinks not. Tragically, it seems that only the minority of the committee has confidence in the intelligence of voters to make decisions. This bill would also mandate an override (by a two-thirds vote) of any spending cap, but since that might be imperfect, the minority was more than willing to study the ramifications of passing this bill so that we would have a better idea of how to make it "more perfect" next time around. To simply kill it is to shovel dirt on the graves of our founding fathers and our democratic principles and to provide another big pay day for lawyers.

TRANSPORTATION

HB 1247, establishing a speed limit for vehicles traveling through a toll booth or gate. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: REFER FOR INTERIM STUDY.**

Rep. C. Pennington Brown for the **Majority** of Transportation: This bill sets an absolute speed limit of 25 mph for vehicles traveling through an EZ Pass toll gate. The current speed limit of 35 mph is a prima facie limit allowing even higher speeds. This bill also allows highway speed through the new "open road" toll gate. The first "open road" toll gate is scheduled to open at the Hampton tolls on Rt. I-95 on July 1, 2010. **Vote 12-1.**

Rep. John A Hikel for the **Minority** of Transportation: The minority believes that while this bill is well intentioned, it includes in it the reduction of speed going through a dedicated EZ Pass lane. Then it gets reduced from 35 mph to 25 mph.

WAYS AND MEANS

HB 1679-FN-A, establishing a soft drinks tax. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. William A Hatch for the **Majority** of Ways and Means: This bill would add an ad valorem tax on soft drinks that contained sugar, corn syrup and other high concentrations of sugar sweeteners. The sponsors presented well prepared and detailed testimony on the health issues, such as obesity, that the consumption of these products cause. The sponsors felt the tax would reduce consumption and would generate money to establish a fund to educate the public on the issue. The majority reasoned the tax would not prevent many from purchasing these products, thus not effectively reducing consumption. In addition, there was testimony that this would cause hardship for retail outlets. With consideration of those factors, the majority voted to recommend inexpedient to legislate. **Vote 13-5.**

Rep. Dennis P Vachon for the **Minority** of Ways and Means: The minority supports HB 1679 because it addresses a major health issue in our state: the dramatic increase of child and adult obesity and associated illnesses, including diabetes, heart disease and kidney failure. Medical research has conclusively linked these health issues to the escalating consumption of drinks sweetened with sugar or high fructose corn syrup. HB 1679 proposes a tax of 2% on the wholesale price of sweetened soft drinks for the purpose of creating a state fund to promote obesity prevention and child nutrition. This tax would have been much smaller than a similar tax in 33 other states where the tax is as high as 5.25% and where there has been no change in consumption. It has been estimated that this tax in the original bill would have generated $11.6 million each year. Such a sum would have gone a long way in educating the public about the health issues associated with obesity.

LAID 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

SUNDAY, FEBRUARY 14

LEGISLATIVE YOUTH ADVISORY COUNCIL (RSA 19-K), NH Technical Institute, Concord
1:00 p.m. Regular meeting.

TUESDAY, FEBRUARY 16

CHILDREN AND FAMILY LAW, Room 206, LOB
1:00 p.m. Subcommittee work session on ***HB 1491,*** relative to child support and responsibility for extraordinary child-rearing expenses in cases of shared parenting.
1:15 p.m. Continued executive session on ***HB 1424,*** requiring a performance audit of the division of child support, department of health and human services, ***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 and rescheduled 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 and continued executive session on ***HB 1216,*** relative to the amount of the self-support reserve in child support cases.

COMMERCE AND CONSUMER AFFAIRS, Room 302, LOB
9:00 a.m. Public hearing on proposed amendment to ***HB 1393,*** establishing a commission to review and make suggestions for updating the treatment of New Hampshire investment trusts. The proposed amendment is concerning the establishment of NH investment trusts. Copies of the amendment available from the Sergeant-at-Arms office.
10:00 a.m. Continued executive session from February 11, if needed.

CRIMINAL JUSTICE AND PUBLIC SAFETY, Room 204, LOB
9:30 a.m. Subcommittee work session on ***HB 1635-FN,*** prohibiting the open carrying of a firearm in a public building.
10:00 a.m. Rescheduled executive session on ***HB 1635-FN,*** prohibiting the open carrying of a firearm in a public building, ***HB 1134,*** authorizing federal law enforcement officers to use deadly and non-deadly force when assisting state law enforcement officials, ***HB 1318,*** relative to post-conviction DNA testing.

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.

1:00 p.m. Full committee work session on ***HB 1188,*** relative to nominating a political organization by nomination papers, ***HB 1367-FN,*** relative to permissible campaign contributions by business organizations and labor unions.

1:30 p.m. Rescheduled executive session on ***HB 1188,*** relative to nominating a political organization by nomination papers, ***HB 1367-FN,*** relative to permissible campaign contributions by business organizations and labor unions.

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

9:00 a.m. Subcommittee work session on ***HB 1593-FN,*** establishing a board of dental hygienists.

10:00 a.m. Subcommittee work session on ***HB 1376,*** relative to the regulation of pharmacies and pharmacists and ***HB 1349,*** relative to requirements for pharmacists-in-charge.

10:30 a.m. Continued executive session on ***HB 1349,*** relative to requirements for pharmacists-in-charge and executive session on ***HB 1182,*** relative to return to state employment of recently deployed military personnel, ***HB 1229-FN,*** relative to state licensure of hawkers and peddlers, ***HB 1240-FN,*** relative to the use of state-owned vehicles, ***HB 1273,*** establishing a New Hampshire aero-space commission, ***HB 1376,*** relative to the regulation of pharmacies and pharmacists, ***HB 1422,*** establishing a committee to study the establishment of a department of natural resources, ***HB 1487,*** relative to the definition of certified wetland scientists, ***HB 1570-FN,*** requiring an affidavit of bills paid prior to the issuance of certain state and local permits, ***HB 1593-FN,*** establishing a board of dental hygienists, ***HB 1626-FN,*** requiring the licensing of building energy auditors, ***HB 1688,*** relative to the regulation of the installation and operation of boiler and pressure vessels.

FINANCE, Rooms 210-211, LOB

10:00 a.m. Full committee work session on ***HB 1226,*** relative to caregiver support services for the elderly, ***HB 1569-FN,*** relative to the salaries of certain unclassified positions, ***HB 1586-FN,*** relative to mandated benefits review, ***HB 1506-FN-A-L,*** establishing a state aeronautical fund, ***HB 1512,*** establishing a deferred retirement option in the judicial retirement plan, ***HB 1537,*** allowing primary care providers to provide preventive oral health services to children between 0 and 3 years of age under the state Medicaid program,

1:00 p.m. ***SB 460-FN-A,*** relative to the lapse of certain legislative and judicial branch appropriations, budget reductions for the department of health and human services, and voluntary furloughs for judges.

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, ***HB 1384,*** establishing a suicide fatality review committee and ***HB 1526,*** requiring the department of health and human services to establish a methodology for determining certain high cost long-term care cases.

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

JUDICIARY, Room 208, LOB

10:00 a.m. Executive session on ***HB 1133,*** relative to the duration of involuntary emergency admissions, ***HB 1196,*** relative to the time period interest is charged on judgments, ***HB 1223,*** relative to notice in class action cases under the consumer protection act, ***HB 1254,*** relative to insurance coverage in tort cases, ***HB 1255,*** relative to requirements for apportionment of damages, ***HB 1256,*** restricting medical injury claims subject to pretrial screening panel review to claims exceeding $250,000, ***HB 1257,*** changing requirements for extensions of time for hearings by pretrial screening panels for medical injury claims, ***HB 1258,*** relative to the award of costs and attorneys' fees incurred in the medical injury screening panel process, ***HB 1259,*** relative to subrogation claims and liens in civil actions, ***HB 1260,*** authorizing enhanced compensatory damages for injury or death caused by operation of a motor vehicle after consumption of alcohol or a controlled drug, ***HB 1443,*** relative to Medicaid, statutory and other liens or subrogation claims for public assistance or medical expenses, ***HB 1500,*** relative to excuse from jury service, ***HB 1543,*** relative to the annual rate of interest on judgments, ***HB 1655-FN,*** relative to persons with mental illness and the corrections system.

LOCAL AND REGULATED REVENUES, Room 303, LOB

10:30 a.m. Continued executive session on ***HB 1345,*** relative to information for property tax assessments of commercial and industrial properties.

MUNICIPAL AND COUNTY GOVERNMENT, Room 301, LOB

11:00 a.m. Executive session on ***HB 1382,*** relative to workforce housing, ***HB 1395,*** relative to workforce housing, ***HB 1176-L,*** relative to town auditors, ***HB 1448,*** relative to town audits, ***HB 1511-L,*** relative to municipal reimbursement for local assistance and establishing a committee to study local assistance under RSA 165, concerning aid to assisted persons, ***HB 1554,*** allowing municipalities to establish energy efficiency and clean energy districts, ***HB 1483,*** relative to appropriations in the county budget and expenditures of state and federal grants by counties, ***HB 1267-L,*** relative to applications for hawkers and peddlers licenses, ***HB 1287,*** relative to setback requirements on private rights-of-way, ***HB 1375,*** establishing a committee to study regional planning commissions, ***HB 1461,*** relative to the municipal regulation of the sale of martial arts weapons, ***HB 1151-L,*** relative to the lapse of county appropriations and continued executive session on ***HB 1126,*** relative to the Hooksett police commission, ***HB 1198-L,*** relative to public hearings on municipal budget preparation, ***HB 1212,*** relative to municipal charter statutes, ***HB 1303,*** relative to maintenance, repair, and preservation of burial grounds, if needed.

PUBLIC WORKS AND HIGHWAYS, Room 201, LOB

10:00 a.m. Public hearing on proposed amendment to ***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. The proposed amendment changes the name of the bridge to the Anna Hunt Marsh Bridge. Copies of the proposed amendment are available from the Sergeant-at-Arms office.

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, ***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, ***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.

11:15 a.m. Information presentation on NH Rails to Trails.

1:15 p.m. Continued public hearing on ***HB 2010,*** relative to the state 10-year transportation improvement program.

1:30 p.m. Full committee work session on ***HB 2010,*** relative to the state 10-year transportation improvement program.

RESOURCES, RECREATION AND DEVELOPMENT, Room 305, LOB

10:00 a.m. Executive session on ***HB 1186,*** prohibiting smoking within certain areas of New Hampshire state parks and historic sites, ***HB 1194,*** prohibiting smoking on beaches at state parks.

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.

STATE FEDERAL RELATIONS AND VETERANS AFFAIRS, Room 307, LOB

1:30 p.m. Executive session on ***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, ***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, ***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, ***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, ***HR 20,*** supporting the Cornyn-McCarthy Military Voting Protection Act, continued executive session on ***HB 1625,*** relative to eligibility for the New Hampshire veterans' home.

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 and continued executive session on ***HB 1465-FN-A,*** establishing firefighter number plates.

WAYS AND MEANS, Room 202, LOB

10:30 a.m. Executive session on ***HB 1445-FN-A-L,*** eliminating the meals and rooms tax on campsites, ***HB 1518-FN,*** increasing certain OHRV registration fees and fee for transfer of registration of an OHRV or snowmobile, ***HB 1604-FN-A,*** establishing a credit against the interest and dividends tax for taxes paid to other states on certain distributions, ***HB 1607-FN-A,*** relative to the reasonable compensation deduction under the business profits tax, ***HB 1616-FN-A,*** creating an exemption from the business enterprise tax for new businesses in New Hampshire, ***HB 1618-FN-A,*** exempting certain federally tax-exempt transactions from the business profits tax, ***HB 1661-FN-A,*** making distributions from limited liability companies, partnerships, and associations subject to the interest and dividends tax only if they have transferable shares.

WEDNESDAY, FEBRUARY 17

LEGISLATIVE ADMINISTRATION, Room 104, LOB
12:00 p.m. Or during the lunch break from session, executive session on ***HB 1210,*** relative to the availability of proposed amendments to bills and resolutions.

MUNICIPAL AND COUNTY GOVERNMENT, Room 301, LOB
8:30 a.m. ***SB 128,*** relative to the community revitalization tax relief incentive, and clarifying the authority of towns to respond appropriately to the American Recovery and Reinvestment Act of 2009 and similar acts.

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.

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.

FINANCE, Rooms 210-211, LOB
10:00 a.m. Full committee work session on ***SB 460-FN-A,*** relative to the lapse of certain legislative and judicial branch appropriations, budget reductions for the department of health and human services, and voluntary furloughs for judges.
11:00 a.m. Executive session on ***HB 1226,*** relative to caregiver support services for the elderly, ***HB1569-FN,*** relative to the salaries of certain unclassified positions, ***HB 1586-FN,*** relative to mandated benefits review, ***SB 460-FN-A,*** relative to the lapse of certain legislative and judicial branch appropriations, budget reductions for the department of health and human services, and voluntary furloughs for judges, ***HB 1506-FN-A-L,*** establishing a state aeronautical fund, ***HB 1512,*** establishing a deferred retirement option in the judicial retirement plan, ***HB 1537,*** allowing primary care providers to provide preventive oral health services to children between 0 and 3 years of age under the state Medicaid program.

JUDICIARY, Room 208, LOB
10:00 a.m. Continued executive session from February 16, if needed.

LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES, Room 307, LOB
9:30 a.m. Executive 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, ***HB 1370,*** requiring independent medical examination practitioners to file a report with the insurance department, ***HB 1371,*** allowing recording of an examination by health care providers performing independent medical examinations and continued executive session on ***HB 1509-FN,*** relative to unemployment compensation for self-employed individuals.

MUNICIPAL AND COUNTY GOVERNMENT, Room 301, LOB
9:00 a.m. Continued executive session from February 16, if needed, and executive session on ***SB 128,*** relative to the community revitalization tax relief incentive, and clarifying the authority of towns to respond appropriately to the American Recovery and Reinvestment Act of 2009 and similar acts.

PUBLIC WORKS AND HIGHWAYS, Room 201, LOB
10:00 a.m. ***SB 305,*** naming a bridge in Lisbon in honor of Specialist Alan J. Burgess.
10:30 a.m. Full committee work session on ***HB 2010,*** relative to the state 10-year transportation improvement program

TASK FORCE ON HOMELESS TEENAGERS (HB 537, Chapter 273:1, Laws of 2008), Room 207, LOB
11:00 a.m. Regular meeting.

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.

WELLNESS AND PRIMARY PREVENTION COUNCIL (RSA 126-M:3), Room 205, LOB
1:00 p.m. Regular meeting.

MONDAY, FEBRUARY 22

OIL FUND DISBURSEMENT (RSA 146-D:4), Room 305, LOB
9:00 a.m. Regular meeting.

FRIDAY, FEBRUARY 26

ASSESSING STANDARDS BOARD (RSA 21-J:14-a), Department of Revenue, 109 Pleasant Street, Concord
9:30 a.m. Regular meeting

MONDAY, MARCH 1

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

COMMISSION TO STUDY ISSUES RELATIVE TO GROUNDWATER WITHDRAWALS (SB 155, Chapter 305:1, Laws of 2003), Room 305, LOB
10:00 a.m. Regular meeting.

TASK FORCE ON WORK AND FAMILY (HB 306, Chapter 373:2, Laws of 2007), Room 206, LOB
1:15 p.m. Regular meeting.

THURSDAY, MARCH 4

FINANCE, Rooms 210-211, LOB

10:00 a.m. Full committee work session on ***HB 646-FN-L,*** relative to caps on total billings to counties for nursing home care services, ***HB 1428-FN,*** relative to death benefits for surviving spouses of a New Hampshire retirement system member, ***HB 1481,*** relative to the use of turnpike tolls, ***HB 1495,*** relative to approval of chartered public schools from July 1, 2009 through June 30, 2011, ***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, ***HB 1598-FN,*** relative to the use of Temporary Assistance to Needy Families (TANF) funds, ***HB 1668-FN,*** requiring state creditable service for group II retirees to receive state employee medical benefits, ***HB 1664-FN,*** making appropriations reductions in the operating budget for fiscal year 2011 and relative to state revenues and expenditures, ***HB 1672-FN,*** making appropriation additions and revenue reductions for fiscal year 2011.

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.

PUBLIC HIGHER EDUCATION STUDY COMMITTEE (RSA 187-A:28-a), Room 103, State House
10:00 a.m. Regular meeting.

TASK FORCE ON WORK AND FAMILY (HB 306, Chapter 373:2, Laws of 2007), Room 206, LOB
1:15 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

ENERGY EFFICIENCY AND SUSTAINABLE ENERGY BOARD (RSA 125-O:5-a), Public Utilities Commission, Room A, 21 South Fruit Street, Concord
9:00 a.m. Regular meeting.

FISCAL COMMITTEE (RSA 14:30-a), Rooms 210-211, LOB
9:00 a.m. Regular business.

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.

MONDAY, MARCH 15

INTERAGENCY COORDINATING COUNCIL FOR WOMEN OFFENDERS (RSA 21-H:14-c), Room 100, State House
9:00 a.m. Regular meeting.

TUESDAY, MARCH 16

LONG-RANGE CAPITAL PLANNING AND UTILIZATION (RSA 17-M), Room 201, LOB
3:30 p.m. Regular meeting.

PUBLIC WORKS AND HIGHWAYS, Room 201, LOB
10:15 a.m. Rescheduled executive session on ***HB 2010,*** relative to the state 10-year transportation improvement program.

FRIDAY, MARCH 19

ADMINISTRATIVE RULES (RSA 541-A:2), Rooms 210-211, LOB (Please note room change.)
9:00 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.

OFFICIAL NOTICES

COUNTY DELEGATION NOTICE

Belknap County Delegation will hold a public meeting to amend, review, listen to public input and possibly adopt the 2010 Belknap County budget at 7:00 p.m. at the Belknap County Complex on Tuesday, **February 16.**

Rep. Alida I Millham, Chairman
Belknap County Delegaion

COUNTY DELEGATION NOTICE

Carroll County Delegation will meet in Executive Session on Monday, **February 15,** 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

Merrimack County Executive Committee will meet on Monday, **March 8,** 2010 at 9:00 a.m. in the lower level conference room of the McDonnell Building, 4 Court Street, Concord. The purpose of the meeting is as follows: 2010 Budget review/Approval and any other business.

Rep. Jessie Osborne, Chairman
Merrimack County Executive Committee

COUNTY DELEGATION NOTICE

Pursuant to RSA 24:23, there will be a public hearing for **Merrimack** County before the County Delegation at 6:00 p.m. on Monday, **March 15,** 2010 at the County Administration Building, 4 Court Street, Lower Level Conference Room, Concord. The purpose of the meeting is: To consider 2010 Budget Appropriations for Merrimack County and to consider any other business that may appropriately come before them. At this time, any member of the public may present oral or written testimony regarding the 2010 budget as proposed by the Merrimack County Delegation Executive Committee.

Rep. Candace CW Bouchard, Chairman
Merrimack County Delegation

Pursuant to RSA 24:9-c and RSA 24:14 II, immediately following the Public Hearing to be held on Monday, **March 15,** 2010 at 6:00 p.m., there will be a meeting of the **Merrimack** County Delegation at the County Administration Building, 4 Court Street, Lower Level Conference Room, Concord. The purpose of the meeting is: Approval of the 2010 Merrimack County Proposed Budget and to consider any other business that may appropriately come before them.

Rep. Candace CW Bouchard, Chairman
Merrimack County Delegation

COUNTY DELEGATION NOTICE

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 133, 213, 216, 218, 232, 286, 425, 507, 558, 564, 660, 662, 681, 1128, 1506, 1537, 1603, 1611, 1643, 1649, 1664, 1672, 1673, 1674, 1675, 1676, 1677, 1678, 1679, 1680, 1681, 1683; SBs 72, 166.

Karen O. Wadsworth, Clerk of the House

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MEMBERS' NOTICES

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

views espoused by the individual or organization sponsoring the event.

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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

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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

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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

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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

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State, county, and locally elected officials representing the cities of Somersworth and Rochester are invited to a Legislative Reception hosted by the Greater Rochester and Greater Somersworth Chambers of Commerce. The reception takes place on Monday, **February 22nd** from 6:00 p.m.- 8:00 p.m. at the Frisbie Hospital Education and Conference Center off Route 108 in Rochester. The event is underwritten by Public Service of New Hampshire.

Rep. Dale Sprague

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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

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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

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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

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All legislators and staff are invited to the 8th Annual New Hampshire Capital St. Patrick's Day Roast to benefit events at Children's Hospital at Dartmouth on Wednesday**, March 17** at 11:30 a.m. at the Marriott Courtyard in Concord. This year's event will include a traditional corned beef and cabbage lunch. Guest roasters include Governor John Lynch and the House and Senate leadership. Free tickets are limited. Please RSVP by March 10 by e-mailing James.Demers@TheDemersGroup.com or calling 228-1498.

Terie Norelli, Speaker

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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

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

Rep. Cynthia J. Dokmo

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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

DATE	TIME	GROUP	Size/Grade
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 17
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.

2010-0439h

Amendment to HB 660-FN
Proposed by the Committee on Ways and Means - C

Amend RSA 408-D:3, II as inserted by section 1 of the bill by replacing it with the following:

II. Application for a life settlement provider or a life settlement producer license shall be made to the commissioner by the applicant on a form prescribed by the commissioner, and these applications shall be accompanied by the producer fees specified in RSA 400-A:29.

Amend RSA 408-D:3, V(c) as inserted by section 1 of the bill by replacing it with the following:

(c) The life settlement provider shall pay a producer appointment fee as set forth in RSA 400-A:29 for each life settlement producer appointed by the life settlement provider.

2010-0519h

Amendment to HB 1137
Proposed by the Committee on Labor, Industrial and Rehabilitative Services - C

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

1 Withholding of Wages. Amend RSA 275:48, I(b)(9) and (10) to read as follows:

(9) Medical, surgical, hospital**,** and other group insurance benefits without financial advantage to the employer, when the employee has given his or her written authorization and deductions are duly recorded; [~~and~~]

(10) Required clothing not covered by the definition of uniform[~~.~~]***; and***

(11) Legal plans and identity theft plans without financial advantage to the employer when the employee has given his or her written authorization and deductions are duly recorded.

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

AMENDED ANALYSIS

This bill adds to the purposes for which employers may withhold a portion of an employee's wages.

2010-0491h

Amendment to HB 1139

Proposed by the Committee on Executive Departments and Administration - C

Amend the bill by replacing section 1 with the following:

1 Podiatry; Examination Requirement. Amend RSA 315:2, I to read as follows:

I. Any person admitted to practice podiatry in this state shall be required to pass [~~an~~] ***a proctored*** examination [~~before the board~~] ***given by the National Board of Podiatric Medical Examiners***. The person shall be of good professional character [~~and at least 18 years of age~~]. The person shall have graduated from a college of podiatry or podiatry medicine which is accredited by the American Podiatric Medical Association, and maintaining at that time a standard satisfactory to the board. No person who is not licensed as a podiatrist as provided by RSA 315:8 shall practice or attempt to practice podiatry in the state or call oneself or allow oneself to be called a "podiatrist" or a "podiatric surgeon" or designate or describe the person's occupation by the use of any words or letters to lead others to believe that the person is so licensed.

Amend the bill by replacing section 3 with the following:

3 Examinations. Amend RSA 315:7 to read as follows:

315:7 Examinations. Successful passage of [~~the~~] ***a proctored*** National Board of Podiatric Medical Examiners test***,*** parts [~~1 and 2 as well as PM Lexis~~] ***I, II, and III*** is required. The board shall keep a record of examination results.

Amend the bill by replacing section 4 with the following:

4 License Renewal. RSA 315:11 is repealed and reenacted to read as follows:

315:11 License Renewal; Inactive Status.

I. Every person licensed to practice under this chapter shall apply to the board on a biennial basis for renewal of license on forms provided by the board and shall pay a renewal fee as established in rules of the board. As a condition of renewal of license, each licensee shall show proof of having completed the continuing education units as required in rules adopted by the board.

II. If a person applies to the board for renewal of license by June 30 of the year in which the licensee's renewal is set to occur, the license shall not expire until the board has taken final action on the application for renewal. At least 20 days prior to the expiration of any license, the board shall cause a notice to be mailed to the licensee advising him or her of the expiration date and enclosing a blank renewal application form.

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

Amend the bill by inserting after section 7 the following and renumbering the original sections 8-9 to read as 9-10, respectively:

8 Rulemaking; Continuing Education Requirements. Amend RSA 315:4, V to read as follows:

V. How a license shall be renewed***, including the requirements for continuing education***;

Amend the bill by replacing section 9 with the following:

9 Repeal. The following are repealed:

I. RSA 315:8, IV, relative to expiration and renewal of annual licenses.

II. RSA 315:14, relative to list of licensees.

III. RSA 315:4, XI, relative to rulemaking regarding matters of proper administration of the chapter.

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.

2010-0190h

Amendment to HB 1161

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

Amend section 1 of the bill by inserting after paragraph III the following new paragraph:

IV. RSA 159:10, relative to sales without a license.

2010-0309h

Amendment to HB 1163

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 relative to the definition of employer for purposes of safety provisions under the workers' compensation law.

Amend the bill by replacing section 1 with the following:

1 Workers' Compensation; Safety Provisions. Amend RSA 281-A:64, I to read as follows:

I. Every employer shall provide employees with safe employment. Safe employment includes but is not limited to furnishing personal protective equipment, safety appliances and safeguards; ensuring that such equipment, appliances, and safeguards are used regularly; and adopting work methods and procedures which will protect the life, health, and safety of the employees. ***For the purposes of this section, "employer" shall include railroads, even if the employees of such railroads receive compensation for work injuries under federal law rather than RSA 281-A.***

AMENDED ANALYSIS

This bill includes railroads as an employer for the purposes of safety provisions under the workers' compensation law.

2010-0615h

Floor Amendment to HB 1164

Proposed by Millham, Kurk and Rosenwald

Amend the bill by replacing section 1 with the following:

1 Newborn Screening. Amend RSA 132:10-a, II and III to read as follows:

II. Notwithstanding any provision of law to the contrary, the commissioner of the department of health and human services shall establish fees, pursuant to RSA 541-A, to be paid by hospitals for the tests required under paragraph I. All such fees shall be paid into the newborn screening fund, hereby established in the state treasury. Moneys from the newborn screening fund established under this section shall be

nonlapsing and shall be continually appropriated for use by the department to cover laboratory analysis and related newborn screening program costs [~~under a contract competitively bid and approved by governor and council~~].

III. The department of health and human services shall establish a newborn screening advisory committee which shall include a member of the oversight committee on health and human services, established in RSA 126-A:13, and representation from health care subspecialties, as determined by the department. [~~Any proposals for recommending new tests or fees shall require a public hearing to be held on the proposal by the newborn screening advisory committee.~~]

III-a. The department shall ensure that the providers conducting tests authorized under paragraph I destroy any samples no later than 6 months following the completion of testing. Any samples taken for newborn screening shall only be used for tests required under this section. No such samples may be used for other research or DNA testing purposes.

AMENDED ANALYSIS

This bill deletes the requirement that the department of health and human services enter into a contract competitively bid and approved by the governor and council for the moneys from the newborn screening fund. The bill also adds requirements for the samples taken for newborn screening.

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.

2010-0525h

Amendment to HB 1168

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

Amend RSA 282-A:35 as inserted by section 1 of the bill by replacing it with the following:

282-A:35 Gross Misconduct. An unemployed individual who has been discharged for ***work related*** arson, sabotage, felony, assault which causes bodily injury, criminal threatening, or [~~dishonesty connected with his or her work~~] ***theft of an amount greater than $500***, shall suffer the loss of all wage credits earned prior to the date of such dismissal.

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

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.

2010-0381h

Amendment to HB 1187

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

Amend the bill by replacing section 1 with the following:

1 New Section; Elevators and Accessibility Lifts; Residential Property. Amend RSA 157-B by inserting after section 17-a the following new section:

157-B:17-b Elevator or Accessibility Lift in Residential Property. The exemption in RSA 157-B:2, IV for accessibility lifts in private residences shall apply to any residential property, including multi-family rental property, provided that the lift is accessible to only one residential unit, is entirely contained within that unit, and meets any applicable safety criteria established by rule pursuant to RSA 157-B:17-a.

2010-0142h

Amendment to HB 1193

Proposed by the Committee on Children and Family Law - C

Amend section 2 of the bill by replacing subparagraph III(d) with the following:

(d) Research benefits of a stakeholder advisory board or consumer panel consisting of obligors, obligees, court and legal personnel to review and comment on implementation of changes to the guidelines, disseminate back to their constituency information concerning both state and federal mandates relative to the guidelines, and to improve the quality and effectiveness of the guidelines in serving the interests of New Hampshire children.

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.

2010-0319h

Amendment to HB 1201

Proposed by the Majority of the Committee on Fish and Game and Marine Resources - R

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

AN ACT including loaded muzzleloaders in the prohibition of hunting from a vehicle.

Amend the bill by replacing section 1 with the following:

1 Fish and Game; Hunting from a Vehicle; Loaded Muzzleloaders Added. Amend RSA 207:7 to read as follows:

207:7 Hunting From Motor Vehicle, OHRV, Snowmobile, Boat, or Aircraft.

I. No person shall take or attempt to take wild birds or wild animals from a motor vehicle, OHRV, snowmobile as defined in RSA 215-C:1, boat, aircraft or other craft propelled by mechanical power.

II. No person shall have or carry, in or on a motor vehicle, OHRV, snowmobile, or aircraft, whether moving or stationary, ***a loaded muzzleloader,*** a cocked crossbow, a loaded rifle or loaded shotgun, or a rifle or shotgun with a cartridge in a magazine or clip attached to the gun.

III. No person shall have in or on a boat or other craft while being propelled by mechanical power, or in a boat or other craft being towed by a boat or other craft propelled by mechanical power, ***a loaded muzzleloader,*** a cocked crossbow, a loaded rifle or loaded shotgun, or a rifle or shotgun with a cartridge in a magazine or clip attached to the gun.

III-a. A muzzleloader shall be considered loaded when the source of ignition has not been removed.

IV. The provisions of this section shall not apply to law enforcement officers carrying guns in the line of duty.

AMENDED ANALYSIS

This bill adds loaded muzzleloaders to the provisions prohibiting hunting from a motor vehicle, OHRV, snowmobile, boat, or aircraft.

This bill is a request of the fish and game department.

2010-0632h

Floor Amendment to HB 1201

Proposed by Reps. Hopper, McCarthy, Sanders and McKinney

Amend RSA 207:7, II-IV as inserted by section 1 of the bill by replacing them with the following:

II. No person shall have or carry, in or on a motor vehicle, OHRV, snowmobile, or aircraft, whether moving or stationary, ***a loaded muzzleloader,*** a cocked crossbow, [~~a loaded rifle or loaded shotgun,~~] or a rifle or shotgun with a cartridge in [~~a magazine or clip attached to the gun~~] ***the chamber***.

III. No person shall have in or on a boat or other craft while being propelled by mechanical power, or in a boat or other craft being towed by a boat or other craft propelled by mechanical power, ***a loaded muzzleloader,*** a cocked crossbow, [~~a loaded rifle or loaded shotgun,~~] or a rifle or shotgun with a cartridge in [~~a magazine or clip attached to the gun~~] ***the chamber***.

III-a. A muzzleloader shall be considered loaded when the source of ignition has not been removed.

IV. The provisions of this section shall not apply to law enforcement officers carrying guns in the line of duty***, or to individuals carrying a muzzleloading pistol whether concealed or openly***.

2010-0430h

Amendment to HB 1214

Proposed by the Committee on Children and Family Law - C

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

1 New Paragraph; License or Permit Suspension, Revocation, or Denial. Amend RSA 170-E:35 by inserting after paragraph XIV the following new paragraph:

XV. Demonstrates a repeated failure to cooperate with the department, other service providers, or the parents of a child who is placed with the child care agency, as necessary to implement the child's case plan or the department's treatment decisions.

2 New Paragraph; Notice and Hearing of License Suspension, Revocation, or Denial; Annual Report. Amend RSA 170-E:36 by inserting after paragraph IV the following new paragraph:

V. On or before December 31, 2010, and each year thereafter, the department shall submit a report to the chair of the house standing committee on children and family law relative to the number of license or permit suspensions, revocations, denials, and appeals for that year.

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

AMENDED ANALYSIS

This bill permits the department of health and human services to suspend or revoke a foster family home license based on the foster parent's inability to work collaboratively with the department, parent, or other service providers. The bill also requires the department to file an annual legislative report on the number of foster home license revocations and appeals.

2010-0511h

Amendment to HB 1217

Proposed by the Committee on Children and Family Law - C

Amend RSA 169-B:10, VI as inserted by section 1 of the bill by replacing it with the following:

VI. No person who performs public service as part of his or her participation in a court-approved diversion program under this chapter shall receive any benefits that such employer gives to its employees, including, but not limited to, workers' compensation and unemployment benefits and no such employer shall be liable for any damages sustained by a person while performing such public service or any damages caused by that person unless the employer is guilty of negligence.

AMENDED ANALYSIS

This bill provides that a person who performs public service for an employer as part of a court-approved diversion program shall not receive any benefits from that employer. The bill also waives employer liability in such cases unless the employer is guilty of negligence.

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.

2010-0502h

Amendment to HB 1235

Proposed by the Committee on Executive Departments and Administration - C

Amend RSA 317-A:4, II as inserted by section 1 of the bill by replacing it with the following:

II. The board shall choose one of its members as its president and one of its members as vice-president. Five members shall constitute a quorum. ***No board action shall be taken without an affirmative vote of the majority of board members present and eligible to participate in the matter in question. Board members shall not be eligible to participate in a vote when the board member has recused himself or herself from participation due to a conflict of interest.*** The board shall meet once a year and at such other times and places as it may deem proper. A true record of all their official acts shall be made and preserved by the board's executive secretary. The records shall be public and shall be open to inspection at all reasonable times, except for records compiled in connection with disciplinary proceedings, which are subject to RSA 317-A:18.

Amend the bill by inserting after section 6 the following and renumbering the original section 7 to read as 9:

7 Failure to Register; Late Fee. Amend RSA 317-A:15 to read as follows:

317-A:15 Failure to Register; Penalties. Any person licensed by the board under this chapter who fails, neglects, or refuses to register pursuant to RSA 317-A:13 shall be assessed [~~an administrative fine~~] ***a late biennial registration fee*** as determined in rules adopted by the board, provided the licensee submits a completed renewal application between April 1 and April 30 of the renewal year. The payment of the [~~fine~~] ***fee*** may be waived by the board if the board determines that good cause has been shown for the failure to register. Licenses shall lapse when complete renewal applications have not been received by the board by April 30 of the renewal year. Holders of lapsed active licenses are not authorized to practice until they receive written notification from the board that their licenses have been reinstated.

8 New Subparagraph; Exceptions; Consultants. Amend RSA 317-A:20, III by inserting after subparagraph (d) the following new subparagraph:

(e) A consultant, who does not have a license issued by the board or by the New Hampshire board of medicine, from providing a consulting or expert opinion to a New Hampshire licensed dentist regarding a patient, if the consultant is a legally licensed physician or dentist in another state or Canada and has no contact with the patient. The New Hampshire licensed dentist shall bear responsibility for patient diagnosis and treatment.

AMENDED ANALYSIS

This bill makes changes concerning the proceedings of the board of dental examiners, the use of the term moderate sedation, the regulation of teeth whitening services, and the exception from licensure for certain consultants.

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.

2010-0595h

Floor Amendment to HB 1245
Proposed by Reps. Jasper and Pierce

Amend the title of the bill by replacing it with the following:
AN ACT relative to declarations of candidacy and intent by presidential candidates.
Amend the bill by inserting after section 1 the following and renumbering the original section 2 to read as 3:

2 Declarations of Intent; Presidential Candidates. Amend RSA 655:17-b, II to read as follows:

II. 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 the city (or town or unincorporated place) of _____, county of _____, state of _____, and am a qualified voter therein; that I intend to be a candidate for the office of _____ to be chosen at the general election to be held on the _____ day of _____; and I intend to file nomination papers by the deadline established under RSA 655:43. I further declare that, if qualified as a candidate for said office, I shall not withdraw; and that, if elected, I shall be qualified for and shall assume the duties of said office.

AMENDED ANALYSIS

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

2010-0584h

Amendment to HB 1247
Proposed by the Majority of the Committee on Transportation - R

Amend the title of the bill by replacing it with the following:
AN ACT establishing a speed limit for vehicles traveling through toll collection areas.
Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Words and Phrases Defined; Open Road Tolling Lane. Amend RSA 259 by inserting after section 69 the following new section:

259:69-a Open Road Tolling Lane. "Open road tolling lane" shall mean any lane on a toll road so designated by a traffic control device or lane control system at which certain vehicles equipped with transponder devices for the payment of tolls are permitted to travel at highway speeds without reducing speed or stopping to pay a toll.

2 New Subparagraphs; Speed Limitations; Toll Collection Areas. Amend RSA 265:60, II by inserting after subparagraph (f) the following new subparagraphs:

(g) For a vehicle equipped with a transponder, 25 miles per hour through a toll booth or gate that is equipped with a transponder reader for automated toll collection except for an open road tolling lane and except that at toll booths staffed by toll collectors drivers whose vehicles are not equipped for automated tolling shall come to a full stop at the toll booth so that the attendant may collect the toll.

(h) In the toll collection area of an open road tolling lane, at a speed greater than is reasonable and prudent for the conditions and actual and potential hazards existing at the time or greater than a per se maximum speed of 65 miles per hour, whichever is less.

3 Speed Limitations. Amend RSA 265:60, III to read as follows:

III. The [~~limit~~] ***limits*** specified in ***subparagraphs*** II(e) ***and II(g)*** shall be the maximum lawful speed and no person shall drive a vehicle on said ways at a speed in excess of such maximum limit. The prima facie speed limits set forth in this section may be altered as authorized in RSA 265:62.

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

AMENDED ANALYSIS

This bill establishes speed limits for vehicles traveling through toll collection areas.

2010-0390h

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

AMENDED ANALYSIS

This bill establishes a penalty for failure to comply with the requirements for placement of disabled parking signs.

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.

2010-0515h

Amendment to HB 1301

Proposed by the Committee on Executive Departments and Administration - C

Amend RSA 153:28, I(b) and (c) as inserted by section 2 of the bill by replacing them with the following:

(b) Standards for license renewal and continuing education requirements. Continuing education requirements may be fulfilled in full or in part by existing training programs approved by the commissioner. The rules shall address [~~continuing education requirements for each specialty license, including but not limited to~~] the number of hours of continuing education for each specialty license, and education applicable to holders of multiple specialty licenses.

(c) ***The implementation of reciprocity agreements entered into pursuant to paragraph IV.***

Amend the bill by inserting after section 2 the following and renumbering the original sections 3 - 10 to read as 4 - 11, respectively:

3 New Paragraph; Powers of the Commissioner. Amend RSA 153:28 by inserting after paragraph III the following new paragraph:

IV. The commissioner may enter into reciprocity agreements which shall permit the licensing of fuel gas fitters from states which have a mutual fuel gas fitting reciprocity agreement with this state, provided the commissioner determines that the requirements for licensure in that state are equivalent to, or greater than, those established by this subdivision.

2010-0466h

Amendment to HB 1306

Proposed by the Committee on Judiciary - C

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

1 Recommendations of Marital Masters. Amend RSA 490-D:9 to read as follows:

490-D:9 Recommendations of Marital Masters. All recommendations of marital masters shall be signed by a judge. ***The judge signing such recommendations shall certify that he or she has read the recommendations and agrees that the marital master has applied the correct legal standard to the facts determined by the marital master.***

2 Recommendations of Judicial Referees. Amend RSA 493-A:1-a, II to read as follows:

II. A judicial referee may be assigned to take testimony, receive and review evidence, and make recommendations for findings of fact and conclusions of law in any court specified in paragraph I by the chief justice of the supreme court or superior court, from which the referee retired, or the administrative justice of any other court from which the referee retired. All recommendations of judicial referees shall be approved by a justice in regular active service or senior active service of the court to which the referee is assigned. ***The judge approving such recommendations shall certify that he or she has read the recommendations and agrees that the judicial referee has applied the correct legal standard to the facts determined by the judicial referee.*** A judicial referee shall not preside over jury trials and shall not enter final orders in any case.

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

AMENDED ANALYSIS

This bill requires the judge responsible for approving the recommendations made by a marital master or judicial referee to certify that he or she has read the recommendations and agrees that the marital master or judicial referee has applied the correct legal standard to the facts.

2010-0472h

Amendment to HB 1310

Proposed by the Committee on Municipal and County Government - C

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

AN ACT allowing towns to hire health care workers.

Amend RSA 31:103-a as inserted by section 1 of the bill by replacing it with the following:

31:103-a Health Care Workers. The governing board of a city, town, or village district may adopt, by ordinance or regulation, provisions for hiring a licensed provider to provide basic health care services, including but not limited to, mediation between communities and health and human services systems,

informal counseling and social support, and providing basic screening services. The municipality shall have immunity against liability. The governing board of a city, town, or village district may establish an appropriate salary if a health care worker is hired under this section.

AMENDED ANALYSIS

This bill allows the governing board of a city, town, or village district to hire health care workers to provide basic health care services

2010-0574h

Floor Amendment to HB 1326
Proposed by Rep. Daniels

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

1 New Section; Physicians; Treatment of Lyme Disease. Amend RSA 329 by inserting after section 31 the following new section:

329:32 Treatment of Lyme Disease. A physician licensed under this chapter may prescribe, administer, or dispense long-term antibiotic therapy for therapeutic purposes to a person diagnosed with and having symptoms of Lyme disease if diagnosis and treatment has been documented in the physician's medical record for that patient. No licensed physician may be subject to disciplinary action solely for prescribing, administering, or dispensing long-term antibiotic therapy for a patient clinically diagnosed with Lyme disease, if diagnosis and treatment has been documented in the physician's medical record for that patient. In this section:

I. "Long-term antibiotic therapy" means the administration of oral, intramuscular, or intravenous antibiotics, singly or in combination, for periods of time in excess of 4 weeks.

II. "Lyme disease" means the clinical diagnosis by a licensed physician of the presence in a patient of signs or symptoms compatible with acute infection with Borrelia burgdorferi; or with late stage or persistent or chronic infection with Borrelia burgdorferi; or with complications related to such an infection; or such other strains of borrelia that are recognized by the National Centers for Disease Control and Prevention as a cause of Lyme disease. Lyme disease includes an infection that meets the surveillance criteria set forth by the National Centers for Disease Control and Prevention, and other acute and chronic manifestations of such an infection as determined by a licensed physician, pursuant to a clinical diagnosis that is based on knowledge obtained through medical history and physical examination alone, or in conjunction with testing that provides supportive data for such clinical diagnosis.

III. "Therapeutic purpose" means the use of antibiotics to control a patient's symptoms determined by the physician as reasonably related to Lyme disease and its sequelae.

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

2010-0433h

Amendment to HB 1334
Proposed by the Committee on Criminal Justice and Public Safety - C

Amend RSA 154:8-a, II-a (h) as inserted by section 1 of the bill by replacing it with the following:

(h) A nonpayment penalty of $1,000 plus 10 percent of the amount billed may be assessed for each day of nonpayment starting the 15th day after the due date and continuing up to 30 days followed by an increase to 25 percent of the amount billed per day for each day until the payment is received. If the responsible party is not readily identifiable the cost shall be the responsibility of the operator of the hazardous materials' firm.

Amend RSA 154:8-a. II-a(b) as inserted by section 2 of the bill by replacing it with the following:

(b) Any person whose act or omission caused the actual or threatened discharge of hazardous materials or toxic wastes which resulted in the reasonable and proportionate response of police, fire, emergency preparedness, or emergency response equipment shall be responsible for payment of ***any court costs and legal fees resulting from an actual or threatened discharge of hazardous material or toxic wastes and*** the personnel costs of police, fire, public safety, and municipal personnel, including mutual aid standby personnel, directly involved in the emergency response[~~, except that costs for on-duty paid personnel who have responded to the emergency involving the discharge of hazardous materials during their assigned duty shift shall not be costs eligible for reimbursement~~].

2010-0531h

Amendment to HB 1337

Proposed by the Committee on Executive Departments and Administration - C

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

AN ACT relative to requirement for public forums for the assessing standards board and the equalization standards board.

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

1 Assessing Standards Board; Powers and Duties. Amend RSA 21-J:14-b, II to read as follows:

II. All guidelines and practices developed or identified by the board, pursuant to this section, shall be reviewed and updated annually. The board shall hold [~~a series of~~] at least [~~3~~] ***one*** public [~~forums~~] ***forum*** annually [~~throughout the state~~] to receive general comment through verbal and written testimony on assessing guidelines and practices. A quorum of the board shall not be required to hold such public [~~forums~~] ***forum***.

2 Equalization Standards Board. Amend 21-J:14-d, III to read as follows:

III. The board shall annually determine, vote upon, and recommend to the department of revenue administration, the ratio study procedures for use in the forthcoming tax year. Prior to the adoption of such recommendations, the board shall hold [~~a series of~~] at least [~~3~~] ***one*** public [~~forums~~] ***forum*** annually [~~throughout the state~~] to receive general comment through verbal and written testimony on the ratio study procedures. A quorum of the board shall not be required to hold such public [~~forums~~] ***forum***.

3 Effective Date. This act shall take effect April 1, 2010.

AMENDED ANALYSIS

This bill reduces the requirement for holding public forums from 3 to one for the assessing standards board and the equalization standards board.

2010-0422h

Amendment to HB 1352

Proposed by the Committee on Commerce and Consumer Affairs - C

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

1 Definitions; Direct Shipper. Amend RSA 175:1, XXIX-a to read as follows:

XXIX-a. "Direct shipper" means any licensee outside the state of New Hampshire who accepts orders placed from New Hampshire, by mail, telephone, Internet***,*** or any electronic or other means, for liquor or beverages and who ships, packages for shipment, or facilitates in any way shipment of said liquor or beverages by a [~~third party or common~~] ***licensed*** carrier to a New Hampshire location.

2 Direct Shippers. Amend RSA 178:27, I(a) to read as follows:

I.(a) Notwithstanding any other provision of law to the contrary, any person currently licensed in its state of domicile as a ***wine manufacturer,*** beverage manufacturer, importer, wholesaler, or retailer shall apply for a direct shipper permit from the commission.

3 Direct Shippers. Amend RSA 178:27, III to read as follows:

III. No direct shipper shall ship more than 60 individual containers of not more than one liter each of liquor and ***not more than 12 - 9 liter cases or equivalent per label of*** wine to any one [~~licensee in New Hampshire or to any~~] consumer [~~or consumer's address~~] in New Hampshire in any calendar year. Furthermore, in the event any [~~manufacturer or wholesaler~~] direct shipper wishes to ship more than a total of 1,200 [~~individual containers of not more than one liter each~~] ***liters*** of any particular liquor or wine directly to any combination of licensees and/or consumers in New Hampshire, the shipper shall offer to sell a matching amount to the commission or beer distributor at ***the lower of the*** wholesale [~~prices~~] ***price or the lowest price delivered into New Hampshire***. ***A licensee may purchase from a direct shipper pursuant to RSA 179:32, III.***

4 Direct Shippers; Reports. Amend RSA 178:27, V to read as follows:

V.***(a)*** Direct shippers shall file [~~invoices~~] ***reports*** for each shipment with the liquor commission [~~showing the retail price of the product~~], and shall pay a fee of 8 percent of the retail price for shipments of liquor, wine, beer, or beverage to the commission. Such [~~filings~~] ***reports*** shall be [~~monthly, and arrive at the commission no later than the tenth of the month following shipment~~] ***filed once per month for any month***

in which a shipment was made in a manner and form required by the commission and include the following information:

(1) The total amount of alcoholic beverages shipped into or within the state for the preceding month.

(2) The names and addresses of the purchasers to whom the alcoholic beverages were shipped.

(3) The date of purchase, if appropriate, the name of the common carrier used to make each delivery, and the quantity and retail value of each shipment.

(b) The commission may assess a $250 penalty for failure to report to the commission in a timely manner.

(c) Direct shippers shall maintain records for at least 3 years which will permit the commission to ascertain the truthfulness of the information filed and permit the commission to perform an audit of the direct shippers' filings upon reasonable request. Wholesale shipments of any liquor or wine shall be permitted only in accordance with RSA 175:6.

5 Prohibited Sales. Amend RSA 179:5, I to read as follows:

I. No licensee, salesperson, direct shipper, common carrier, delivery agent, nor any other person, shall sell or give away or cause or allow or procure to be sold, delivered, or given away any liquor or beverage to a person under the age of 21 or serve an individual who is visibly intoxicated or who a reasonable and prudent person would know is intoxicated. For all deliveries of packages by common carrier or delivery agent marked "alcoholic beverages" or "alcoholic products," the [~~addressee shall sign a delivery receipt~~] ***carrier shall obtain an adult signature***. [~~In no case shall any section of this title be so construed as to permit sale of liquor or beverages in any so-called saloon or speakeasy.~~]

6 New Paragraph; Purchase of Supplies. Amend RSA 179:32 by inserting after paragraph II the following new paragraph:

III. The commission may, upon request, grant licensees permission to purchase product not otherwise available in New Hampshire from direct shipper permit holders.

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

AMENDED ANALYSIS

This bill changes reporting requirements for direct shippers of alcoholic beverages, modifies the limitations on the number of containers of wine a direct shipper may ship to a customer, and requires liquor commission approval of direct shipper sales to licensees.

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.

2010-0463h

Amendment to HB 1363

Proposed by the Committee on Commerce and Consumer Affairs - C

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

1 Continuing Care Communities; Definitions. Amend RSA 420-D:1, III to read as follows:

III. "Continuing care" or "life care" means furnishing ***or promising to furnish*** to a person, other than one who is related by consanguinity or affinity up to, but not including, the third degree, services that shall include board or lodging, or both, and may include nursing services, medical services, or other health related services, irrespective of whether the ***board,*** lodging***,*** and services are provided at the same location or provided by a third party, pursuant to a contractual agreement extending for the life of such person or for a period of a year or more in consideration of payment of an entrance fee which may also include additional periodic charges for the services provided and including contracts which are terminable by either party. ***Continuing care or life care includes contracts with residents meeting the requirements in this paragraph, where the resident contracts to receive board or lodging or both in the future and does not move immediately into the facility.***

2 Continuing Care Communities; Definitions. Amend RSA 420-D:1, V and VI to read as follows:

V. "Entrance fee," "entrance deposit," or "accommodation fee" means an initial or deferred payment, agreed upon in the contract, of a sum, usually a lump sum, in cash or in kind, to a provider in return for acceptance as a resident [~~in a facility~~]. This definition shall not apply to the payment of a sum which is less than the total of periodic payments, as defined in paragraph X of this section, for one year or $10,000.

VI. "Facility" means any facility or institution [~~offering continuing care to an individual~~] ***providing board, lodging, or other services under a contract for continuing care***.

3 Continuing Care Communities; Definitions. Amend RSA 420-D:1, VIII to read as follows:

VIII. "Living unit" means a room, apartment, or other area within a facility used exclusively by one or more, but usually no more than 2[~~,~~] residents ***living independently and does not include a nursing home unit, skilled nursing facility, hospital room, assisted living unit, or any other similar units or facility licensed under RSA 151***. [~~This definition of living unit shall not mean shelter care, a personal care unit, nursing home, or infirmary bed.~~]

4 Continuing Care Communities; Definitions. Amend RSA 420-D:1, X to read as follows:

X. "Periodic payments" or "monthly care fees" means those payments in addition to the entrance fee [~~and~~] made by a resident to a provider for continuing care during the entire period [~~of residence in a facility~~] ***that the contractual agreement for continuing care is in effect***.

5 Continuing Care Communities; Definitions. Amend RSA 420-D:1, XIV(a) to read as follows:

XIV.(a) "Unearned portion of entrance fee" means that portion of the entrance fee which a provider contracts to return to a resident should the resident [~~decide to leave a facility~~] ***cancel the contract for continuing care***. This may be nothing, or the contract may call for the provider to "earn" a specific percentage of the entrance fee per month.

6 New Section; Continuing Care at Home Contracts. Amend RSA 420-D by inserting after section 3 the following new section:

420-D:3-a Continuing Care at Home Contracts.

I. A provider may contract to provide continuing care to a resident who remains at home and does not move immediately into a facility if the provider:

(a) Holds a certificate of authority issued under this chapter to provide continuing care;

(b) Owns and operates a facility located in New Hampshire where the resident has the right to receive board, lodging, or both, and other services.

(c) Satisfies the commissioner or that the proposal to offer continuing care contracts to residents who do not move immediately into the facility will not place the provider in an unsound financial condition and will not be injurious or hazardous to any resident contracting with the provider for continuing care.

(d) Otherwise complies with all requirements of this section and RSA 420-D.

II. Any provider that issues contracts under this section shall:

(a) Be in good standing with the commissioner, not subject to action pursuant to RSA 420-D:5.

(b) Be responsible for all services the provider or any third party provides to the resident in the resident's home pursuant to the contract, and shall exercise direct control and oversight over any individual or entity providing those services.

(c) Have procedures to ensure that any third party providing services to the resident in the resident's home pursuant to the contract, is trustworthy and certified, licensed, or otherwise qualified under state law to provide those services.

III. The provider and any person employed by the provider that assists in delivery of services to the resident in the resident's home shall have a business location within the state of New Hampshire, hold appropriate licenses and shall be available to address complaints, questions and concerns of residents.

7 Continuing Care Communities; Revocation or Suspension of Certificate of Authority. Amend RSA 420-D:5, I(j) to read as follows:

(j) Such unsound financial condition or any other practice which may be hazardous or injurious to [~~the~~] residents [~~of the facility~~] or to the general public.

8 Continuing Care Communities; Annual Reports. Amend RSA 420-D:7, II(c) to read as follows:

(c) An estimated financial statement for the new fiscal year with an estimate in case of all major changes expected during the year. The commissioner shall adopt rules under RSA 541-A relative to the definition of major changes. Reports containing the information under this subparagraph shall not be distributed to residents [~~of a facility~~] unless prior approval has been obtained from the commissioner.

9 continuing Care Communities; Lien on Behalf of Residents. Amend RSA 420-D:9 to read as follows:

420-D:9 Lien on Behalf of Residents. The commissioner shall file a lien on all real and personal property of a provider if he deems it necessary to protect the interests of the residents [~~of a facility~~]. Such lien shall be effective for the period determined necessary by the commissioner and may be renewed if the circumstances warrant it. A lien shall only be foreclosed to protect the investment of residents, and the proceeds shall be distributed in a manner to satisfy any continuing care contracts in effect at that time.

10 Continuing Care Communities; Entrance Fee Escrow Account. Amend RSA 420-D:10, I to read as follows:

I. An escrow account for entrance fees shall be established and approved by the commissioner before a certificate of authority under this chapter shall be issued. Entrance fees paid by prospective residents before occupancy of a facility living unit ***or by prospective residents under a contract issued pursuant to RSA 420-D:3-a,*** and which total over $1,000 shall be placed in this account. All entrance fees subject to this section shall be placed in the account on the first working day after receipt. Interest on such fees shall be paid at the current market rate as established by the commissioner to the prospective resident if the resident is not allowed by the provider, for any reason, to enter the facility***, provided however if the entrance fee is paid pursuant to a contract under RSA 420-D:3-a, the entrance fee shall be returned to the consumer with interest, if the contract is not signed or the consumer exercises the right of rescission under RSA 420-D:12, I(m)***.

11 New Subparagraph; Continuing Care Communities; Entrance Fees. Amend RSA 420-D:1, III by inserting after subparagraph (b) the following new subparagraph:

(c) For a resident that has not moved into the facility pursuant to RSA 420-D:3-a, 10 days after the contract is fully executed by all parties.

12 Continuing Care Communities; Contracts With Residents. Amend RSA 420-D:12, I(d)-(g) to read as follows:

(d) State the conditions upon which the provider may evict a resident ***or terminate the contract for continuing care*** and the conditions upon which a resident may terminate his ***or her*** residency ***or terminate the contract for continuing care***. A statement as to what portion of the entrance fee shall be returned under each condition shall also be included in accordance with RSA 420-D:12, II.

(e) Describe conditions required for a person to continue as a resident.

(f) Describe any conditions under which a person delinquent in his ***or her*** periodic payments may remain and if there is a specific time limit.

(g) State the entrance fees and periodic payment changes that may occur if a resident marries or if a spouse joins a resident ***in a living unit***. It shall also state the fee changes that may occur if either one of the 2 people who occupy the same living unit dies or otherwise leaves that living unit.

2010-0374h

Amendment to HB 1368

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

Amend the bill by replacing section 1 with the following:

1 Workers' Compensation; Definition of "Employee." Amend RSA 281-A:2, VI(c) to read as follows:

(c) ***A written agreement signed by the employer and the person providing services, on or about the date such person was engaged, which describes the services to be performed and affirms that such services are to be performed in accordance with each of the criteria in subparagraphs (b)(1)(A)-(L) is prima facie evidence that the criteria have been met.*** [~~Prima facie evidence that the criteria prescribed in subparagraphs (b)(1)(A)-(L) have been met may be established by a written agreement signed by the employer and the person providing services, on or about the date such person was engaged, which describes the services to be performed and affirms that such services are to be performed in accordance with each of the criteria.~~] Nothing in this subparagraph shall require such an agreement to establish that the criteria have been met.

(d) If the commissioner finds that [~~the employer's use of such written agreement was intended to misrepresent~~] ***an employer has misrepresented*** the relationship between the employer and the person providing services, the commissioner may assess a civil penalty of up to $2,500; in addition, such employer [~~shall~~] ***may*** be assessed a civil penalty of $100 per employee for each day of noncompliance. The fines [~~shall~~] ***may*** be assessed from the first day of the infraction but not to exceed one year. Notwithstanding any provision of law to the contrary, any person with control or responsibility over decisions to disburse funds and salaries and who knowingly violates the provisions of this subparagraph shall be held personally liable for payments of fines. All funds collected under this subparagraph shall be continually appropriated and deposited into a nonlapsing workers' compensation fraud fund dedicated to the investigation and compliance activities required by this section and related sections pertaining to labor and insurance law. The commissioner of labor shall appoint as many individuals as necessary to carry out the department's responsibilities under this section.

2010-0294h

Amendment to HB 1372

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 establishing a committee 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.

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

1 Committee Established. There is established a committee to study permitting a person to record a law enforcement officer in the course of such officer's official duties.

2 Membership and Compensation.

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

(a) Four members of the house of representatives, one of whom shall be from the criminal justice and public safety committee, appointed by the speaker of the house of representatives.

(b) One member 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 study the provisions of RSA 570-A, the wiretapping and eavesdropping statute, to determine if revisions are needed to update the statute and shall study any issues associated with permitting any person to make a video and audio recording of a law enforcement officer in the course of such officer's official duties. The committee may solicit testimony from any person with information or expertise relevant to the committee's objective.

4 Chairperson; Quorum. The members of the 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. Three members of the committee shall constitute a quorum.

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

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

AMENDED ANALYSIS

This bill establishes a committee to study permitting a person to record a law enforcement officer in the course of such officer's official duties.

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.

2010-0138h

Amendment to HB 1439-LOCAL

Proposed by the Committee on Local and Regulated Revenues - R

Amend the bill by replacing section 1 with the following:

1 Water and Air Pollution Control Installations. Amend RSA 72:12-a, I to read as follows:

I. Any person, firm**,** or corporation which builds, constructs, installs, or places in use in this state any treatment facility, device, appliance, or installation wholly or partly for the purpose of reducing, controlling, or eliminating any source of air or water pollution shall be entitled to have the value of said facility and any real estate necessary therefor, or a percentage thereof determined in accordance with this section, exempted from the taxes levied under this chapter for the period of years in which the facility, device, appliance, or installation is used in accordance with the provisions of this section. This paragraph shall not apply to privately-owned landfills or ancillary facilities located at such landfills ***or to sewage disposal systems installed pursuant to RSA 485-A:29 through RSA 485-A:44 and rules adopted pursuant thereto, except that any exemption for a sewage disposal system granted prior to January 1, 2010 shall remain in effect***.

AMENDED ANALYSIS

This bill makes the property tax exemption for water control facilities inapplicable to certain sewage disposal systems.

2010-0579h

Floor Amendment to HB 1447
Proposed by Rep. Welch

Amend RSA 644:13, I as inserted by section 1 of the bill by replacing it with the following:

I. A person is guilty of a violation if, within the compact part of a town or city, such person fires or discharges any cannon, gun, pistol, or other firearm, except [~~by~~] ***after providing*** written [~~permission of~~] ***notification by certified mail to*** the chief of police [~~or governing body~~] ***of the town or city at least 48 hours in advance of the activity, not including Saturdays, Sundays, or holidays. Notification as required in this paragraph shall be made annually for ongoing activity. The chief of police may not permit the activity if he or she determines that it is not safe***.

2010-0554h

Floor Amendment to HB 1447
Proposed by Rep. Willette

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

AN ACT repealing the law relative to the unauthorized use of firearms in the compact part of a town or city.

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

1 Repeal. RSA 644:13, relative to the unauthorized use of firearms in the compact part of a town or city, is repealed.

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

AMENDED ANALYSIS

This bill repeals RSA 644:13, relative to the unauthorized use of firearms in the compact part of a town or city.

2010-0264h

Amendment to HB 1452-FN
Proposed by the Committee on Criminal Justice and Public Safety - C

Amend the bill by replacing section 1 with the following:

1 Definitions; Serious Traffic Violation. Amend RSA 259:98-a, III-IV to read as follows:

III. A violation of any state or local law relating to motor vehicle traffic control, other than a parking violation, arising in connection with an accident or collision resulting in death to any person; [~~or~~]

IV. Any other violation of a state or local law relating to motor vehicle traffic control, other than a parking violation, which pursuant to rules adopted under RSA 541-A is determined to be serious, such as but not limited to: vehicular homicide, manslaughter, or similar offense resulting from operation of a motor vehicle; driving or being in actual physical control of a motor vehicle while under the influence of alcohol or

any drug; and leaving the scene of a motor vehicle collision resulting in death or personal injury to any person[~~.~~]***;***

V. Driving a commercial motor vehicle without obtaining a commercial driver license;

VI. Driving a commercial motor vehicle without a commercial driver license in the driver's possession, unless the driver provides proof to the court or the arresting officer's agency by the scheduled court date or date for fine payment that he or she held a valid commercial driver license on the date the citation was issued;

VII. Driving a commercial motor vehicle without the proper class of commercial driver license endorsement or endorsements for the specific vehicle group being operated or for the passenger or type of cargo being transported;

VIII. Driving a commercial motor vehicle in violation of RSA 265:25; or

IX. Driving a commercial motor vehicle in violation of RSA 265:24, I.

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.

2010-0270h

Amendment to HB 1493

Proposed by the Committee on Commerce and Consumer Affairs - R

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

AN ACT establishing a committee to study comprehensive mental health and substance use disorders parity.

Amend the bill by replacing sections 1-3 with the following:

1 Committee Established. There is established a committee to study comprehensive mental health and substance use disorders parity.

2 Membership and Compensation.

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

(a) Three 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 study comprehensive mental health and substance use disorders parity. The committee shall include in its study the following:

I. A review of other state parity laws and experiences to determine the best comprehensive coverage for New Hampshire.

II. A review of the cost and benefits associated with the possible expansion of mental health and substance use disorders coverage to the citizens of New Hampshire.

III. Whether the law should include all clinical diagnoses as found in the latest version of the Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association.

IV. Whether the law should include self-funded health plans.

V. Whether the law should mandate group health plans to have mental health and substance use disorders coverage.

VI. Whether the law should require companies with more than 25 employees to provide mental health and substance use disorders coverage if they have health plans.

VII. Whether deductibles and copayments should be capped to a certain percent of the cost.

VIII. Any other matter the committee deems relevant to its study.

AMENDED ANALYSIS

This bill establishes a committee to study comprehensive mental health and substance use disorders parity.

2010-0412h

Amendment to HB 1497

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 governance of the Concord school district.

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

1 New Subdivision; Concord School District Charter; Charter Commission Established. Amend RSA 49-B by inserting after section 13 the following new subdivision:

Concord School District Charter Commission

49-B:14 Concord School District; Charter Commission Established.

I. A charter commission shall be established to develop a local procedure, which does not require the approval of the legislature, to revise, amend, or replace the Concord school district charter, established in chapter 355 of the 1961 Laws of New Hampshire, as amended by chapter 123:1 of the 1983 Laws of New Hampshire. The charter commission shall submit its recommendations for a procedure to revise, amend, or replace the Concord school district charter in the form of a ballot question to the Concord school district voters for a vote at the November 2011 regular election. If the ballot question is approved, then the Concord school district charter shall be revised, amended, or replaced in accordance with the local procedure approved by the school district voters and, effective on the date the ballot question is approved, the Concord school district shall be solely responsible for revising, amending, or replacing the charter.

II.(a) The charter commission shall consist of 9 members who shall be registered voters of the Concord school district, and who shall run without party designation, as follows:

(1) Two members who shall be from wards 1, 2, 3, and 4.

(2) Two members who shall be from wards 5, 6, and 7.

(3) Two members who shall be from wards 8, 9, and 10.

(4) Three members who shall run at-large.

(b) The election of charter commission members shall be held in conjunction with the regular November elections in 2010 in accordance with RSA 49-B:4.

III. The charter commission shall have all the powers and duties of a charter commission established pursuant to this chapter and shall comply with the provisions of this chapter, except as otherwise indicated in this section.

2 Repeal. The following are repealed:

I. 1961, 355, as amended by 1983, 123:1.

II. RSA 49-B:14, relative to the Concord school district charter commission.

3 Contingency. If Concord school district voters approve a ballot question at the 2011 Concord school district meeting to adopt a school district charter which includes a procedure to allow the Concord school district to amend the charter without the approval of the legislature and to repeal the existing Concord school district charter established in 1961, 355, as amended by 1983, 123:1, then section 2 of this act shall take effect on the date such ballot question is approved. If the ballot question is not approved, section 2 of this act shall not take effect.

4 Effective Date.

I. Section 2 of this act shall take effect as provided in section 3 of this act.

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

AMENDED ANALYSIS

This bill requires the establishment of a charter commission to recommend a procedure to revise, amend, or replace the Concord school district charter without legislative approval.

This bill is a request of the commission to study the Concord Union school district charter established in 2009, 233.

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."

2010-0645h

Amendment to HB 1535-FN

Proposed by the Committee on Election Law - C

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

AN ACT relative to absentee voting, special elections, election returns, preservation of ballots, recounts, and the ballot law commission.

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

1 Reference Changed. Amend RSA 44:5 to read as follows:

44:5 Voters and Checklists. Any person having his or her domicile within the city, qualified to vote as provided in RSA 654:1-654:2 and [~~654:4~~] ***654:3***-654:6 and whose name is on the checklist shall be qualified to vote in city elections. The supervisors of the checklist shall prepare, post, and revise the checklist for city elections in the same manner as for a state election as provided in RSA 654:25-654:31.

2 New Subdivision; Chief Election Officer. Amend RSA 652 by inserting after section 22 the following new subdivision:

Chief Election Officer

652:23 Chief Election Officer. The secretary of state shall be the chief election officer for the state. The secretary of state shall provide information regarding voter registration procedures and absentee ballot procedures for all voters, including absent uniformed services voters and overseas voters. Instructional and informational materials published by the secretary of state for clerks to provide absent uniformed services voters and overseas voters shall include information on how to communicate electronically with election officials.

3 Uniformed and Overseas Citizens Absentee Voting Act Voters. RSA 654:3 is repealed and reenacted to read as follows:

654:3 Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) Voters.

I. The secretary of state shall be responsible for providing information regarding voter registration procedures and absentee ballot procedures to be used by absent uniformed services and overseas voters (UOCAVA voters) with respect to elections for federal office by all UOCAVA voters who wish to register to vote or vote in any jurisdiction of the state. UOCAVA voters consist of:

(a) Absent uniformed services voters. Notwithstanding any other provision of law to the contrary, a uniformed services voter, being a citizen of the United States and being at least l8 years of age as provided in Article 11 of Part First of the Constitution of New Hampshire, shall have the right to vote absentee in any state election in the town or city in New Hampshire in which he or she had his or her domicile immediately prior to such service, even though he or she no longer maintains domicile in said town or city and even though his or her intent to return thereto is uncertain, provided:

(1) He or she complies with all other applicable requirements and qualifications of the state of New Hampshire.

(2) He or she is not registered to vote in any other state, territory, or possession of the United States.

(b) A United States citizen residing outside the United States borders temporarily.

(c) Overseas citizens. Notwithstanding any other provision of law to the contrary, any United States citizen, being at least l8 years of age as provided in Article 11 of Part First of the Constitution of New Hampshire, who is domiciled outside the United States, shall have the right to register absentee and to vote for federal offices, but not for state or municipal offices or questions in the town or city in New Hampshire in which he or she, or a parent of said voter, had his or her domicile immediately prior to his or her departure from the United States, even though he or she no longer maintains domicile in said town or city and even though his or her intent to return thereto is uncertain, provided:

(1) He or she complies with all other applicable requirements and qualifications of the state of New Hampshire; and

(2) He or she is not domiciled in and is not registered to vote in any other state, territory, or possession of the United States; and

(3) He or she has a valid passport or card of identity issued under the authority of the secretary of state of the United States.

II. In this section:

(a) "Absent uniformed services voter" means:

(1) A member of the uniformed services on active duty who, by reason of such active duty, is absent from the place of residence where the member is otherwise qualified to vote;

(2) A member of the merchant marine who, by reason of service in the merchant marine, is absent from the place of residence where the member is otherwise qualified to vote; and

(3) A spouse or dependent of a member referred to in subparagraph (1) or (2) who, by reason of the active duty or service of the member, is absent from the place of residence where the spouse or dependent is otherwise qualified to vote.

(b) "Federal office" means the office of president or vice president, or of senator or representative in, or delegate or resident commissioner to, the Congress;

(c) "Member of the merchant marine" means an individual other than a member of a uniformed service or an individual employed, enrolled, or maintained on the Great Lakes or the inland waterways:

(1) Employed as an officer or crew member of a vessel documented under the laws of the United States, or a vessel owned by the United States, or a vessel of foreign-flag registry under charter to or control of the United States; or

(2) Enrolled with the United States for employment or training for employment, or maintained by the United States for emergency relief service, as an officer or crew member of any such vessel.

(d) "Overseas voter" means:

(1) An absent uniformed services voter who, by reason of active duty or service, is absent from the United States on the date of the election involved;

(2) A person who resides temporarily outside the United States and is qualified to vote in the last place in which the person was domiciled before leaving the United States; or

(3) A person who resides outside the United States and but for such residence would be qualified to vote in the last place in which the person was domiciled before leaving the United States.

(e) "State" means a state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, and American Samoa.

(f) "Uniformed services" means the Army, Navy, Air Force, Marine Corps, and Coast Guard, the commissioned corps of the Public Health Service, and the commissioned corps of the National Oceanic and Atmospheric Administration.

(g) "United States," where used in the territorial sense, means the several states, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, and American Samoa.

4 Overseas Citizens Voting. Amend the subdivision heading preceding RSA 654:20 and RSA 654:20 to read as follows:

Overseas Citizens Voting: Federal [~~Elections~~] ***Offices*** Only

654:20 [~~Overseas Absentee~~] Registration Affidavit ***Federal Office Only***. Any person qualified to vote as an overseas voter in a city or town as provided in RSA 654:3, because he or she is domiciled outside the United States, may apply to the city or town clerk or to the secretary of state for an overseas citizens federal election absentee registration affidavit. Such affidavit shall be prepared by the secretary of state and shall be in substantially the following form:

New Hampshire Overseas ***Citizen Federal Office Only*** Absentee Registration Affidavit

I, _____ ***(print clearly: last, full first, and middle name)***, do hereby swear or affirm, under the penalties for voting fraud set forth below, the following:

1) That I am a United States citizen; Place of Birth: City:_____ State:_____ Country:_____;

2) That I have been domiciled in a country outside the boundaries of the United States since _____;
(month) (year)

3) That I hold a valid passport or card of identity with Registration No. _____ issued by the United States Secretary of State;

4) That, immediately prior to my departure from the United States, I***, or one of my parents,*** was legally domiciled in the state of New Hampshire at the following address:

_____
Street and Number or Rural Route, etc.

_____
City or Town

5) That I will be of the age of 18 years or older on election day, have complied with all applicable qualifications and requirements of the state of New Hampshire, and am entitled to vote in the next subsequent federal election to be held in said state; Date of Birth: ____(mm)/____(dd)/____(yyyy);

6) That I do NOT maintain a domicile, am NOT registered to vote, and am NOT voting in any other state, territory, or possession of the United States, or election district thereof;

7) That my party affiliation (if any) is _____

8) That my permanent address outside the boundaries of the United States is:

_____
Street or Route Number

_____
City, Province, Country

9) That I hereby make application for the addition of my name to the checklist of _____, New Hampshire, as an overseas citizen living outside the boundaries of the United States entitled to vote in any federal election held therein.

_____
Signature of Applicant

_____
Date

In accordance with RSA 659:34, the penalty for knowingly or purposefully providing false information when registering to vote or voting is a class A misdemeanor with a maximum sentence of imprisonment not to exceed one year and a fine not to exceed $2,000. Fraudulently registering to vote or voting is subject to a civil penalty not to exceed $5,000.

5 New Section; Federal Post Card Registration. Amend RSA 654 by inserting after section 20 the following new section:

654:20-a Federal Post Card Application Form for Absent Uniformed Services Voters and Overseas Voters. Notwithstanding any other law to the contrary, as required by federal law, absent uniformed services voters and overseas voters may apply to register to vote and apply for an absentee ballot using the federal official post card form prescribed by 42 U.S.C. section 1973ff(a)(2).

6 Vacancy for Office on Party Ticket. Amend RSA 655:37 to read as follows:

655:37 Vacancy for Office on Party Ticket. If, after the holding of a state primary election, a vacancy exists for any office on a party ticket, such vacancy may be filled as provided in this section. The appropriate party committee shall notify the secretary of state in writing of a person they designate to fill the vacancy. The person so designated shall, no later than the [~~second~~] ***first*** Friday following the primary election, file with the secretary of state a declaration of candidacy as provided in RSA 655:17 with the understanding that, where the form says primary election, it shall be construed to mean general election. If the candidate is designated for the office of governor, executive councilor, state senator***,*** or state representative, he ***or she*** shall also file, no later than ***5:00 p.m. on*** the [~~second Friday~~] ***first Thursday*** following the primary, the appropriate affidavit as provided in RSA 655:29. Any candidate who has not filed all the forms required by this section within the required period of time shall not have his ***or her*** name printed on the state general election ballot for that office.

7 Nominations for Special State Elections. Amend RSA 655:81 to read as follows:

655:81 Nomination of U.S. Representative, Executive Councilor, State Senator and Representative to the General Court. The nomination of candidates for the U.S. House of Representatives or for the executive council or for the state senate or for representative to the general court for special elections shall be accomplished through the holding of special election primaries. The filing of candidates for such primaries and all other matters connected with such primaries shall be the same as for primaries before a state general election except that:

I. The special election shall be held on the Tuesday not less than [~~80~~] ***131*** nor more than [~~87~~] ***145*** days following the day that the governor and council declare that there shall be a special election; provided, however, that if one or more municipalities where a special election for state representative will be held have a regularly-scheduled election occurring between [~~80~~] ***131*** and 180 days following the day that the governor and council declare that there shall be a special election, the governor and council shall set the date of the election to coincide with the regularly-scheduled election if a majority of the towns or wards, as represented by the city, jointly request that day; if towns or wards, as represented by the city, request that the special election coincide with regularly-scheduled elections occurring on different dates, the election shall be held on the Tuesday not less than [~~80~~] ***131*** nor more than [~~87~~] ***145*** days following the day that the governor and council declare that there shall be a special election; and

II. [~~The time limits in RSA 655:14 shall be changed to not more than 43 days nor less than 36 days prior to the primary~~] ***The filing period shall start on the Monday following the date on which the governor and council declare that there shall be a special election and shall end at 5:00 p.m. on the Friday of that week***; and

III. Under RSA 655:15, the official with whom state representative candidates shall file shall be the secretary of state, except that a state representative candidate may file with the appropriate town or city clerk under RSA 655:15 or with the secretary of state during the first Monday and Tuesday only of the filing period in towns and cities in which the clerk's office is open on one or both of those days, in which case the town or city clerk shall forward each declaration of candidacy to the secretary of state on the same day on which the declaration is filed; and

IV. The primary shall be held [~~34~~] ***63*** days prior to the special election; and

V. Supplementary primary petitions may be filed as needed [~~not less than 36 days before the primary~~] ***no later than 5:00 p.m. on the last day of the filing period***; and

VI. The deadline for filing nomination papers shall be no [~~more than 34 days prior to the special election~~] ***later than 5:00 p.m. on the last day of the filing period***; and

VII. The notice of the primary in RSA 655:11 shall be prepared by the secretary of state and distributed to the town and city clerks as soon as practicable after the setting of the date for the special election; and

VIII. Under RSA 655:12, clerks shall post notices of special election primaries as soon as possible after they are received; and

IX. The names of all candidates for a party nomination at a special election primary shall be printed [~~in alphabetical order~~] on the ballot ***in the same order as provided for the state primary election***, and the same ballot listing shall be used at all polling places where the special primary election is held; and

X. The publication of the result provided in RSA 659:89 shall not be required; and

XI. The deadline for any candidate to request a recount pursuant to RSA 660:7 shall be [~~3 days from the day of the primary~~] ***5:00 p.m. on the day after the election***.

8 Uncontested Primary. Amend RSA 655:82 to read as follows:

655:82 Uncontested Primary. In the event that no party has more than one candidate file, the primary election shall not be conducted. In such a case, the special election shall be held on the day previously fixed as the day for the holding of the special [~~primary~~] election. The deadline for candidates to file nomination papers pursuant to RSA 655:40-45 shall be [~~32 days prior to the rescheduled special election date~~] ***on the date previously set for the special primary***.

9 Questions on the Ballot. Amend RSA 656:13 to read as follows:

656:13 Questions on the Ballot. Except as provided in RSA 656:14, whenever a question is submitted to voters at a state general election as provided in RSA 663, the question shall be printed on the state general election ballot following the offices columns. Printed after the question there shall be 2 squares, ***boxes, or ovals,*** one with the word [~~"yes"~~] ***"YES"*** beside it and another with the word [~~"no"~~] ***"NO"*** beside it.

10 Federal Offices Only Absentee Ballot. Amend RSA 656:34 to read as follows:

656:34 [~~Official Overseas Citizens~~] Federal [~~Election~~] ***Offices Only*** Absentee Ballot. Prior to any [~~federal~~] election ***for a federal office***, the secretary of state shall prepare, in such quantity as the secretary of state may deem necessary, [~~overseas citizens~~] federal [~~election~~] ***offices only*** absentee ballots [~~as nearly as practicable in the same form as the official~~] ***in paper and electronic form, similar in form to the election day*** ballot to be used at said election. Said ballots shall have the words "[~~official overseas citizens federal election absentee ballot~~] ***FEDERAL OFFICES ONLY ABSENTEE BALLOT***" [~~printed~~] on them and shall be [~~similarly~~] endorsed and ***the paper version shall be*** printed on paper of the same color as that used for [~~official absence and disability~~] ***election day*** ballots. Such ballots shall provide for voting absentee only for candidates seeking election to federal offices and for no other candidates.

11 Uniformed Services and Overseas Voter Absentee Ballot. Amend RSA 656:35 to read as follows:

656:35 [~~Armed~~] ***Uniformed*** Services ***Overseas Voter*** Absentee Ballot. [~~Prior to any state election,~~] ***Absent uniformed services voters and voters who are temporarily absent from the United States, who are subject to the provisions of the federal Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA), shall be provided with the absentee ballot prepared under RSA 656:33, provided that*** the secretary of state shall prepare[~~, in such quantity as the secretary of state may deem necessary, armed services absentee ballots in the same form as the absence and disability absentee ballot to be used at said election~~] ***an electronic version of such ballot for use by any uniformed services or overseas voter who requests that his or her absentee ballot be transmitted to the voter electronically pursuant to UOVACA***.

12 Questions on the Ballot. Amend RSA 656:36 to read as follows:

656:36 Questions on the Ballot. Whenever a question to voters is printed on an [~~official state~~] election ***day*** ballot, the secretary of state shall ensure that said question is also [~~printed on the absence and disability absentee ballot and on the armed services absentee ballot, except as otherwise provided~~] ***on all applicable absentee ballots***.

13 Constitutional Amendments. Amend RSA 656:37 to read as follows:

656:37 Constitutional Amendments. Whenever a question to voters related to a proposed constitutional amendment is [~~printed~~] ***placed*** on a [~~special and~~] separate ballot as provided in RSA 663:3, the question shall also be [~~printed~~] ***placed*** on a separate absentee ballot [~~of the same color as the ballot used for constitutional~~

~~questions by in-person voters, shall~~] ***to*** be included with each [~~absence and disability or armed services absentee ballot and shall have printed on it the words ""absentee ballot."~~] ***absentee ballot other than federal offices only absentee ballots.***

14 Overseas Citizen Voters. Amend RSA 657:2 to read as follows:

657:2 Overseas Voters. Any person who is registered as an overseas ***citizen*** voter in any city or town as provided in RSA 654:20, 654:21, and 654:23 may vote [~~in federal elections~~] ***as follows:***

I. A person whose current domicile is outside the United States may vote in elections for federal offices only as provided in this chapter.

II. A person whose current domicile is in the New Hampshire town or ward where he or she is registered to vote, but who is temporarily residing outside the United States may vote in all state elections.

15 Uniformed Services Voter. Amend RSA 657:3 to read as follows:

657:3 [~~Armed~~] ***Uniformed*** Services Voter. Regardless of whether he ***or she*** is previously registered, any person qualified as [~~an armed~~] ***a uniformed*** services voter as provided in RSA [~~654:4~~] ***654:3*** may vote absentee at any state election in the New Hampshire city or town which was last his ***or her*** home as provided in this chapter.

16 Overseas Citizen Voting. Amend RSA 657:8 to read as follows:

657:8 Overseas ***Citizen*** Voting. Prior to any [~~federal~~] election ***for federal office***, the secretary of state shall prepare the following forms in such quantity as he or she deems necessary:

I. [~~Overseas citizens~~] Federal [~~election~~] ***offices only*** absentee ballots as provided in RSA 656:34 for citizens who are domiciled outside the ***boundaries of the*** United States.

II. Affidavit envelopes of sufficient size to contain the ballots***,*** [~~on which shall be printed~~] ***or an electronic affidavit containing*** the following:

(a) For Voters Who Are Registered ***as Federal Offices Only Voters***.

[~~Overseas Citizen.~~] A person desiring to vote by [~~overseas citizens~~] federal [~~election~~] ***offices only*** absentee ballot who is a registered voter in the town or city in which he or she desires to vote shall fill out and sign the [~~following certificate:~~

~~I do hereby certify under the penalties for voting fraud set forth below that I am an overseas citizen voter registered as such in the city or town of _____, New Hampshire; that I have carefully read (or had read to me because I am blind) the instructions forwarded to me with the overseas citizens federal election ballot herein enclosed, and that I personally marked the ballot within and sealed it in this envelope (or had assistance in marking the ballot and sealing it in this envelope because I am blind).~~

~~(Signature)_____~~

~~In accordance with RSA 659:34, the penalty for knowingly or purposefully providing false information when registering to vote or voting is a class A misdemeanor with a maximum sentence of imprisonment not to exceed one year and a fine not to exceed $2,000. Fraudulently registering to vote or voting is subject to a civil penalty not to exceed $5,000.~~] ***standard oath prescribed by 42 U.S.C. section 1973ff-1(a)5 and 42 U.S.C. section 1973ff(b)(7).***

(b) For Voters Not Registered. A person desiring to vote by [~~overseas citizens~~] federal [~~election~~] ***offices only*** absentee ballot who is not registered as such in the town or city in which he or she desires to vote shall fill out and sign the [~~following certificate:~~

~~I do hereby certify under the penalties for voting fraud set forth below that I am a federal overseas voter, that I am at least 18 years of age and a citizen of the United States; and that my last domicile within the United States was in New Hampshire at the following address:~~

~~street _____ and number _____~~

~~city or town _____~~

~~I am not registered to vote in any state and am not voting in any other manner in this election.~~

~~_____~~

~~Signature of Voter~~

~~In accordance with RSA 659:34, the penalty for knowingly or purposefully providing false information when registering to vote or voting is a class A misdemeanor with a maximum sentence of imprisonment not to exceed one year and a fine not to exceed $2,000. Fraudulently registering to vote or voting is subject to a civil~~

~~penalty not to exceed $5,000.~~] ***standard oath prescribed by 42 U.S.C. section 1973ff-1(a)5 and 42 U.S.C. section 1973ff(b)(7).***

III. Other forms as provided for in RSA 657:7, III, IV***,*** and V.

17 Uniformed Services and Temporarily Absent Voting. Amend RSA 657:9 to read as follows:

657:9 [~~Armed~~] ***Uniformed*** Services ***and Temporarily Absent*** Voting. Prior to any state election, the secretary of state shall prepare the following forms in such quantity as he ***or she*** may deem necessary:

I. [~~Armed services~~] Absentee ballots [~~as provided in RSA 656:35~~] ***in paper and electronic form***.

II. Affidavit envelopes of sufficient size to contain the ballots***,*** [~~on which shall be printed~~] ***and an affidavit in electronic form containing*** the following:

(a) For Voters Who Are Registered. [~~A person voting by armed services absentee ballot~~] ***An absent uniformed services voter or temporarily absent voter residing outside the United States voting pursuant to the federal Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) by absentee ballot*** who is a registered voter in the town or city in which he or she desires to vote shall fill out and sign the [~~following certificate:~~

~~I do hereby certify under the penalties for voting fraud set forth below that I am a voter in the city or town of _____, New Hampshire, in ward _____; that I will be absent on election day from said city or town and will be unable to vote in person; that I have carefully read (or had read to me because I am blind) the instructions forwarded to me with the ballot herein enclosed, and that I personally marked the ballot within and sealed it in this envelope (or had assistance in marking the ballot and sealing it in this envelope because I am blind).~~

~~(Signature) _____~~

~~In accordance with RSA 659:34, the penalty for knowingly or purposefully providing false information when registering to vote or voting is a class A misdemeanor with a maximum sentence of imprisonment not to exceed one year and a fine not to exceed $2,000. Fraudulently registering to vote or voting is subject to a civil penalty not to exceed $5,000.~~] ***standard oath prescribed by 42 U.S.C. section 1973ff-1(a)5 and 42 U.S.C. section 1973ff(b)(7).***

(b) For Voters Not Registered. A person voting [~~by armed services~~] ***pursuant to the federal Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) by*** absentee ballot who is not registered in the town or city in which he or she desires to vote shall fill out and sign the [~~following certificate:~~

~~I do hereby certify under the penalties for voting fraud set forth below that I am an armed services voter under the laws of the state of New Hampshire, that I am at least 18 years of age and a citizen of the United States; and that, immediately prior to my service, my domicile was in New Hampshire at the following address:~~

~~street _____ and number _____~~

~~city or town _____~~

~~I am not registered to vote in any state and am not voting in any other manner in this election.~~

~~_____~~

~~Signature of Voter~~

~~In accordance with RSA 659:34, the penalty for knowingly or purposefully providing false information when registering to vote or voting is a class A misdemeanor with a maximum sentence of imprisonment not to exceed one year and a fine not to exceed $2,000. Fraudulently registering to vote or voting is subject to a civil penalty not to exceed $5,000.~~] ***standard oath prescribed by 42 U.S.C. section 1973ff-1(a)5 and 42 U.S.C. section 1973ff(b)(7).***

III. Other forms as provided for in RSA 657:7, III, IV***,*** and V.

18 Forwarding Forms. Amend RSA 657:10 to read as follows:

657:10 Forwarding Forms. The secretary of state shall retain for his ***or her*** own use so many of the absentee ballots and forms provided for in RSA 657:7 through 657:9 as he ***or she*** may deem necessary and shall supply each town and city clerk in the state with as many of them as he ***or she*** may deem sufficient. The same shall be [~~sent~~] ***provided electronically and*** in sealed packages [~~and~~] ***which*** shall be marked on the outside clearly designating the type and number of ballots enclosed. The secretary of state shall keep a record of the [~~time~~] ***date*** when and the manner in which the absentee ballots [~~and forms~~] were sent to said clerks and of the number of ballots so forwarded. The secretary of state shall forward [~~overseas citizens federal election~~] ***write-in absentee*** ballots to the town or city clerks so as to be received by them no later than

[~~30~~] ***50*** days prior to the date of the federal election. Additional absentee ballots of any type may be obtained as required from the secretary of state upon written application by a town or city clerk.

19 Write-In Absentee Ballot. RSA 657:10-a is repealed and reenacted to read as follows:

657:10-a Write-in Absentee Ballot. Notwithstanding any other provision of the election laws, a person entitled to vote as a Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) voter or a qualified absentee voter who certifies that he or she will be unable to receive, mark, and return an absentee ballot sent no later than 45 days before an election by election day may apply for a write-in absentee ballot. The secretary of state shall prepare write-in absentee ballots of all types necessary for each election and make them available to town and city clerks. Clerks shall send a write-in absentee ballot to any qualified voter requesting such ballot without delay for any request received more than 60 days before an election. The ballot and associated forms and instructions shall be sent by mail or electronically as requested by the voter. In completing the ballot, the voter may designate a candidate by writing in the name of the candidate or by writing in the name of a political party next to the title of the office, in which case the ballot shall be counted for that office for the candidate of the political party.

20 New Section; Federal Write-In Absentee Ballot. Amend RSA 657 by inserting after section 10-a the following new section:

657:10-b Federal Write-In Absentee Ballot. Absent uniformed services voters and overseas voters may use the federal write-in absentee ballot in general, special, and primary elections to vote for federal offices only. As required by federal law, a federal write-in absentee ballot shall not be counted if it is submitted from any location in the United States by an overseas voter. The federal write-in absentee ballot shall not be counted if a state absentee ballot is received from the voter. In completing the ballot, the absent uniformed services voter or overseas voter may designate a candidate by writing in the name of the candidate or by writing in the name of a political party next to the title of the office, in which case the ballot shall be counted for that office for the candidate of the political party.

21 Information Furnished. Amend RSA 657:14 to read as follows:

657:14 Information Furnished. The supervisors of the checklist shall furnish to the town or city clerks upon their request any information relative to persons entitled to vote in their ward or town which may be necessary to enable them to determine the proper ballot***, affidavit, and voting instructions*** to be sent to an absentee voter. Whoever violates any provision of this section shall be guilty of a violation.

22 Sending Absentee Ballots. Amend RSA 657:15 to read as follows:

657:15 Sending Absentee Ballots. When the verification required by RSA 657:12 or 657:13 has been made, the clerk shall retain the application and, without delay, personally deliver***, e-mail,*** or mail to the applicant the appropriate ballot and materials as described in RSA 657:7 through 657:9 or designate an assistant to deliver such materials to the applicant. The clerk may not designate as an assistant any person who is a candidate for nomination or office or who is working for such a candidate. Any ballots sent pursuant to the provisions of this section shall be mailed or delivered only by officials from the city or town clerk's office and delivered only to the applicant. If the address to which the absent voter's ballot is sent is outside the United States or Canada, such papers shall be sent by air mail. Said clerks shall keep lists of the names and addresses, arranged by voting places, of all applicants to whom official absent voting ballots have been sent, and shall identify those official absent voting ballots which have been returned to the clerk. Candidates whose names appear on the ballot and persons bearing notarized requests or copies of notarized requests from candidates whose names appear on the ballot may obtain copies of such lists; the lists shall not be available for public inspection at any time without a court order.

23 Refusal to Certify. Amend RSA 657:16 to read as follows:

657:16 Refusal to Certify; Procedure. If he or she refuses to certify the application, the town or city clerk shall notify the applicant in writing within 7 days to that effect. The town or city clerk shall provide the applicant with an absentee ballot and a notice that the ballot will not be counted unless the applicant submits the documents necessary to complete an absentee registration. The applicant shall be advised in writing what documents, if any, have been received in proper form and which the applicant must submit in the return envelope that contains the absentee ballot [~~affidavit~~] envelope. The town or city clerk shall mark the [~~exterior of~~] ***absentee ballot application and*** the absentee ballot affidavit [~~envelope~~] with the words "Not Registered." If the applicant returns the required documents in proper form with the absentee ballot and if the applicant is found to be qualified, he or she shall be registered and his or her absentee ballot shall be

processed in the same manner as the absentee ballot of a previously registered voter. If the ballot is returned without the required documents in proper form, the ballot shall be marked and preserved in the manner set for forth by law for successfully challenged absentee ballots. The clerk shall preserve the application of any applicant who is not registered as a voter until the time set by law for the destruction of the ballots after the election at which time the application shall be destroyed. Any justice of the superior court has jurisdiction in equity upon such notice as he or she may order to require that the name of the person making application for an absentee ballot be placed upon the checklist or registered as a member of any party and be sent an absentee ballot.

24 Procedure by Voter. RSA 657:17 is repealed and reenacted to read as follows:

657:17 Procedure by Voter.

I. A voter receiving a paper ballot shall mark the ballot. The voter shall enclose and seal the ballot in the affidavit envelope provided. The voter shall then complete the affidavit on the outside of the envelope. The voter shall then place the affidavit envelope in the outer envelope provided. The voter shall write the voter's domicile address in the upper left hand corner of the front of the outer envelope. The voter shall mail the envelope, affixing postage when necessary, or personally deliver the sealed outer envelope to the city or town clerk from whom it was sent. A voter with a disability may receive the assistance of another person in marking the ballot, completing the affidavit, and mailing the envelope.

II. A voter receiving a ballot and affidavit electronically shall print the ballot and affidavit on paper. Using the paper ballot printed from the electronic file, the voter shall mark the ballot. The voter shall complete the affidavit. The voter shall enclose and seal the ballot in an envelope. The voter shall enclose and seal said envelope and the completed affidavit form, in a second plain envelope. The voter shall write on the outside envelope in the upper left hand corner his or her name and domicile address. The voter shall mail the envelope, affixing postage when necessary, to the city or town clerk from whom it was sent. A voter with a disability may receive the assistance of another person in marking the ballot, completing the affidavit, and mailing the envelope.

25 Absentee Voting. Amend the subdivision heading preceding RSA 657:19 to read as follows:

Procedure for [~~Armed~~] ***Uniformed*** Services***, Temporarily Absent Residing Outside the United States,*** and Federal [~~Overseas Citizen~~] ***Offices Only*** Voting

26 Sending Ballots. RSA 657:19 is repealed and reenacted to read as follows:

657:19 Sending Ballots.

I. Upon receipt of a properly executed application for a absentee ballot from a uniformed services voter, a temporarily absent voter residing outside the United States, or a voter qualified to receive a federal offices only absentee ballot, whether the form supplied by the secretary of state, the federal post card application, or a written statement containing the information required by RSA 657:4, a town or city clerk shall retain the application and, without delay, enter the application in the statewide centralized voter registration database.

II. A write-in absentee ballot shall be sent to a voter qualified to vote using a write-in absentee ballot in accordance with RSA 657:10-a without delay using either mail or electronic transmission as requested by the voter, if a request for an absentee write-in ballot is received 60 or more days before an election.

III. If a request for a primary election absentee ballot is received 45 or more days before a primary election, in accordance with the voter's choice, the appropriate absentee ballot and instructions shall be electronically transmitted or mailed to the applicant no later than the day 45 days prior to the primary election. If a request for a primary election absentee ballot is received less than 45 days before a primary election the appropriate absentee ballot and instructions shall be electronically transmitted or mailed, in accordance with the voter's choice, without delay.

IV. If a request for a general election absentee ballot is received 45 or more days before a general election the secretary of state shall, on behalf of the clerk and in accordance with the voter's choice, electronically transmit or mail the appropriate absentee ballot, instructions, and related materials to the voter no later than the day 45 days prior to the general election. The secretary of state shall provide each city and town clerk with a list of all voters sent absentee ballots by the secretary pursuant to this section. Upon receipt of the report from the secretary of state, the clerk shall record the date that the absentee ballot was sent to the voter in the statewide centralized voter registration database.

V. If a request for a general election absentee ballot is received 44 or fewer days before a general election the clerk shall, in accordance with the voter's choice, electronically transmit or mail the appropriate absentee ballot and instructions to the voter, without delay.

VI. All valid requests for absentee ballots for a general election received by a town and city clerk prior to the Monday before a primary election shall be entered into the statewide centralized voter registration database no later than that Monday and any valid requests received between that Monday and the forty-fifth day prior to a general election shall be entered into the statewide centralized voter registration database on the day received by the clerk. All requests for absentee ballots received after the date that is 45 days prior to an election shall be processed by the city or town clerk, without delay.

VII. The clerk shall send the appropriate ballot and materials as described in RSA 657:8 or 657:9, as applicable, regardless of whether the applicant appears on the checklist, and record the information pursuant to RSA 657:15.

VIII. The town or city clerk shall forward a copy of the applicant's registration forms to the supervisors of the checklist.

IX. A town or city clerk who finds an absentee ballot application invalid shall provide the absent uniformed services voter, temporarily overseas voter, or federal overseas citizen voter the reason it is invalid within 7 days.

27 Federal Post card Application. RSA 657:19-a is repealed and reenacted to read as follows:

657:19-a Federal Post Card Application. The federal official post card form for simultaneous voter registration application and absentee ballot application shall be valid at any time for voter registration by a person qualified to vote as an absent uniform services voter, temporarily absent voter residing outside the United States, or a federal offices only voter domiciled outside the United States. An absentee ballot request on this postcard or in any other form received within the 18 months prior to the next state general election shall be valid for that state general election and all state and municipal elections to be held prior to that state general election. The town or city clerk shall forward a copy of all such federal post card voter registration forms to the supervisors of the checklist.

28 New Sections; Electronic Applications. Amend RSA 657 by inserting after section 19-a the following new sections:

657:19-b Procedure for Requesting Voter Registration Applications or Absentee Ballot Applications Electronically. Any person authorized in RSA 657:19-a to use the federal post card application may request and receive an absentee voter registration application by downloading the application from the secretary of state's website, or request that the form be mailed by submitting an electronic request via the e-mail address designated on the website. The secretary shall send the requested application by mail or electronically in accordance with the voter's choice.

657:19-c E-Mail Account Maintained by Clerks. As required by federal law, to satisfy their obligation to send and receive voting materials electronically, each town and city clerk shall establish and maintain an e-mail account and address, which shall be publically available to voters. Clerks shall notify the secretary of state of their e-mail address and any change to their address without delay.

29 Procedure by Voter. RSA 657:20 is repealed and reenacted to read as follows:

657:20 Procedure by Voter.

I. A voter receiving a paper ballot shall mark the ballot. The voter shall enclose and seal the ballot in the affidavit envelope provided. The voter shall then complete the affidavit on the outside of the envelope. The voter shall then place the affidavit envelope in the outer envelope provided. The voter shall write the voter's domicile address in the upper left hand corner of the front of the outer envelope. The voter shall mail the envelope, affixing postage when necessary, or personally deliver the sealed outer envelope to the city or town clerk from whom it was sent. A voter with a disability may receive the assistance of another person in marking the ballot, completing the affidavit, and mailing the envelope.

II. A voter receiving a ballot and affidavit electronically shall print the ballot and affidavit on paper. Using the paper ballot printed from the electronic file, the voter shall mark the ballot. The voter shall complete the affidavit. The voter shall enclose and seal the ballot in an envelope. The voter shall enclose and seal said envelope and the completed affidavit form, in a second plain envelope. The voter shall write on the outside envelope in the upper left hand corner his or her name and domicile address. The voter shall mail the envelope, affixing postage when necessary, to the city or town clerk from whom it was sent. A voter with a

disability may receive the assistance of another person in marking the ballot, completing the affidavit, and mailing the envelope.

30 Procedure by Clerk. RSA 657:21 is repealed and reenacted to read as follows:

657:21 Procedure by Clerk. Upon receipt of a return envelope purporting to contain an absentee ballot, the clerk of the city or town shall attach thereto the application for an absentee ballot submitted by the voter. All such envelopes shall be preserved unopened until election day.

31 Delivery to Moderator. Amend RSA 657:23 to read as follows:

657:23 Delivery to Moderator. Upon election day, prior to the closing of the polls or the time set for processing absentee ballots in accordance with RSA [~~659~~] ***659:49***, the clerk shall deliver all such envelopes and the applications therefor received by him ***or her and a list of absentee voter applications compiled pursuant to RSA 657:15*** to the moderators in the several voting precincts in which the absentee voters assert the right to vote, taking a receipt from the moderator thereof[~~; except that no armed services ballot shall be rejected by a moderator for lack of an attached application~~].

32 Announcement by Moderator. Amend RSA 659:50 to read as follows:

659:50 Announcement by Moderator. The moderator shall begin processing absentee ballots by clearly announcing that he ***or she*** is about to open the envelopes which were delivered to him ***or her***. The moderator shall then remove the [~~affidavit~~] envelope containing the ballots of each absentee voter and shall compare the signature on the affidavit [~~envelope~~] with the signature on the application for the ballot. If:

I. The name of the voter is on the checklist; and

II. The affidavit [~~on the envelope~~] appears to be properly executed; and

III. The signature on the affidavit appears to be executed by the same person who signed the application; and

IV. The signatures appear to be the signatures of a duly qualified voter who has not voted at the election; then the moderator shall publicly announce the name of the absentee voter. If these conditions are not met, the moderator shall follow the procedure provided in RSA 659:53.

33 Challenges. Amend RSA 659:51 to read as follows:

659:51 Challenges. All absentee ballots are subject to challenge after the moderator publicly announces the name of the absentee voter but not after the ballot is removed from the envelope. A person who makes a challenge shall state the reason for the challenge. If the ballot is challenged, the moderator shall write on the [~~affidavit~~] envelope containing the ballot the word "challenged" and the name and address of the person who makes the challenge and the basis of the challenge. The moderator shall also number each challenged envelope consecutively by marking, for example, the first challenged ballot "Challenged Ballot No. 1". The moderator shall then determine if the challenge to the ballot is well grounded. If the moderator decides the challenge is well grounded, [~~he~~] ***the moderator*** shall not open the envelope but shall preserve it with the other ballots cast at the election as provided in RSA 659:101 ***and shall record next to the name of the absentee voter on the clerk's list of absentee voters prepared pursuant to RSA 657:15 the word "challenged" and the reason for the challenge***. If the moderator decides that the challenge is not well grounded, he ***or she*** shall open the [~~affidavit~~] envelope so the affidavit [~~thereon~~] is not destroyed and proceed first to mark on the reverse of the folded ballot the corresponding challenge number as previously marked on the envelope. [~~He~~] ***The moderator*** shall then proceed to deposit the ballot as provided in RSA 659:52.

34 Opening Envelope. Amend RSA 659:52 to read as follows:

659:52 Opening Envelope; Depositing Ballot. If the absentee ballot is not challenged, the moderator shall, after announcing the name of the voter, open the [~~affidavit~~] envelope containing the ballot so the affidavit [~~on the envelope~~] is not destroyed. [~~He~~] ***The moderator*** shall then take the ballot out of the envelope without unfolding the ballot or without permitting the ballot to be examined, and he ***or she*** shall preserve the affidavit [~~envelope~~] with the ballots cast at the election as provided in RSA 659:101. The moderator shall then have a checkmark placed beside the name of the absentee voter on the checklist and write therewith the letters "A.V." in red ink and shall then deposit the ballot in the ballot box.

35 New Section; Immaterial Defects; Electronically Transmitted Absentee Ballots. Amend RSA 659 by inserting after section 54 the following new section:

659:54-a Immaterial Defects; Electronically Transmitted Absentee Ballots. No electronically transmitted absentee ballot shall be rejected by the moderator for any ballot, envelope, or affidavit weight, size, or color, or any ink font size, alignment, or color.

36 Votes Counted After Processing of Absentee Ballots. Amend RSA 659:61 to read as follows:

659:61 Votes Counted After Processing of Absentee Ballots. After all absentee ballots have been processed, or processed and counted, as provided in RSA 659:49-55, and after the polls have closed, the election officials, except those disqualified in accordance with RSA 659:58, shall, under the supervision of the moderator, immediately begin counting the votes cast at the election. ***The moderator may use the assistance of a person appointed by the secretary of state or the attorney general to assist in the completion of the election return forms.***

37 General content of Return. RSA 659:73 is repealed and reenacted to read as follows:

659:73 General Content of Return.

I. The election return forms shall be submitted on paper and electronically immediately after the completion of the vote count in the manner prescribed by the secretary of state. The return of votes shall include, but not be limited to:

(a) The name of each candidate printed on the ballot and the number of votes that candidate received for the listed office including any write-in votes for the same office on the same ballot where the voter did not mark the printed candidate name.

(b) For each office the number of seats for which a voter did not cast a vote.

(c) For each office the number of seats where the ballot was not counted because the voter marked more candidates than permitted.

(d) For each office the total number of votes cast for each write-in candidate and the candidate's name, excluding write-in votes for candidates whose names were printed on the ballot where the voter did not mark the printed candidate name and the vote is reported under subparagraph (a).

(e) For any question submitted to the voters:

(1) The number of affirmative votes.

(2) The number of negative votes.

(3) The number of ballots where the voter did not cast a vote.

(4) The number of ballots where the ballot was not counted because the voter marked both yes and no.

(f) The number of voters who voted in person on election day checked off on the checklist as having voted.

(g) The number of absentee voters checked off on the checklist as having voted.

(h) The number of election day ballots received from the secretary of state brought to the polling place on election day, excluding ballots marked as test ballots and used prior to election day to test a ballot counting machine.

(i) The number of election day ballots cast on election day.

(j) If the polling place runs out of election day ballots, the number of absentee ballots used as election day ballots and cast.

(k) If the polling place runs out of election day ballots, the number of photocopy ballots used as election day ballots and cast.

(l) The number of Accessible Voting System ballots cast on election day.

(m) The number of state absentee ballots cast on election day.

(n) The number of federal offices only absentee ballots cast on election day.

(o) The number of state write-in absentee ballots cast on election day.

(p) The number of federal write-in absentee ballots cast on election day.

(q) In a primary, the number of ballots cast in the Democratic Party primary.

(r) In a primary, the number of ballots cast in the Republican Party primary.

(s) The number of people who registered to vote on election day.

II. The secretary of state shall provide guidance for completing the return of votes in the election procedure manual issued pursuant to RSA 652:22. The secretary of state may provide an electronic version of the return of votes capable of being used on a computer at the polling place to assist moderators and clerks in completing and submitting the paper and electronic forms.

38 Copies of Return. Amend RSA 659:75 to read as follows:

659:75 Forwarding; Retaining Copies of Return. One copy of the election return shall be forwarded by the town or ward clerk to the secretary of state ***in both paper and electronic form*** no later than [~~the Monday~~]

8:00 a.m. on the day following a state election unless the secretary of state orders them sooner. The other shall be kept by the town or city clerk and shall be open to public inspection at reasonable times. If an official state election return is sealed along with the ballots, the clerk having custody of the sealed ballots shall, at the request of the secretary of state, and in the presence of a state election official, unseal the ballots and retrieve the election return. The ballots shall be immediately resealed and the election return shall be delivered to the secretary of state by the election official.

39 General Neglect. RSA 659:77 is repealed and reenacted to read as follows:

659:77 General Neglect by Town or Ward Moderator and Clerk.

I. If any moderator shall neglect to cause an accurate count to be made of the votes cast as required by law, for which no other penalty is provided, he or she shall be guilty of a violation.

II. If any town or ward clerk shall neglect to make any return of votes required by law, for which neglect no other penalty is provided, he or she shall be guilty of a violation.

III. If a return of votes is not timely submitted or is submitted with significant defects, if a recount discloses that the election night vote count was significantly inaccurate, of if other significant deficiencies in the conduct of an election are documented the secretary of state shall report the same to the attorney general. Upon a finding by the attorney general that the late submission, miscount, or other significant deficiency was due to lack of training, lack of established procedures, negligence, or misconduct, the secretary of state in consultation with the attorney general shall appoint an election monitor who shall be an individual trained in the conduct of elections who shall attend portions of the ballot casting and all of the ballot counting to monitor the next election conducted in that town or ward. The finding of the attorney general may be appealed to the ballot law commission.

IV. An election monitor appointed under paragraph III shall have full access to the polling place, including authority to directly observe the registration of voters on election day, the checking in of voters by inspectors of elections, assistance to voters with disabilities, the use of the accessible voting system, the receipt of ballots, the processing of absentee ballots, and the counting of ballots, and may handle marked ballots for the purposes of instruction during the counting and tabulating process.

V. An election monitor appointed under paragraph III may provide training and guidance to the moderator and clerk who conducts the election. The election monitor shall issue a public written report within 30 days following the election to the voters of the town or ward, the secretary of state, and the attorney general, which shall be posted on the secretary of state's website, documenting the extent to which the town or ward complies with state law and utilizes the best practices set forth in the election procedures manual and the NHVotes on-line training in conducting the monitored election.

40 Late Return. Amend RSA 659:78 to read as follows:

659:78 Late Return. Whenever the election return of any town or ward has not been received by the secretary of state [~~within 5 days~~] ***by 8:00 a.m. on the day*** after a state election, the secretary of state shall so notify ***the attorney general and the moderator, the selectmen, and*** the clerk of the town or ward who shall forward such return forthwith.

41 Incorrect or Incomplete Return. Amend RSA 659:79 to read as follows:

659:79 Incorrect or Incomplete Return; Amendment. If a town or ward clerk shall make an incorrect or incomplete election return, the moderator may require that clerk, at his ***or her*** own expense, to appear and amend the return according to the facts ***within 4 hours of receipt of notification from the secretary of state***. If the clerk shall refuse to appear and amend the return, he ***or she*** shall be guilty of a violation.

42 Write-In Nomination. Amend RSA 659:88, I(b) to read as follows:

(b) A person whose name was not printed anywhere on the official state primary election ballot, and who receives the nomination of a party by write-in vote in a primary election and wishes to accept the nomination, shall file a declaration of candidacy with the secretary of state no later than [~~the second Monday~~] ***3:00 p.m. on the first Friday*** after the primary. The declaration of candidacy shall be filed with the understanding that, where the form says "primary election," it shall be construed to mean "general election." A person who files a declaration of candidacy under this section shall be subject to the requirements of RSA 655:19 and 655:19-b relative to filing fees. The person may have the filing fee waived if he ***or she*** is unable to pay the fee by reason of indigency. Such person shall not, however, be required to pay the administrative assessment under RSA 655:19-c.

43 Rejection of Nomination by Write-In Vote. RSA 659:90 is repealed and reenacted to read as follows:

659:90 Rejection of Nomination by Write-In Vote. The name of a person nominated by write-in vote who fails to file a declaration of candidacy in person, by facsimile, or by e-mailing a signed declaration as an attachment with the secretary of state by 3:00 p.m. on the first Friday following the primary shall not be placed on the general election ballot and will be considered to have rejected the nomination.

44 Nomination for Incompatible Offices. Amend RSA 659:91 to read as follows:

659:91 Nominations for Incompatible Offices. Any person who is nominated by the same political party for incompatible offices shall notify the secretary of state ***in person, in writing, by facsimile transmission, or by e-mailing a signed statement as an attachment*** no later than ***3:00 p.m. on*** the [~~Monday~~] ***Thursday*** following the date of the primary of which nomination he ***or she*** will accept. Thereupon the secretary of state shall declare a vacancy to exist in the nomination which such person declined. The vacancy shall be filled as provided in RSA 655:37 except that all the necessary declarations of candidacy and affidavits shall be filed no later than ***5:00 p.m. on*** the [~~second~~] Friday following the date of the primary.

45 Sealing and Certifying Ballots. Amend RSA 659:95 to read as follows:

659:95 Sealing and Certifying Ballots.

I. Immediately after the ballots cast at a state election have been tabulated and the result has been announced and the return has been made, the moderator or the moderator's designee, in the presence of the selectmen or their designee, shall place the cast, cancelled, and uncast ballots, including such ballots from any additional polling places, and further including the successfully challenged ***and rejected*** absentee ballots still contained in their envelopes, in the containers provided by the secretary of state as required by RSA 659:97 and shall seal such container with the sealer provided by the secretary of state as required by RSA 659:97. The moderator or the moderator's designee shall then enter in the appropriate blanks on such sealer on each container the number of cast, cancelled, and uncast ballots in such container and shall endorse in the appropriate place on such sealer a certificate in substance as follows: Enclosed are the ballots from the state election in the town of _____ (or in ward _____ in the city of _____) held on _____, 20___, ***Box _____ of _____,*** [~~required by law~~] to be preserved ***in accordance with RSA 33-A:3-a***. The moderator and the selectmen or their designee shall sign their names in the appropriate blanks on the sealer.

II. Ballots, including cast, cancelled, and uncast ballots and successfully challenged absentee ballots still contained in their envelopes, prepared or preserved in accordance with the election laws shall be exempt from the provisions of RSA 91-A. This exemption shall apply to any ballots or absentee voter [~~affidavit envelopes~~] ***affidavits*** prepared for or used in any election conducted by the state or any political subdivision, including federal elections.

46 Forwarding Ballots to the Secretary of State. Amend RSA 659:99 to read as follows:

659:99 Forwarding Ballots to the Secretary of State. If any person shall make a request for a recount as provided in RSA 660***, or if the secretary of state shall request the ballots of the recent election,*** the clerk having the custody of such ballots shall, at the request of the secretary of state, forward the ballots forthwith to the secretary of state.

47 Delivery of Ballots to Town Clerk. Amend RSA 659:98 to read as follows:

659:98 Delivery of Ballots to Town Clerk.

I. The moderator, or [~~his~~] ***the moderator's*** designee, and the selectmen, or their designee, after they have sealed and certified the state election ballots as provided in RSA 659:95 and [~~96~~] ***659:96***, shall deliver the sealed containers to the town or city clerk, or to [~~his~~] ***the clerk's*** designee, who shall in their presence enter in the appropriate place on each sealer the time of day and shall sign his ***or her*** name in the appropriate blank on the sealer. ***Except for state primary election ballots,*** the clerk or [~~his~~] designee shall, without breaking the seals or otherwise changing the condition of the containers, deposit the containers in the town or city hall, where the ballots shall be kept for a period of 60 days.

II. After a state primary, the town or city clerk of each town and city in Carroll, Cheshire, Coos, Grafton, Strafford, and Sullivan counties, shall deliver the sealed boxes of ballots from the primary to the location designated by the secretary of state to receive the paper return of votes and ballots immediately following the completion of the counting and sealing of ballots. The secretary of state shall cause all such returns and ballots to be collected and delivered to Concord.

III. The secretary of state shall collect state primary ballots from clerks in Belknap, Hillsborough, Merrimack, and Rockingham counties on the Wednesday or Thursday following the

primary between 8:00 a.m. and 5:00 p.m. Any clerk whose office will not be open during these hours shall notify the secretary of state and shall, accompanied by at least one voter who is not a member of the same political party as the clerk, deliver the ballots to a nearby town or city clerk's office that will be open during those hours or shall arrange for a law enforcement officer to transport the ballots to that office.

48 Preservation of Voting Materials. Amend RSA 659:101 to read as follows:

659:101 Preservation of Absentee Voting Materials, Election Day Affidavits, and Domicile Affidavits. The [~~affidavit envelopes~~] ***absentee ballot affidavits*** and application forms processed by the moderator as provided in RSA 659:50, ***the absentee ballots challenged and rejected as provided in RSA 659:51 and RSA 659:53,*** and the qualified voter affidavits and domicile affidavits as provided in RSA 654:12 and any other documentary proof of qualifications retained by the town or city clerk, the supervisors of the checklist, or other election official [~~may~~] ***shall*** be preserved in the same manner that ballots are preserved. Qualified voter, voter registration, and domicile affidavits shall be retained for 3 years after the election in which they are used, and other materials may be destroyed [~~one year after the first state general election at which the individual may vote~~] ***after the election is settled and all appeals have expired or one year after the election, whichever is longer***.

49 Primary Recount Applications. Amend RSA 660:7 to read as follows:

660:7 Application.

I. Any person for whom a vote was cast for any nomination of any party at a state primary may apply for a recount, provided that the difference between the votes cast for the applying candidate and a candidate of that party declared nominated is less than [~~20~~] ***10 votes or less than 1.5*** percent of the total [~~votes~~] ***ballots*** cast [~~for candidates of~~] ***in the primary for*** that party in the towns which comprise the office to be recounted. ***The application shall be made in writing to the secretary of state and shall be submitted no later than 5:00 p.m. on the day after the primary election. The request may be made in person, by facsimile transmission, or as an attachment to an e-mail. The fee shall be paid prior to the beginning of the recount. Recounts shall begin 2 days after the primary election and shall be conducted so as to complete all recounts involving towns or wards which have pending requests for absentee ballots from Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) voters no later than 8:00 a.m. on the Saturday following the primary. Other recounts shall begin during the week following the primary.***

II. Any person receiving at least 9 percent of the votes cast in any party's presidential primary may apply for a recount. The application shall be made in writing to the secretary of state and shall be submitted no later than the Friday after the primary for a recount of all ballots cast for such nomination. Each candidate requesting a recount shall pay the secretary of state fees as provided in RSA 660:2.

50 Vacancies; State Representative. Amend RSA 661:8, III to read as follows:

III. Notwithstanding the provisions of paragraph II, if a vacancy occurs in the office of state representative in a district comprised of a city ward or wards, a request to hold the primary and special elections on the same dates as the city's biennial primary and regular elections may be submitted to the governor and council by the governing body of the city. If so requested, the governor and council shall declare the vacancy not less than [~~50~~] ***63*** days prior to the date of the city's primary election. The filing period shall be held not more than [~~41~~] ***57*** days nor less than [~~34~~] ***50*** days prior to the primary election. The provisions of RSA 655:81, III, VI, VII, VIII, IX, X, and XI shall apply to elections held pursuant to this paragraph.

51 Ballot Law Commission; Hearing Date. Amend the introductory paragraph of RSA 665:5, I to read as follows:

I. [~~If necessary,~~] The ballot law commission shall meet [~~on the fourth Friday of September in each general election year and~~] ***at 9:00 a.m. on the Saturday following the state primary election and, if necessary, on*** the third Friday following the presidential primary election in order to hear and decide:

52 Reference Changed. Amend RSA 669:4 to read as follows:

669:4 Qualifications of Voters. Any person having his ***or her*** domicile within the town and qualified to vote under RSA 654:1-654:2 and [~~654:4~~] ***654:3***-654:6 and who is on the town checklist shall be qualified to vote in town elections.

53 Reference Changed. Amend RSA 670:3 to read as follows:

670:3 Voters and Checklists. Any person having his ***or her*** domicile within the village district and qualified to vote as provided in RSA 654:1, 654:2 and [~~654:4~~] ***654:3***-654:6 and whose name is on the village district checklist shall be entitled to vote in any village district election. An updated checklist shall be used at all village district elections and meetings for the same purposes as checklists are used by towns as provided in RSA 669:5. Such checklist or checklists, if the district is located in more than one town, shall be used in the election of district officers.

54 Reference Changed. Amend RSA 671:14 to read as follows:

671:14 Qualifications. Any person domiciled in the school district who is qualified to vote as provided in RSA 654:1-654:2 and [~~654:4~~] ***654:3***-654:6 and who is on the school district checklist shall be entitled to vote at any school district election.

55 Repeal. RSA 654:4, relative to armed services voters, is repealed.

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

AMENDED ANALYSIS

This bill:

I. Makes various changes relating to absentee voting, including authorizing electronic ballots for certain voters and changes procedures for requesting, casting, challenging, and preserving absentee ballots.

II. Changes scheduling requirements for certain special elections.

III. Modifies the requirements for election returns and requires that they be submitted on paper and electronically.

IV. Authorizes the secretary of state to appoint election monitors.

V. Requires the secretary of state to collect all state primary ballots.

VI. Changes eligibility for a state primary recount.

VII. Changes the meeting requirements for the ballot law commission.

2010-0476h

Amendment to HB 1541-FN

Proposed by the Committee on Commerce and Consumer Affairs - R

Amend the bill by replacing section 10 with the following:

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

2010-0539h

Amendment to HB 1553

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

Amend the bill by replacing section 2 with the following:

2 New Subdivision; Maternal Mortality Review Panel. Amend RSA 132 by inserting after section 28 the following new subdivision:

Maternal Mortality Review Panel

132:29 Definitions. In this subdivision "maternal mortality" means the following:

I. "Pregnancy-related" means the death of a woman while pregnant or within one year of the end of pregnancy, irrespective of the duration and site of the pregnancy, from any cause related to or aggravated by her pregnancy or its management, but not from accidental or incidental causes.

II. "Pregnancy-associated death" means the death of a woman while pregnant or within one year of the end of pregnancy, irrespective of cause.

III. "Pregnancy-associated, but not pregnancy-related" means the death of a woman while pregnant or within one year of the end of pregnancy due to a cause unrelated to pregnancy.

132:30 Maternal Mortality Review Panel Established.

I. There is established a maternal mortality review panel to conduct comprehensive, multidisciplinary reviews of maternal deaths in New Hampshire for the purpose of identifying factors associated with the deaths and to make recommendations for system changes to improve services for women in the state. The panel shall consist of:

(a) Two members from the New Hampshire chapter of the American College of Obstetricians and Gynecologists, one of whom shall be a generalist obstetrician, and one of whom shall be a maternal fetal medicine specialist.

(b) One member from the New Hampshire chapter of the American Academy of Pediatrics, specializing in neonatology.

(c) One member from the New Hampshire chapter of the American College of Nurse-Midwives.

(d) One member from the New Hampshire section of the Association for Women's Health, Obstetric and Neonatal Nurses.

(e) The administrator of maternal and child health who also is the Title V director, division of public health services, department of health and human services.

(f) An epidemiologist from the department of health and human services with experience analyzing perinatal data, or designee.

(g) A representative of the community mental health centers.

(h) A public member.

(i) The chief medical examiner, or designee.

II. Each member in subparagraphs I(a)-(h) shall be appointed by the commissioner of health and human services, or designee, in collaboration with the organizations listed in paragraph I.

III. The term of each member shall be 3 years and the terms shall be staggered. The chair shall be appointed by the commissioner. The initially appointed chair shall call the meeting and panel together and shall serve as chair for 6 months, after which time, the panel shall elect its chair. Members of the panel shall receive no compensation.

IV. The commissioner may delegate to the Northern New England Perinatal Quality Improvement Network (NNEPQIN) the functions of collecting, analyzing, and disseminating maternal mortality information, organizing and convening meetings of the panel, and other substantive and administrative tasks as may be incident to these activities. The activities of NNEPQIN and its employees or agents shall be subject to the same confidentiality provisions as those that apply to the panel.

V. The commissioner shall submit an annual report beginning on June 1, 2011 to the oversight committee on health and human services describing adverse events reviewed by the panel, including statistics and causes, and outlining, in aggregate, corrective action plans, and making recommendations for system change and legislation relative to state health care operations.

VI.(a) The panel, in collaboration with the commissioner of the department of health and human services, or designee, shall conduct comprehensive multidisciplinary reviews of the maternal mortality deaths, as defined in RSA 132:29, I - III, in New Hampshire.

(b) Each member of the panel shall be responsible for the dissemination of panel recommendations to his or her respective institutions and professional organizations. All such information shall be disseminated through each participant's quality assurance program in order to protect the confidentiality of all participants and patients involved in any incident.

(c) The panel shall not:

(1) Call witnesses or take testimony from individuals involved in the investigation of a maternal death.

(2) Enforce any public health standard or criminal law or otherwise participate in any legal proceeding, except if a member of the team is involved in the investigation of the death or resulting prosecution and must participate in a legal proceeding in the course of performing in his or her duties outside the team.

(d) Proceedings, records, and opinions of the maternal mortality review panel are confidential, not subject to RSA 91-A, and not subject to discovery, subpoena, or introduction into evidence in any civil or criminal proceeding. Nothing in this subparagraph shall be construed to limit or restrict the right to discover or use in any civil or criminal proceeding anything that is available from another source and entirely independent of the proceedings of the panel.

(e) Members of the panel shall not be questioned in any civil or criminal proceeding regarding information presented in or opinions formed as a result of a meeting of the team. Nothing in this subparagraph shall be construed to prevent a member of the panel from testifying to information obtained independently of the team or which is public information.

VII. The commissioner of the department of health and human services, with the advice and recommendation of a majority of members of the panel, shall adopt rules, pursuant to RSA 541-A, relative to the following:

(a) The system for identifying and reporting maternal deaths to the commissioner, or designee.

(b) The form and manner through which the program may acquire information under RSA 132:31.

(c) The protocol to be used in carefully and sensitively contacting a family member of the deceased woman for a discussion of the events surrounding the death, allowing grieving family members to refuse such an interview.

(d) Assuring de-identification of all individuals and facilities involved in the panel review of cases.

132:31 Acquisition of Information Related to Maternal Mortality.

I. If a root cause analysis of a maternal mortality event has been completed, such findings shall be included in the records supplied to the review panel.

II. Health care providers, health care facilities, clinics, laboratories, medical records departments, and state offices, agencies and departments shall report all maternal mortality deaths as defined in RSA 132:29, I-III to the chair of the panel and allow the commissioner, or designee, to have access to individually identifiable information relating to the occurrence of maternal deaths. This information includes, but is not limited to: vital records, hospital discharge data, prenatal, fetal, pediatric, or infant medical records, hospital or clinic records, laboratory reports, records of fetal deaths or induced terminations of pregnancies, and autopsy reports. The same case information may be acquired from health care facilities, maternal mortality review programs, and other sources in other states to ensure that its records of New Hampshire maternal mortality cases are accurate and complete. The chair shall not acquire and retain any individually identifiable information from any source unless acquiring such information serves the purposes specified in RSA 132:30, I.

III. The commissioner, or designee, may retain identifiable information regarding facilities where maternal deaths occur and geographical information on each case solely for the purposes of trending and analysis over time. Pursuant to 132:30, VII(d), identifiable information on all individuals and facilities shall be removed prior to any case review by the panel.

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.

2010-0490h

Amendment to HB 1651-FN
Proposed by the Committee on Finance - C

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

2 New Chapter; Online Access to Budget Information and Reports. Amend RSA by inserting after chapter 9-E the following new chapter:

CHAPTER 9-F
ONLINE ACCESS TO BUDGET INFORMATION AND REPORTS

9-F:1 Online Access to Budget Information and Reports.

I. The commissioner of administrative services shall make available on the state website the information and reports required to be made available to the public and to the general court under paragraphs II-III of this section. All of this required information shall be accessible on a single state transparency website to be created by the department of information technology.

II. The state transparency website shall include the following:

(a) All expenditures by state agencies shall be published monthly, no later than the 15th day of the following month. These expenditures shall be reported in a total fund format, showing budgeted/revised budgeted amounts spent for the month, for the year, and for the year to date. Expenditure reports generated by the financial reporting system of the state for agency use shall be used to satisfy this requirement.

(b) Annual salaries of all full-time state employees, listed by pay type category and in a searchable format.

(c) Links to information posted to the websites of various state agencies/entities for the following:

(1) Audit reports from the office of the legislative budget assistant.

(2) Annual reports for individual agencies.

(3) Agency budgets submitted in accordance with RSA 9:4.

(4) The governor's budget in accordance with RSA 9:2.

(d) Any other information as determined by the department of information technology and the department of administrative services, in consultation with the legislative oversight committee established in RSA 9-F:2.

III. Annually on or before October 31, a report from each agency shall be made available which shows the total amount expended during the prior fiscal year for each program providing aid or assistance to individuals. This annual report shall also document any changes in eligibility criteria or payment amount or formulas. Each agency shall prepare its annual report by analyzing and summarizing the content of its statement of appropriation. Each agency shall submit its annual report to the commissioner of administrative services on or before September 1. For the fiscal year ending June 30, 2011, each agency shall submit existing reports to fulfill the requirements of this paragraph. Beginning in the fiscal year ending June 30, 2012 and in each year thereafter, each agency's report shall be in a format developed by the commissioner of administrative services in consultation with the legislative oversight committee established by RSA 9-F:2.

9-F:2 Legislative Oversight Committee Established.

I. There is established a legislative oversight committee to monitor compliance with the requirements for online access to budget information and reports under RSA 9-F:1.

II.(a) The members of the committee shall be as follows:

(1) Three members of the house of representatives, appointed by the speaker of the house of representatives.

(2) Three members of the senate, appointed by the president of the senate.

(b) Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

III. The committee shall monitor compliance with the requirements for online access to budget information and reports under RSA 9-F:1. The committee shall work with the department of administrative services and the department of information technology to explore what components reasonably can be added to the state website to provide increased transparency and to establish reasonable timelines for implementation based on staffing, funding, hardware, and software capacity. Among those components to be discussed:

(a) Expenditure information similar to that in RSA 9-F:1, II, only on a general fund basis.

(b) State grant information.

(c) State contract information.

(d) An online version of the state's checkbook.

(e) A statewide searchable budget database.

(f) Any other components which the committee determines will increase transparency.

IV. The members of the legislative oversight 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.

V. The legislative oversight committee shall submit interim reports of its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2010 and November 1, 2011, and shall submit a final report on or before November 1, 2012.

3 Applicability. The department of administrative services shall have 90 days after the effective date of this act to take the steps necessary to implement this act.

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

2010-0452h

Amendment to HB 1665-FN

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 the penalty for carrying or selling certain weapons.

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

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

AMENDED ANALYSIS

This bill amends the statute prohibiting the carrying or selling of a stiletto, switch knife, dagger, or dirk-knife.

2010-0187h

Amendment to HB 1679-FN-A

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

Amend the bill by replacing section 2 with the following:

2 New Chapter; Soft Drinks Tax. Amend RSA by inserting after chapter 83-F the following new chapter:

CHAPTER 83-G

SOFT DRINKS TAX

83-G:1 Definitions. In this chapter:

I. "Commissioner" means the commissioner of the department of revenue administration.

II. "Department" means the department of revenue administration.

III. "Distributor" means any person who manufactures, bottles, produces, or purchases for sale to retail dealers any bottled soft drink or soft drink syrup.

IV. "Natural undiluted fruit juice" shall mean the liquid resulting from the pressing of fruit without sweetener being added, or the liquid resulting from the reconstitution of natural fruit juice concentrate by the restoration of water to dehydrated natural fruit juice without sweetener being added.

V. "Natural undiluted vegetable juice" shall mean the liquid resulting from the pressing of vegetables without sweetener being added or the liquid resulting from the reconstitution of natural vegetable juice concentrate by the restoration of water to dehydrated natural vegetable juice without sweetener being added.

VI. "Person" shall mean and include an individual, firm, partnership, association, or corporation.

VII. "Retail dealer" includes every person other than a wholesale dealer mixing, making, compounding, or manufacturing any drink from a soft drink syrup or powder base, or a person selling such syrup or powder.

VIII. "Simple syrup" shall mean the making, mixing, compounding, or manufacturing, by dissolving sugar and water or any other mixtures that will create simple syrup to which may or may not be added concentrates or extracts.

IX. "Soft drinks" means any and all nonalcoholic beverages, whether carbonated or not, such as soda water, ginger ale, colas, root beer, flavored carbonated water, energy drinks, sports drinks, vitamin waters, orangeade, lemonade, fruit juice, vegetable juice, whether sold in individual containers or as fountain drinks, when any sweetener or syrup is added. The term "soft drinks" shall not include fluid milk, flavored or unflavored or natural undiluted fruit juice or vegetable juice.

X. "Soft drink syrups and powders" shall include the compound mixture or the basic ingredients, whether dry or liquid, practically and commercially usable in making, mixing, or compounding soft drinks by the mixing thereof with carbonated or plain water, ice, fruit, milk, or any other product suitable to make a soft drink such as Coca Cola syrup, Pepsi Cola syrup, Doctor Pepper syrup, root beer syrup, nu-grape syrup, lemon syrup, vanilla syrup, chocolate syrup, cherry smash syrup, rock candy syrup, simple syrup, chocolate drink powder, malt drink powder, or any other prepared syrups or powders sold or used for the purpose of mixing soft drinks commercially at soda fountains, restaurants or similar places as well as those powder bases prepared for the purpose of domestically mixing soft drinks such as Kool Aid and all other similar products.

XI. "Sweetener" shall mean sugar or high fructose corn syrup.

XII. "Wholesale dealer" includes only those persons who sell any bottled soft drink or soft drink syrup to retail dealers for the purpose of resale.

83-G:2 Tax on Bottled Soft Drinks, Soft Drink Syrups, and Powders.

I. An ad valorem excise tax is hereby levied and imposed upon wholesale dealers and distributors of all bottled soft drinks and all soft drink syrups and powders, whether manufactured within or without this state, of 2 percent of wholesale price as follows:

(a) On each bottled soft drink.

(b) On each gallon of soft drink syrup and in like ratio on each part gallon thereof.

(c) On each ounce by weight of powder used for making soft drinks or a fraction thereof.

II. Any person manufacturing or producing within this state any bottled soft drink or soft drink syrup for sale within this state and any distributor, wholesale dealer or retail dealer or any other person who is the original consignee of any bottled soft drink or soft drink syrup manufactured or produced outside this state, or who brings such drinks or syrups into this state, shall be liable for the tax imposed under this section. The tax hereby imposed shall not be collected more than once in respect to any bottled soft drink or soft drink syrup manufactured, sold, used, or distributed in this state.

83-G:3 Due Date of Reports; Additional Reports; Extension of Time.

I. Every person subject to the tax imposed by this chapter shall on or before the fifteenth day of each month pay taxes to the state in accordance with this chapter and file with the commissioner a report of such person's operations for the preceding month to verify liability for tax under this chapter. This report shall be in a form prescribed by the tax commissioner.

II. The commissioner may by 15 days' written notice require the filing of such additional reports as he or she deems necessary to verify a person's liability under this chapter.

III. Upon written application setting forth good cause, the commissioner may extend the time for filing such reports or additional reports on such terms and conditions as he or she may require.

83-G:4 Penalties for Failure to Pay. In addition to amounts due under this chapter penalties shall be imposed after failure to pay taxes in accordance with RSA 21-J. If failure to pay was due to reasonable cause, the commissioner may waive this penalty.

83-G:5 Seizure and Sale of Soft Drinks Stocks, Soft Drink Syrups, or Powders by Commissioner; Forfeiture; Collection of Tax. Whenever the commissioner or any of his or her duly authorized agents shall discover any soft drinks stocks, soft drink syrups or powders, subject to the tax as provided by this chapter and upon which the tax has not been paid as herein required, the commissioner or his or her duly authorized agent is hereby authorized and empowered to seize and take possession of such soft drinks stocks, soft drink syrups or powders, which shall thereupon be deemed to be forfeited to the state, and the commissioner shall within a reasonable time thereafter sell such forfeited soft drinks stocks, soft drink syrups or powders; and from the proceeds of such sale shall collect the tax and interest due thereon, together with a penalty of 50 percent of the tax due and the cost incurred in such proceedings, and pay the balance, if any, to the person in whose possession such soft drinks stocks, soft drink syrups or powders; provided that such seizure and sale shall not be deemed to relieve any person from fine or imprisonment provided herein for violation of any provision of this chapter. Such sale shall be made in the county where most convenient and economical. Notice of such sale shall be published in a newspaper and the publication area for such publication shall be the county wherein such seizure was made and the county wherein the sale is to take place. Notice shall be published at least 5 days prior to the sale. All moneys collected under the provisions of this section shall be paid into the state obesity prevention and treatment fund established in RSA 83-G:8, and treated as other taxes collected under this chapter.

83-G:6 Penalties; Crimes. Any person who violates any of the provisions of this chapter or any lawful rule adopted by the commissioner under the authority of this chapter, for the violation of which no other penalty is provided by law, shall be guilty of a misdemeanor.

83-G:7 Rulemaking. The commissioner shall adopt rules, under RSA 541-A, relative to:

I. The administration of the soft drinks tax.

II. The recovery of any tax, fee, or penalties imposed pursuant to this chapter or RSA 21-J which relate to the soft drinks tax.

83-G:8 Obesity Prevention and Treatment Fund. There is established within the office of the state treasurer a separate, nonlapsing fund to be known as the obesity prevention and treatment fund. All taxes collected by the commissioner under this chapter shall be deposited by the state treasurer in this fund. This fund shall be continually appropriated to the department of health and human services for obesity prevention and treatment programs, childhood nutrition programs, and diabetes prevention programs.

2010-0557h

Amendment to HB 1689

Proposed by the Committee on Legislative Administration - C

Amend section 1 of the bill by deleting paragraph (15) and renumbering paragraphs (16)-(86) to read as (15)-(85).

Amend section 1 of the bill by deleting paragraph (48) and renumbering paragraphs (49)-(85) to read as (48)-(84).

Amend section 1 of the bill by inserting after paragraph (84) the following new paragraphs:

(85)	RSA 4:9-b	Committee to Select the Design for a Law Enforcement Memorial
(86)	RSA 5-C:16	Advisory Committee to Assist the Secretary of State in Administering the Fund Established Under RSA 5-C:15
(87)	RSA 12-A:2-g	New Hampshire-Canadian Trade Council
(88)	RSA 14:30-a	Fiscal Committee
(89)	RSA 17-N:1	Joint Legislative Performance Audit and Oversight Committee
(90)	RSA 19-L:1	Citizens Trade Policy Commission
(91)	RSA 21-L:8	Aviation Users Advisory Board
(92)	RSA 21-K:23	New Hampshire Film and Television Commission
(93)	RSA 21-M:16	Incapacitated Adult Fatality Review Committee
(94)	RSA 28-B:1	County-State Finance Commission
(95)	RSA 33-A:4-a	Municipal Records Board
(96)	RSA 125-J:11	Air Pollution Advisory Committee
(97)	RSA 125-Q:1	New Hampshire Commission on Deafness and Hearing Loss
(98)	RSA 126-G:4	Regional Family Support Councils
(99)	RSA 126-J:1	Council for Children and Adolescents with Chronic Health Conditions and Their Families
(100)	RSA 126-M:3	Wellness and Primary Prevention Council
(101)	RSA 137-K:2	New Hampshire Brain and Spinal Cord Injury Advisory Council
(102)	RSA 153-A:4	Emergency Medical and Trauma Services Coordination Board
(103)	RSA 153-A:5	Emergency Medical Services Control Board
(104)	RSA 160-C:13	Permissible Fireworks Review Committee
(105)	RSA 161-F:7	State Committee on Aging
(106)	RSA 171-A:32	New Hampshire Council on Autism Spectrum Disorders
(107)	RSA 171-A:33	Developmental Services Quality Council

(108) RSA 184:80 Milk Sanitation Board
(109) RSA 186:60 Professional Standards Board
(110) RSA 187-A:28-a Public Higher Education Study Committee
(111) RSA 187-A:32 Oversight Committee to Oversee the Operations of the Innovation Research Center
(112) RSA 188-E:15 Pre-Engineering Technology Advisory Council
(113) RSA 189:60 Dropout Prevention and Dropout Recovery Oversight Council
(114) RSA 190:3 Council for Teacher Education
(115) RSA 194-C:11 Legislative Oversight Committee on School Administrative Units
(116) RSA 195-I:2 Automated External Defibrillator Advisory Commission
(117) RSA 200-G Compact for Education
(118) RSA 216-F:5 New Hampshire Statewide Trail System Advisory Committee
(119) RSA 216-J:1 Hampton Beach Area Commission
(120) RSA 227-C:29 Advisory Committee to the Division of Historical Resources
(121) RSA 227-I:5 State Forest Advisory Board
(122) RSA 228:100 Governor's Advisory Commission on Intermodal Transportation
(123) RSA 233-A:2 Public Water Access Advisory Board
(124) RSA 263:6-b Medical/Vision Advisory Board
(125) RSA 266:59-b, VII OBD II Testing Advisory Committee
(126) RSA 328-E:16 Council on Doctors of Naturopathic Medicine Formulary
(127) RSA 330-C:6 Advisory Committees (enables Alcohol and Other Drug Use Professionals Board to create advisory committees)
(128) RSA 420-G:4-b, III Advisory Committee on the Standard Wellness Plan for Small Employers
(129) RSA 422:37 Skyhaven Airport Advisory Council
(130) RSA 483:8-a Local River Management Advisory Committees
(131) RSA 483-A:6 Lakes Management Committee
(132) RSA 484:1 Connecticut River Flood Control Compact
(133) RSA 485-A:52 Winnipesaukee River Advisory Board
(134) RSA 490:5-a New Hampshire Court Accreditation Commission
(135) RSA 17-J:1 Capital Budget Overview Committee
(136) RSA 17-M:1 Long Range Capital Planning and Utilization Committee
(137) RSA 239-B:1 State Coordinating Council for Community Transportation in New Hampshire
(138) RSA 115-A:8 State Veterans' Advisory Committee

Amendment to HB 1690

Proposed by the Committee on Legislative Administration - C

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

1 Repeal of Certain Non-Regulatory Boards, Commissions, Councils, Advisory Committees, and Task Forces. Notwithstanding 2009, 144:87, I(a), the following non-regulatory boards, commissions, councils, advisory committees, and task forces are hereby repealed effective December 31, 2010:

(1) RSA 12-A:44 Advisory Committee on Travel and Tourism
(2) RSA 12-H New Hampshire Council on Applied Technology and Innovation
(3) RSA 19-C American and Canadian French Cultural Exchange Commission
(4) RSA 21-H:14-a Strategic Capital Plan Committee
(5) RSA 21-I:19-c Interagency Energy Efficiency Committee
(6) RSA 21-I:28-a Legislative Advisory Committee on the Administration of the State Employee Health Plan
(7) RSA 21-K:17 Granite State Cultural Legacy Award Selection Committee
(8) RSA 21-P:24-a Hazardous Materials Transportation Advisory Committee
(9) RSA 125-G:6-7 Nuclear Waste Technical Review Council
(10) RSA 125-P Council on the Relationship Between Public Health and the Environment
(11) RSA 126-A:65 Comprehensive Cancer Plan Oversight Board
(12) RSA 126-H:9 Joint Legislative Oversight Committee on Healthy Kids Corporation Reform
(13) RSA 126-I:3 Osteoporosis Advisory Council
(14) RSA 132:19-21 Perinatal Alcohol, Tobacco, and Other Drug Use Task Force
(15) RSA 149-O Recycling Market Development Steering Committee
(16) RSA 151-C:16 Task Force on the Certificate of Need Statute
(17) RSA 151-E:6-a Long Term Care Rate Advisory Committee
(18) RSA 153:5-b Advisory Committee on Portable Fire Extinguisher and Fixed Fire Extinguishing Systems
(19) RSA 169-H Commission on Juvenile Justice
(20) RSA 187-B Environmental Research Advisory Committee
(21) RSA 200-C:14 Advisory Committee for the Workers' Personal Care Assistance Program
(22) RSA 201-A:3-8-b State Library Advisory Council
(23) RSA 201-A:24 and 24-a New Hampshire Automated Information Systems Board
(24) RSA 201-A:27 "Webster" Advisory Board

(25) RSA 216-F:5, IV-V Standing Subcommittee to New Hampshire Statewide Trail System Advisory Committee
(26) RSA 216-H:5 Ahern State Park Advisory Committee
(27) RSA 217-A:3, XIII Natural Areas Council
(28) RSA 217-B:2-4 Freedom's Way Heritage Area Commission
(29) RSA 275:59 Advisory Council to the Labor Commissioner
(30) RSA 327-A:4 Advisory Council to the Commissioner of the Department of Health and Human Services on the Dispensing of Spectacles, Eyeglasses, and Contact Lenses
(31) RSA 330-A:4 Mental Health Board Advisory Committees
(32) RSA 332-E:2 Advisory Committee to the Commissioner of Environmental Services
(33) RSA 430:10 State Committee on Mosquito Control
(34) RSA 434:38 Advisory Board to the Commissioner of Agriculture
(35) RSA 437-A:7-9 Committee to Study Pet Overpopulation in New Hampshire
(36) RSA 481:1-b Water Resources Committee
(37) RSA 482:93 Dam Management Review Committee
(38) RSA 483-D:2-3 Winnipesaukee River Watershed Advisory Committee
(39) 2004, 164:2-3 Energy Planning Advisory Board

2 High-Level Radioactive Waste; Office of Energy and Planning. Amend RSA 125-G:3, III-V and the introductory paragraph in RSA 125-G:3, VI to read as follows:

III. The office shall disseminate or arrange with the federal Department of Energy or other federal agency to disseminate in a timely manner information received under paragraph II to [~~the council,~~] the committee, appropriate state agencies, appropriate local units of government, and interested citizen groups and citizens.

IV. The office, in accordance with the recommendations and advice of the [~~council and~~] committee, shall respond to contacts made under paragraph I and information received under paragraph II if a response is appropriate. The office shall consult with [~~the council,~~] the committee, appropriate state agencies, and affected local units of government. The [~~council and the~~] committee may prepare written comments for use by the office in preparing its response.

V. The office shall provide staff and support services to the committee, as the committee may require.

VI. The office, in consultation with [~~the council and~~] the committee, shall adopt rules, under RSA 541-A, relative to procedures necessary to enable it to discharge its duties and powers under this chapter and to carry out the purposes and objectives of this chapter, including but not limited to:

3 High-Level Radioactive Waste. Amend RSA 125-G:8-11 to read as follows:

125-G:8 Office[~~, Council,~~] and Committee as Advocates. The office[~~, the council,~~] and the committee shall serve as advocates on behalf of the citizens of this state before the federal Department of Energy and other federal agencies on matters related to the long-term or temporary storage or permanent disposal of high-level radioactive waste.

125-G:9 Educational Programs. The office shall promote and coordinate educational programs which provide information on the nature of high-level radioactive waste; the long-term or temporary storage or permanent disposal of these wastes; the activities of the office[~~, the council,~~] and the committee; and the activities of the federal Department of Energy and other federal agencies related to the long-term or temporary storage or permanent disposal of high-level radioactive waste.

125-G:10 Review of Fund Applications. The office, in consultation with the [~~council and the~~] committee, shall review any application to the federal Department of Energy or other federal agency or its contractor, by a state agency, or any other person including the state institutions of higher learning, a local unit of government, or a regional planning commission or any other person for funds for any program related to the long-term or temporary storage or permanent disposal of high-level radioactive waste. If the office finds that the application is not consistent with the state's nuclear waste policy or that the application is not in the best interests of the state, the office, after consultation with the [~~council and the~~] committee, shall forward its findings to the governor, the speaker of the house of representatives and the president of the senate, and the federal agency to which the application for funds is being made. If the office finds that the application of a state agency is not consistent with the state's nuclear waste policy or that the application of a state agency is not in the best interests of the state, the findings forwarded to the governor shall include a recommendation that the governor take action as necessary to safeguard the interests of the state by stipulating certain conditions for the acceptance of the funds.

125-G:11 Office to Cooperate With Congress and With Other States. The office, in consultation with the [~~council and the~~] committee, shall monitor activity by Congress and the federal government related to the long-term or temporary storage or permanent disposal of high-level radioactive waste. The office, in consultation with the committee, may advise the New Hampshire congressional delegation of action which is necessary to protect the interests of the state and may work with the congressional delegations and the state governments of other affected northeastern states.

4 High-Level Radioactive Waste; Further Requirements for Site Studies. Amend RSA 125-G:14, II to read as follows:

II. At the completion of each phase of site characterization, including area characterization, and prior to the initiation of any subsequent phase of investigation, the federal Department of Energy shall prepare and administer an oral briefing for the office[~~, the council,~~] the committee, interested members of the legislature, and the governor's office, collectively, in which a synopsis of the previously completed study phase is detailed. The briefing shall include, at a minimum, the significant findings of the study, including those findings which could possibly preclude the site from being developed into a repository for the long-term or temporary storage or permanent disposal of high-level radioactive waste. Any noted deficiencies in the data base, interpretation of the data base, or conclusions or recommendations regarding the data base, cited in writing by the technical community of the state or recorded in public hearings in the state, shall be addressed in the briefing. The methods by which those deficiencies were resolved or are to be addressed shall be identified by the Department of Energy during the briefing. The office in consultation with the [~~council and the~~] committee shall determine the adequacy of the resolution of the noted deficiencies and shall prepare a written report of their findings. The office shall transmit the findings with a recommendation concerning a future course of action to the governor, the senate president, and the speaker of the house of representatives. If the findings and the recommendations indicate adequate identification of deficiencies and their resolution, the governor may recommend adoption of a joint resolution authorizing initiation of additional phases of site characterization. If the findings and the recommendations indicate inadequate identification of deficiencies or their inadequate resolution, the governor may recommend that the conflict resolution procedure outlined in the agreement be initiated.

5 High-Level Radioactive Waste; Office as Agents for Agreements. Amend RSA 125-G:15, III to read as follows:

III. The office shall consult with the [~~council, the~~] committee, and the attorney general during the negotiation of any agreement or modification or technical revisions to an agreement executed under paragraph I or II. The [~~council, the~~] committee[~~,~~] and the attorney general shall prepare such written comments on any agreement or draft agreement being negotiated by the office as may be appropriate and necessary.

6 High-Level Radioactive Waste. Amend RSA 125-G:18 and 19 to read as follows:

125-G:18 Review of Site Selection; Recommendation.

I. If the federal Department of Energy selects a site in the state for construction of a repository for the long-term or temporary storage or permanent disposal of high-level radioactive waste, the office shall review the adequacy of the selected site and of the repository plan prepared by the federal Department of Energy pursuant to RSA 125-G:16, II(m). The review shall include a full scientific review of the adequacy of the

selected site and the repository plan. The office shall solicit written comments on the selected site and the repository plan from the [~~council and the~~] committee. The office may utilize recognized experts in conducting its scientific review. The office shall conduct at least one public hearing in the affected county on the repository plan and shall make available to the public arguments and evidence for and against the repository plan. The office shall provide 30 days' notice of the date and location of the public hearing. The office shall solicit comments from appropriate state agencies, local units of government, and interested citizen groups on the adequacy of the selected site and the repository plan. The office shall make these comments available to the public.

II. After completing the review, the office shall submit a recommendation, complete with supporting reasons for the recommendation, to the speaker of the house of representatives, the senate president, and the governor on the issue of the site and repository plan selected by the federal Department of Energy. The governor, after review of the recommendation and findings of the office, may confer with the office, [~~council,~~] committee, representatives of state agencies, institutions of higher learning, or representatives of the affected county or locality. The governor, thereafter, shall recommend appropriate legislation to the legislature relating to the establishment of a long-term or temporary storage or permanent disposal facility for high-level radioactive waste. There shall be no further activity by the Department of Energy related to the long-term or temporary storage or permanent disposal of high-level radioactive waste in the state while legislation proposed by the governor or the legislature relative to such topic is being considered by the legislature.

125-G:19 Office to Implement Agreements. The office, in consultation with the committee [~~and the council,~~] shall implement all agreements, modifications, and technical revisions approved pursuant to this chapter. In doing so, the office may solicit the views of appropriate state agencies, local units of government, and interested citizen groups.

7 Department of Health and Human Services; Duties of Oversight Committee. Amend RSA 126-A:15, I to read as follows:

I. The committee shall provide legislative oversight of and informational meetings on the programs, policies, and rules of the department of health and human services as brought to its attention by committee members, legislators, department personnel, or others. The committee's work may include, but is not limited to, analyzing the efficacy of selected programs, studying the characteristics of target populations, researching trends affecting program costs and participation, and reviewing alternate approaches to programmatic and administrative concerns. The committee shall monitor the on-going medicaid modernization plan. The committee shall monitor the recommendations of the committee to study the HIV/AIDS service delivery (2005, 47) and determine whether such recommendations have been implemented. [~~The committee shall review the council on the relationship between public health and the environment, established in RSA 125-P:1, every 2 years as provided in RSA 125-P:4.~~] The committee shall provide informational meetings on such topics to the general court. The committee shall maintain communications with the department of health and human services, and any other departments, as necessary to accomplish its work.

8 Comprehensive Cancer Plan Fund. Amend the introductory paragraph of RSA 126-A:64 to read as follows:

126-A:64 Comprehensive Cancer Plan Fund. There is hereby established in the office of the state treasurer the comprehensive cancer plan fund, to be administered by the department of health and human services. The department is authorized to accept public sector and private sector grants, gifts, donations, and appropriations for deposit into the fund. The fund shall be nonlapsing and continually appropriated to the department, and shall be used to implement the provisions of the New Hampshire comprehensive cancer plan as developed by the New Hampshire comprehensive cancer collaboration. The fund shall be expended annually for the following purposes, [with allocations determined by the [~~comprehensive cancer plan oversight board~~] ***commissioner of the department of health and human services***:

9 State Board of Fire Control; Fire Equipment Service Certification. Amend RSA 153:5-a to read as follows:

153:5-a Fire Equipment Service Certification. The commissioner of safety[~~, in consultation with the advisory committee established in RSA 153:5-b,~~] shall adopt rules pursuant to RSA 541-A, for the voluntary certification of persons engaged in the inspection, installation, and servicing of portable fire extinguishers and fixed fire extinguishing systems, fire sprinkler systems, and fire alarm systems in this state. Such rules may include the issuance of various types and classes of certificates, and a fee not to exceed $200 for such issuance,

for an individual or firm engaged in the installation or servicing of such extinguishing and fire alarm systems. Fees shall be deposited in the fire standards and training and emergency medical services fund, established in RSA 21-P:12-d. Applicants for certification shall provide proof of certification by a national organization recognized by the commissioner and provide proof of insurance.

10 Workers' Personal Care Assistance Program; Insufficient Funds. Amend RSA 200-C:13, I to read as follows:

I. Promptly notify the governor, the general court, the Developmental Disabilities Advocacy Center, the governor's commission on disability [~~and the advisory committee established under RSA 200-C:14~~]; and

11 Department of Cultural Resources; Rulemaking Authority. Amend RSA 21-K:8, II to read as follows:

II. The New Hampshire automated information system, as authorized by RSA 201-A:25, II[~~, provided that the rules shall be subject to review and recommendation by the New Hampshire automated information system board established by RSA 201-A:24~~].

12 Natural Heritage Inventory of Species Requiring Protection. Amend RSA 217-A:5, II to read as follows:

II. The department[~~, with the advice of the Natural Areas Council,~~] shall make determinations required by paragraph I solely on the basis of the best scientific and commercial information available and after appropriate consultation with federal agencies, other interested state agencies, other states which have a common interest in the species, and interested persons and organizations. In determining whether any species of plant shall be a protected species, the department shall consider any present or future actions by the federal government, other states, agencies or political subdivisions of this state, or by any other person that may affect the species under consideration.

13 Savings Banks; Security for Certain Deposits of Public Funds. Amend RSA 386:57, II to read as follows:

II. The bank commissioner shall by rules adopted under RSA 541-A define and classify by risk the nature of securities appropriate for collateral. [~~There is created an advisory committee on collateralization of public funds to assist the bank commissioner in the development of such rules. The committee shall consist of the following: the state treasurer; 2 members of the New Hampshire Bankers Association, appointed by the president of the association; 2 members of the New Hampshire Government Finance Officers Association, appointed by the president of the association; and one public member recommended by both associations and appointed by the bank commissioner.~~]

14 Winnipesaukee River Watershed Advisory Committee. Amend the chapter heading of RSA 483-D and RSA 483-D:1 to read as follows:

CHAPTER 483-D

WINNIPESAUKEE RIVER WATERSHED [~~ADVISORY COMMITTEE~~]

483-D:1 Model Required. The department of environmental services shall develop and implement a model for managing the flow of water in the Winnipesaukee River watershed. [~~The department shall develop the model with input from the Winnipesaukee River watershed advisory committee.~~]

15 Ophthalmic Dispensing; Renewal of Registration. Amend RSA 327-A:14 to read as follows:

327-A:14 Renewal of Registration; Continuing Education. Certificates of registration issued under this chapter shall be subject to renewal every 2 years and shall expire unless renewed in the manner prescribed by the commissioner. Certificates of registration for ophthalmic dispensing shall be renewed upon the payment of the renewal fee and the completion of 8 credits of continuing education during the previous 2-year period. Any national, regional, or state optical company, trade, or professional group is authorized to sponsor continuing education programs approved by the American Board of Opticianry, the National Contact Lens Examiners, or the commissioner. The commissioner or the deputy commissioner of the department of health and human services shall authorize continuing education programs which contribute to the advancement, extension, or enhancement of the professional skills and the technical knowledge of opticians. [~~In authorizing such programs, the commissioner or deputy commissioner may seek the advice of the Ophthalmic Dispensing Advisory Council.~~]

16 Mental Health Practice; Organization and Meetings. Amend RSA 330-A:9, II to read as follows:

II. When a quorum is not available for just and timely resolution of a specific matter, former board members [~~or advisory committee members~~] may be appointed by the board to serve as acting board members for purposes of obtaining the minimum quorum in the resolution of that specific matter.

17 Mental Health Practice; Board. Amend RSA 330-A:10, XII-XIII to read as follows:

XII. Procedures, standards, and supervision requirements for candidates for licensure as a member of one of the licensed mental health disciplines[~~, consistent with the standards established by the advisory committee for each of the licensed mental health disciplines~~]. All candidates for licensure shall be documented with the board.

XIII. Establishment of the scope of practice for each mental health discipline licensed under this chapter [~~consistent with the standards established by the advisory committee for each of the licensed mental health disciplines~~].

18 Mental Health Practice; Investigations and Complaints. Amend RSA 330-A:28, I-a to read as follows:

I-a. Any board member who has had a personal relationship or has worked in a professional capacity with a complainant or with a licensee against whom a complaint has been filed or whose personal or professional views regarding the licensee or the complainant could prevent the board member from being impartial in considering the complaint shall recuse himself or herself from any investigation or disciplinary action against such licensee. If the chairperson of the board is recused the remaining board members shall elect an acting chairperson from among the board. The chairperson or acting chairperson shall appoint a former board member [~~or a member from the appropriate advisory committee~~] to replace the recused board member during the investigation and proceedings against the licensee. The replacement board member shall be from the same mental health discipline as the recused member.

19 Regulation of Water Treatment and Distribution. Amend RSA 332-E:3, II-III to read as follows:

II. The department[~~, on recommendation of the advisory committee,~~] shall establish the criteria and conditions for the classification of public water systems and water treatment plants or water distribution systems.

III. The department[~~, on recommendation of the advisory committee,~~] shall establish by regulation pursuant to RSA 541-A the qualifications, conditions, licensing standards, and procedures for the certification of individuals to act as operators.

20 Examinations. Amend RSA 332-E:5, VI to read as follows:

VI. The department [~~in conjunction with the advisory committee~~] may require the taking of educational courses and the demonstration of course proficiency by all operators prior to the renewal of their certificate.

21 Repeal. The following are repealed:

I. RSA 125-G:2, III, relative to the definition of "nuclear waste technical review council."

II. RSA 125-G:3, VI(d), relative to application requirements under RSA 125-G:7.

III. RSA 149-M:29, II(h), relative to the market development steering committee.

IV. RSA 201-A:21, I, relative to the definition of "New Hampshire automated information systems board."

V. RSA 327-A:5, VIII, relative to the duty of the commissioner of the department of health and human services to call meetings of the advisory council established in RSA 327-A:4.

VI. RSA 330-A:22, I, relative to the advisory committee for mental health disciplines.

VII. RSA 332-E:1, I, relative to the definition of "advisory committee."

VIII. RSA 434:33, I, relative to the definition of "advisory board."

IX. RSA 621-A:9, II(j), relative to a member of the commission on juvenile justice serving as a member of the juvenile justice advisory board.

X. 2004, 164:4, relative to the prospective repeal of the energy planning advisory board.

22 Effective Date. This act shall take effect December 31, 2010.

AMENDED ANALYSIS

This bill repeals certain non-regulatory boards, commissions, councils, advisory committees, and task forces, and makes relevant statutory changes necessitated by such repeals.