

HOUSE RECORD

Second Year of the 159th General Court Calendar and Journal of the 2006 Session

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Concord, N.H.

Tuesday, March 7, 2006

No. 23

HOUSE JOURNAL No. 6 (cont.)

Wednesday, February 22, 2006

RECESS

RESOLUTION

(Rep. Cloutier in the Chair)

Rep. Graham offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, Senate Bills numbered 253, 281, 282, 296, 300, 325, 334, 359, 396, and 400 shall be by this resolution read a first and second time by the therein listed titles, and referred to the therein designated committees.
Adopted.

INTRODUCTION OF SENATE BILLS

First, second reading and referral

SB 253, relative to enforcement of support orders for college and postsecondary educational expenses. (Judiciary)

SB 281-FN, establishing an organ and tissue donor registry. (Transportation)

SB 282-FN-L, relative to removal of abandoned vehicles. (Transportation)

SB 296-FN, relative to recovery of public assistance. (Health, Human Services and Elderly Affairs)

SB 300-FN-A-L, exempting certain transfers of real estate between charitable organizations from the real estate transfer tax. (Ways and Means)

SB 325, making technical corrections and other changes to motor vehicle laws. (Transportation)

SB 334, authorizing the use of a credit freeze as a means of deterring identity theft. (Commerce)

SB 359-FN, relative to the regulation of plumbers and water treatment technicians by the plumbers' board. (Executive Departments and Administration)

SB 396, repealing the rulemaking authority of the New Hampshire children's trust fund board. (Children and Family Law)

SB 400-FN, relative to highway welcome signs. (Transportation)

RECESS

Rep. Weyler moved that the House adjourn.
Adopted.

HOUSE JOURNAL No. 7

Tuesday, March 7, 2006

The House assembled at 1:00 p.m., the hour to which it stood adjourned, and was called to order by the Speaker.

His Excellency, Governor John H. Lynch, joined the Speaker on the rostrum for the day's opening ceremonies.

Prayer was offered by House Chaplain, Reverend Jared Rardin, Pastor of the South Congregational Church in Concord.

We begin today, O God, with gratitude for the week just passed. A week most of us spent catching up on the things we'd left behind during our last rigorous session and catching up with loved ones. And so we return to another full week of legislative duties grateful for our many blessings.

In the days to come, O God, we face many important, weighty debates, bills and resolutions. Together we will wrestle with issues concerning eminent domain, same-sex marriage, voting rights, school vouchers, job protection and many other far ranging topics.

Give us, we pray, a Willing Spirit to listen with attentiveness to arguments which do not match our own opinions. To articulate fairly and respectfully the positions at which we arrive. To always remain open to new insights and understandings. To listen for Your will anew, even if we already think we know it. To legislate not only for what is practical but for that which will bless, serve, protect and uphold the common good and our shared future as brothers and sisters, and citizens of New Hampshire. In Your name we pray. Amen.

Rep. David H. Kidder, member from New London, led the Pledge of Allegiance.

The National Anthem was sung by Janet Schmitt, a student from Lebanon High School.

LEAVES OF ABSENCE

Reps. Nelson Allan, Barker, Callaghan, Carlson, Claudia Chase, Chabot, Gillick, Hunter, Lessard, Oliver, Pantelakos, Putnam, Snyder and Wiley, the day, illness.

Reps. Abbott, Adams, Aguiar, Charles Clark, Mark Clark, Daniuk, Dexter, Drisko, Daniel Eaton, Donald Flanders, Gile, Ginsburg, Goodwin, Greco, Haley, Christine Hamm, Hutchinson, Kobel, Lary, Lockwood, Mirski, Naro, O'Neil, Reardon, Reeves, Rochette, Rosen, Serlin, Souza, Twombly and Wells, the day, important business.

Reps. Matarazzo and Ross, the day, illness in the family.

Reps. Morneau and Walz, the day, death in the family.

INTRODUCTION OF GUESTS

Peter Schmitt, father of today's singer, guest of the House. Kelsey Hardy and Alyssa Reetz, granddaughter and guest of Rep. Houde-Quimby. Fred Mullen, guest of Rep. Anderson. Members of the Greater Portsmouth Chamber of Commerce, guests of the Portsmouth delegation. Katherine DeJoie, Rundlett Middle School student, Page for the Day.

MOTION TO VACATE

Rep. Bergin moved that the House vacate the reference of **SB 295-FN**, relative to

registration of business entities, to the Committee on Executive Departments and Administration.

Motion adopted.

The Speaker referred **SB 295-FN** to the Committee on Commerce.

COMMITTEE REPORTS

CONSENT CALENDAR

Rep. Weyler moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

HB 1233-FN, including public officials under the real estate practice act. removed by Rep. Newton.

HB 1399, relative to the compensation paid to directors or officers of a charitable trust, removed by removed by Rep. Cady.

HB 1137, relative to criminal trespass, removed by Rep. Renzullo.

HB 1354, relative to physical force in defense of a person, removed by Rep. Dickinson,

HB 1736- FN-L relative to tuition payments made to charter schools, removed by Rep. Lars Christiansen.

HB 1481, establishing a moratorium period for lobbying by certain state officers, removed by Rep. Peter Sullivan.

HB 1111, designating the pumpkin as the New Hampshire state fruit, removed by Rep. Babson.

HB 1216, relative to the sale of unpasteurized milk, removed by Rep. Pilliod.

HB 1534, relative to maintaining construction and demolition debris as a solid waste, removed by Rep. Slocum.

HB 1616-FN, establishing a performance measurement system for state agencies, removed by Rep. Coburn.

HB 1129, relative to eminent domain, removed by Rep. Villeneuve.

HB 1510, relative to leave of absences to serve as a legislator. removed by Rep. Cali-Pitts.

CACR 33, relating to the number of members of the senate and senatorial districts.

Providing that the senate shall consist of 30 members with 3 elected at large from each district and that senate districts shall conform to county boundaries, removed by Rep. Buzzell.

HB 1757, relative to taxation of renewable generation facilities, removed by Rep. Slocum.

HB 1684, relative to taxation of renewable generation facilities, removed by Rep. Slocum.

HB 1506, requiring children 12 years of age or under to wear personal flotation devices, removed by Rep. Whalley.

HB 1582, prohibiting New Hampshire from participating in a national identification card system, removed by Rep. Dickinson.

Consent Calendar adopted.

HB 1107, relative to requirements for commercial construction contracts. **REFER FOR INTERIM STUDY**

Rep. David H. Kidder for Commerce: This bill would establish timely payment requirements, regulate retainage practices as well as prohibiting "no-lien" clauses. The committee believes that this bill has some merit, but it has also raised many questions. The contractors and subcontractors have met and are working on solutions. The committee felt that interim study would provide the venue to achieve those solutions. Vote 17-0.

HB 1112, relative to disclosure of appeals processes under insurance policies.

INEXPEDIENT TO LEGISLATE

Rep. Stephen T. DeStefano for Commerce: This bill would require all insurers to provide, on the first page of an insurance policy to an insured, a description of the appeals process along

with the address and telephone number of the insurance department. After lengthy discussion and even talk of sending this to interim study, the committee felt that more work and more information from the insurance department was needed and new legislation should be filed. Vote 15-2.

HB 1126, relative to licenses for first mortgage bankers and brokers. **OUGHT TO PASS WITH AMENDMENT**

Rep. Tara G. Reardon for Commerce: This bill was a request by the banking department to update certain sections of the banking statutes that were found to be deficient during rulemaking. The length of the bill is due to the changes being duplicated in five different statutes. Definitions and a procedure to do background checks and fingerprinting of banking department employees were added. Those checks are required for those employees to participate in certain fraud prevention seminars offered by the federal government. Vote 16-0.

Amendment (0997h)

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

AN ACT relative to licenses for first mortgage bankers, brokers, pawnbrokers, and money lenders.

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

1 New Paragraph; Definitions. Amend RSA 361-A:1 by inserting after paragraph III-b the following new paragraph:

III-c. "Direct owner" means any person, including individuals, that owns, beneficially owns, has the right to vote, or has the power to sell or direct the sale of 10 percent or more of the applicant or licensee.

2 New Paragraph; Definitions. Amend RSA 361-A:1 by inserting after paragraph VI the following new paragraph:

VI-a. "Indirect owner" means, with respect to direct owners and other indirect owners in a multilayered organization:

(a) In the case of an owner that is a corporation, each of its shareholders that beneficially owns, has the right to vote, or has the power to sell or direct the sale of, 25 percent or more of that corporation.

(b) In the case of an owner that is a partnership, all general partners and those limited and special partners that have the right to receive upon dissolution, or have contributed, 25 percent or more of the partnership's capital.

(c) In the case of an owner that is a trust, the trust, each trustee and each beneficiary of 25 percent or more of the trust.

(d) In the case of an owner that is a Limited Liability Company ("LLC"):

(1) Those members that have the right to receive upon dissolution, or have contributed, 25 percent or more of the LLC's capital; and

(2) If managed by elected managers, all elected managers.

(e) In the case of an indirect owner, the parent owners of 25 percent or more of their subsidiary.

3 New Paragraph; Definitions. Amend RSA 361-A:1 by inserting after paragraph VIII-b the following new paragraph:

VIII-c. "Publicly traded" means a company whose securities are traded on a securities exchange system approved and supervised by the Securities and Exchange Commission, including but not limited to the NYSE, AMEX, BSE, and NASDAQ. The term also includes a public reporting company that is subject to sections 12 or 15(d) of the Securities Exchange Act of 1934.

4 Licensed Retail Sellers. Amend the introductory paragraph of RSA 361-A:1, XIII to read as follows:

XIII. "Sales finance company" means a person engaged, in whole or in part, directly or indirectly, in the business of providing motor vehicle financing in this state to one or more retail buyers, or in the business of purchasing retail installment contracts from one or more retail sellers. The term includes but is not limited to any federally chartered bank, savings bank, trust company, credit union, cooperative bank, finance company, lending agency, industrial bank, or investment company, if so engaged. The term does not include the pledgee of an aggregate number of such contracts to secure a bona fide loan thereon, nor does it include a **licensed** retail seller who:

5 Licensing of Sales Finance Companies and Retail Sellers Required. Amend RSA 361-A:2, II to read as follows:

II.(a) The application for such license shall be in writing and verified on a form prescribed by the commissioner. The application shall contain the name of the applicant; **the tax applicant's identification number**; date of incorporation, if incorporated; the address where the business is or is to be conducted and similar information as to any branch office of the applicant; the trade name, if any, under which the applicant proposes to conduct such business; and such other pertinent information as the commissioner may require. The application shall include a list of the names and resident addresses of principals and the name of any person occupying a similar status or performing similar functions. Each principal **and indirect owner** shall **provide his or her social security numbers and shall** authorize the commissioner to conduct a background check. The applicant shall submit any other information that the commissioner may require including, but not limited to, the applicant's form and place of organization, the applicant's proposed method of doing business, the qualifications and business history of the applicant and those persons listed in the application, and in the case of sales finance companies, the applicant's financial condition and history. The applicant shall disclose if any injunction or administrative order has been issued against the applicant or any of its principals **or indirect owners** listed in the application and whether the applicant or any of its principals **or indirect owners** have been convicted of a misdemeanor involving the lending industry or any aspect of the lending business or convicted of any felony.

(1) Unless the applicant is a publicly traded corporation, the department shall complete a background investigation and criminal history records check on the applicant's principals and any person in a similar position or performing similar functions. If the applicant is a subsidiary, the department shall complete a background investigation and criminal history records check on ~~the principals of each equity~~ **individuals who are indirect** ~~owner of 10 percent or more of the applicant unless such equity owner is a publicly traded corporation~~ **owners**.

6 Retail Sellers and Finance Companies Required to Update Information. Amend RSA 361-A:2, XII to read as follows:

XII. Retail sellers and sales finance companies licensed under this chapter are under a continuing obligation to update information on file with the commissioner. If any information filed with the commissioner becomes materially inaccurate, the retail seller and sales finance company licensee shall promptly submit an amendment to its application records to correct the information on file with the commissioner. An amendment shall be considered to be filed promptly if the amendment is filed within 30 days of the event that requires the filing of the amendment. **Certain significant events as defined by rule shall be reported to the department in writing within 10 calendar days.** A licensee shall submit written notification to the department of the addition or deletion of a person required to be listed in the application, and shall provide the name and address of each new person required to be listed no later than 30 days after such change. Each new person required to be listed shall **provide his or her social security number and** authorize the commissioner to conduct a background check. The commissioner shall investigate management and ownership changes including, but not limited to, the qualifications and business history of each person required to be listed. The licensee shall investigate and

disclose any injunction or administrative order that has been issued against the person required to be listed and whether the person required to be listed has been convicted of a misdemeanor involving the lending industry or any aspect of the lending business or convicted of any felony, prior to the commissioner's approval of such change.

7 Compensation; Assistants. Amend RSA 383:7 to read as follows:

383:7 Compensation; Assistants.

I. The annual salary of the bank commissioner, and that of the deputy commissioner, shall be that prescribed by RSA 94:1-4. The commissioner may appoint examiners and such assistants as may be necessary, within the limits of the appropriations therefor and the rules of the state personnel system. The commissioner, deputy commissioner, examiners, and other assistants shall be allowed their actual traveling expenses when engaged in their official duties. No person shall serve as examiner who would be disqualified to serve as commissioner under the limitations of RSA 383:6, except that examiners may be indebted to such corporations and associations at the time of their appointment, or thereafter, provided any such debt is incurred primarily for personal, household, or family purposes and on terms no more favorable than those afforded to other borrowers, the examiner's employment is disclosed to such corporation or association, and both the examiner and the corporation or association disclose to the commissioner that a debt has been incurred.

II. *The banking department shall complete a background investigation and a criminal history records check on every selected applicant for employment in any position in the banking department prior to a final offer of employment. The banking department may extend a conditional offer of employment to a selected applicant after completing a background investigation, with a final offer of employment subject to a successfully completed criminal history records check. No selected applicant may be extended a conditional offer of employment unless the banking department has initiated a criminal history records check. The banking department shall not be held liable in any lawsuit alleging that the extension of a conditional or final offer of employment to an applicant with a criminal history was in any way negligent or deficient if the banking department fulfilled the requirements of this section.*

III. *The selected applicant for employment shall submit to the banking department a notarized criminal history records release form, as provided by the division of state police, which authorizes the release of the person's criminal records, if any. 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 banking department. 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 banking department 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.*

IV. *The banking department shall submit the criminal history records release form to the New Hampshire division of 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 division of state police shall release copies of the criminal conviction records to the department. The department shall maintain the confidentiality of all criminal history records information received pursuant to this paragraph.*

V. *This section applies to any employee or selected applicant for employment of the banking department.*

8 Payment of Cost of Examination. Amend RSA 383: 11, II (b) to read as follows:

(b) From non-depository lenders and brokers. Each licensee subject to the supervision of the bank commissioner under the provisions of RSA 397-A, ~~[RSA 398-A,]~~ RSA 399-A, and sales finance companies under RSA 361-A, shall be charged and shall pay such proportion of said balance applicable to the consumer credit administration division under the banking department's program appropriation unit designation as its total dollar volume of loans made, originated, funded or brokered bear to the total dollar volume of all such loans made, originated, funded or brokered by such licensees during the preceding calendar year ending December 31, as shown by their annual reports to the commissioner.

9 New Paragraph; Definitions. Amend RSA 397-A:1 by inserting after paragraph VI the following new paragraph:

VI-a. "Direct owner" means any person, including individuals, that owns, beneficially owns, has the right to vote, or has the power to sell or direct the sale of 10 percent or more of the applicant or licensee.

10 New Paragraph; Definitions. Amend RSA 397-A:1 by inserting after paragraph VIII the following new paragraph:

VIII-a. "Indirect owner" means, with respect to direct owners and other indirect owners in a multilayered organization:

(a) In the case of an owner that is a corporation, each of its shareholders that beneficially owns, has the right to vote, or has the power to sell or direct the sale of, 25 percent or more of that corporation.

(b) In the case of an owner that is a partnership, all general partners and those limited and special partners that have the right to receive upon dissolution, or have contributed, 25 percent or more of the partnership's capital.

(c) In the case of an owner that is a trust, the trust, each trustee and each beneficiary of 25 percent or more of the trust.

(d) In the case of an owner that is a Limited Liability Company ("LLC"):

(1) Those members that have the right to receive upon dissolution, or have contributed, 25 percent or more of the LLC's capital; and

(2) If managed by elected managers, all elected managers.

(e) In the case of an indirect owner, the parent owners of 25 percent or more of their subsidiary.

11 New Paragraph; Definitions. Amend RSA 397-A:1 by inserting after paragraph XX the following new paragraph:

XX-a. "Publicly traded" means a company whose securities are traded on a securities exchange system approved and supervised by the Securities and Exchange Commission, including but not limited to the NYSE, AMEX, BSE, and NASDAQ. The term also includes a public reporting company that is subject to Sections 12 or 15(d) of the Securities Exchange Act of 1934.

12 License Application; Requirements; Investigations. Amend RSA 397-A:5, I and II(a) to read as follows:

I. To be considered for licensing, each person shall complete and file with the department one verified application prescribed by the commissioner. At a minimum, the application shall state the primary business address of the applicant, *the applicant's tax identification number*, the address of its principal office and all branch offices located or to be located within the state, and a list of the principals of the applicant. Each principal *and indirect owner* shall *provide his or her social security number and shall* authorize the commissioner to conduct a background check. The applicant shall submit any other information that the commissioner may require including, but not limited to, the applicant's form and place of organization, the applicant's proposed method of doing business, the qualifications and business history of the applicant and its principals, and the applicant's financial condition and history. The applicant shall disclose whether the applicant or any of its principals *or indirect owners* has ever been issued or been the subject of an injunction

or administrative order, has ever been convicted of a misdemeanor involving the lending industry or any aspect of the lending business or has ever been convicted of any felony.

II.(a) Unless the applicant is a publicly traded corporation, the department shall complete a background investigation and criminal history records check on the applicant's principals and any person in a similar position or performing similar functions. If the applicant is a subsidiary, the department shall complete a background investigation and criminal history records check on the ~~[principals of each equity]~~ **individuals who are indirect** ~~[owner of 10 percent or more of the applicant unless such equity owner is a publicly traded corporation]~~ **owners.**

13 License Applications; Requirements. Amend RSA 397-A:5, III(c) to read as follows:

(c) Each applicant shall be required to submit to the department detailed financial information sufficient for the commissioner to determine the applicant's ability to conduct the business of a mortgage banker or a mortgage broker with financial integrity. The application shall include a statement of net worth. An applicant or licensee shall demonstrate and maintain a positive net worth. Net worth statements provided in connection with a license application under this section shall be subject to review and verification during the course of any examination or investigation conducted under the authority of RSA 397-A:12. Each mortgage banker applicant shall demonstrate a net worth at all times of at least \$100,000 or increase their posted continuous surety bond to a total amount of \$100,000. Each mortgage **banker and** broker shall post a continuous surety bond in the amount of \$20,000 to the commissioner. Surety bonds shall include a provision requiring the surety to give written notice to the commissioner 20 days in advance of the cancellation or termination of the bond. Every bond shall provide that no recovery may be made against the bond unless the state makes a claim for recovery or the person brings suit naming the licensee within 6 years after the act upon which the recovery or suit is based.

14 New Paragraph; License Requirements. Amend RSA 397-A:5 by inserting after paragraph VI the following new paragraph:

VII. Licensees shall comply with the provisions of HOEPA at all times.

15 Change in Name; Ownership; Location. Amend RSA 397-A:10, IV to read as follows:

IV. Persons licensed under this chapter are under a continuing obligation to update information on file with the commissioner. If any information filed with the commissioner becomes materially inaccurate, the licensee must promptly submit to the commissioner an amendment to its application records that will correct the information on file with the commissioner. An amendment shall be considered to be filed promptly if the amendment is filed within 30 days of the event that requires the filing of the amendment. **Certain significant events as defined by rule shall be reported to the department in writing within 10 calendar days.**

16 Annual Report. Amend RSA 397-A:13, I to read as follows:

I. Each licensee shall file, under oath, an annual report with the banking department on or before February 1 each year concerning operations for the preceding year or license period ending December 31 upon the form prescribed by the banking department. The annual report shall include a list of all individuals, and the address of the work location **or an undertaking to provide the address immediately upon the department's request**, of each such individual, who act as originators for the licensee.

17 New Paragraph; Lender's Rights and Broker's Rights. Amend RSA 397-A:16 by inserting after paragraph IV the following new paragraph:

V. In order to issue rate lock commitments, a licensee shall comply with rules adopted by the commissioner.

18 Lender's and Broker's Rights; Second Mortgage Debt. Amend RSA 397-A:16-a, XIII to read as follows:

XIII. Any second mortgage loan made in violation of paragraphs I-VIII by any person shall be discharged upon payment or tender by the debtor or any person succeeding to his or her interest in such real estate of the principal sum actually borrowed. Any agreement

whereby the borrower waives the benefits of paragraphs I-VIII or releases any rights he or she may have acquired by virtue thereof shall be deemed against public policy and void. ~~[The superior court shall have jurisdiction of all suits arising under paragraphs I-VIII and, if a finding is made that such loan secured by any such mortgage violates paragraphs I-VIII, the borrower shall be entitled as a part of his or her costs to a reasonable fee for the services of an attorney in such suit.]~~

19 New Paragraph; Definitions. Amend RSA 397-B:1 by inserting after paragraph I-a the following new paragraph:

I-b. "Direct owner" means any person, including individuals, that owns, beneficially owns, has the right to vote, or has the power to sell or direct the sale of 10 percent or more of the applicant or licensee.

20 New Paragraph; Definitions. Amend RSA 397-B:1 by inserting after paragraph II the following new paragraph:

II-a. "Indirect owner" means, with respect to direct owners and other indirect owners in a multilayered organization:

(a) In the case of an owner that is a corporation, each of its shareholders that beneficially owns, has the right to vote, or has the power to sell or direct the sale of, 25 percent or more of that corporation.

(b) In the case of an owner that is a partnership, all general partners and those limited and special partners that have the right to receive upon dissolution, or have contributed, 25 percent or more of the partnership's capital.

(c) In the case of an owner that is a trust, the trust, each trustee and each beneficiary of 25 percent or more of the trust.

(d) In the case of an owner that is a Limited Liability Company ("LLC"):

(1) Those members that have the right to receive upon dissolution, or have contributed, 25 percent or more of the LLC's capital; and

(2) If managed by elected managers, all elected managers.

(e) In the case of an indirect owner, the parent owners of 25 percent or more of their subsidiary.

21 New Paragraph; Definitions. Amend RSA 397-B:1 by inserting after paragraph V the following new paragraph:

VI. "Publicly traded" means a company whose securities are traded on a securities exchange system approved and supervised by the Securities and Exchange Commission, including but not limited to the NYSE, AMEX, BSE, and NASDAQ. The term also includes a public reporting company that is subject to Sections 12 or 15(d) of the Securities Exchange Act of 1934.

22 Application of Chapter. Amend RSA 397-B:2, II to read as follows:

II. Persons subject to or ~~[licensed]~~ **registered** under this chapter shall abide by applicable federal laws and regulations, the laws and rules of this state, and the orders of the commissioner. Any violation of such law, regulation, or rule is a violation of this chapter.

23 Registration; Fees; Term; Renewal. Amend RSA 397-B:4, I(b) and (c) to read as follows:

(b) The applicant shall submit any other information that the commissioner may require including, but not limited to, the applicant's form and place of organization, **the applicant's tax identification number**, and the applicant's proposed method of doing business. The applicant shall disclose whether the applicant or any of its principals **or indirect owners** has ever been issued or been the subject of an injunction or administrative order, has ever been convicted of a misdemeanor involving the lending industry or any aspect of the lending business, or has ever been convicted of any felony. Each principal **and indirect owner** shall **provide his or her social security number and** authorize the commissioner to conduct a background check.

(c) Unless the applicant is a publicly traded corporation, the department shall complete a background investigation and criminal history records check on the applicant's

principals and any person in a similar position or performing similar functions. If the applicant is a subsidiary, the department shall complete a background investigation and criminal history records check on ~~[the principals of each equity owner of 10 percent or more of the applicant unless such equity owner is a publicly traded corporation]~~ **individuals who are indirect owners.**

24 Exemption. Amend RSA 397-B:10 to read as follows:

397-B:10 Exemption. The provisions of this chapter shall not apply to any bank, trust company, savings and loan association, or cooperative bank, savings bank, or credit union which may be chartered by this state or any other state or by any agency of the United States, nor shall the registration provisions of this chapter apply to any individual or entity licensed by the banking department **as a mortgage banker** in accordance with RSA 397-A.

25 New Paragraph; Definitions. Amend 399-A:1 by inserting after paragraph III-a the following new paragraph:

III-b. "Direct owner" means any person, including individuals, that owns, beneficially owns, has the right to vote, or has the power to sell or direct the sale of 10 percent or more of the applicant or licensee.

26 New Paragraph; Definitions. Amend 399-A:1 by inserting after paragraph V the following new paragraph:

V-a. "Indirect owner" means, with respect to direct owners and other indirect owners in a multilayered organization:

(a) In the case of an owner that is a corporation, each of its shareholders that beneficially owns, has the right to vote, or has the power to sell or direct the sale of, 25 percent or more of that corporation.

(b) In the case of an owner that is a partnership, all general partners and those limited and special partners that have the right to receive upon dissolution, or have contributed, 25 percent or more of the partnership's capital.

(c) In the case of an owner that is a trust, the trust, each trustee and each beneficiary of 25 percent or more of the trust.

(d) In the case of an owner that is a Limited Liability Company ("LLC"):

(1) Those members that have the right to receive upon dissolution, or have contributed, 25 percent or more of the LLC's capital; and

(2) If managed by elected managers, all elected managers.

(e) In the case of an indirect owner, the parent owners of 25 percent or more of their subsidiary.

27 New Paragraph; Definitions. Amend RSA 399-A:1 by inserting after paragraph XIII-a the following new paragraph:

XIII-b. "Publicly traded" means a company whose securities are traded on a securities exchange system approved and supervised by the Securities and Exchange Commission, including but not limited to the NYSE, AMEX, BSE, and NASDAQ. The term also includes a public reporting company that is subject to Sections 12 or 15(d) of the Securities Exchange Act of 1934.

28 Application and Fees. Amend RSA 399-A:3, 1(a) and (b) to read as follows:

I.(a) Every applicant for licensing under this chapter shall file with the commissioner a written verified application, on a form prescribed by the commissioner. The application shall contain the name of the applicant; **the applicant's tax identification number**; the address where the business is or is to be conducted and similar information for any branch office of the applicant; the trade name, if any, under which the applicant proposes to conduct such business; the articles of incorporation or organization or partnership agreement; the name and address of the New Hampshire resident agent if the applicant is a foreign entity; and such other pertinent information as the commissioner may require. The application shall include the names of the applicant's principals, **indirect owners**, and the name of any person occupying a similar status or performing similar functions. Each such principal **and indirect owner** shall **provide his or her social**

security number and shall authorize the commissioner to conduct a background check. The applicant shall submit any other information that the commissioner may require including, but not limited to, the applicant's form and place of organization, the applicant's proposed method of doing business, the qualifications and business history of the applicant and its principals, and the applicant's financial condition and history. The applicant shall disclose if any injunction or administrative order has been issued against the applicant or any of its principals **or indirect owners** and whether the applicant or any of its principals **or indirect owners** have been convicted of a misdemeanor involving the lending industry or any aspect of the lending business or of any felony. Each applicant and licensee who conducts payday or title loan lending shall maintain an office in this state that is accessible to consumers. Persons subject to this chapter shall be responsible for the supervision of their employees, agents, and branch offices. Each initial and renewal license application shall be accompanied by a nonrefundable application fee of \$450 for the principal place of business of the licensee and the sum of \$450 for each branch of such licensee maintained in this state.

(b) Unless the applicant is a publicly traded corporation, the department shall complete a background investigation and criminal history records check on the applicant's principals and any person in a similar position or performing similar functions. If the applicant is a subsidiary, the department shall complete a background investigation and criminal history records check on ~~[the principals of each equity owner of 10 percent or more of the applicant unless such equity owner is a publicly traded corporation]~~ **individuals who are indirect owners.**

29 Investigation of Application; License Requirements. Amend RSA 399-A:4, VII to read as follows:

VII. Persons licensed under this chapter are under a continuing obligation to update information on file with the commissioner. If any information filed with the commissioner becomes materially inaccurate, the licensee shall promptly submit an amendment to its application records that will correct the information on file with the commissioner. An amendment shall be considered to be filed promptly if the amendment is filed within 30 days of the event that requires the filing of the amendment. A licensee shall submit written notification to the department of the addition or deletion of a principal, and shall provide the name and address of each new principal no later than 30 days after such change. Each new principal shall authorize the commissioner to conduct a background check. The commissioner shall investigate management and ownership changes including, but not limited to, each principal's qualifications and business history. The licensee shall investigate and disclose any injunction or administrative order that has been issued against the principal and whether the principal has been convicted of a misdemeanor involving the lending industry or any aspect of the lending business or convicted of any felony, prior to the commissioner's approval of such change. ***Certain significant events as defined by rule shall be reported to the department in writing within 10 calendar days.***

30 New Paragraphs. Definitions. Amend RSA 399-D:2 by inserting after paragraph V-a the following new paragraphs:

V-b. "Direct owner" means any person, including individuals, that owns, beneficially owns, has the right to vote, or has the power to sell or direct the sale of 10 percent or more of the applicant or licensee.

V-c. "Indirect owner" means, with respect to direct owners and other indirect owners in a multilayered organization:

(a) In the case of an owner that is a corporation, each of its shareholders that beneficially owns, has the right to vote, or has the power to sell or direct the sale of, 25 percent or more of that corporation.

(b) In the case of an owner that is a partnership, all general partners and those limited and special partners that have the right to receive upon dissolution, or have contributed, 25 percent or more of the partnership's capital.

- (c) In the case of an owner that is a trust, the trust, each trustee and each beneficiary of 25 percent or more of the trust.
- (d) In the case of an owner that is a Limited Liability Company ("LLC"):
 - (1) Those members that have the right to receive upon dissolution, or have contributed, 25 percent or more of the LLC's capital; and
 - (2) If managed by elected managers, all elected managers.
- (e) In the case of an indirect owner, the parent owners of 25 percent or more of their subsidiary.

31 New Paragraph. Definitions. Amend RSA 399-D:2 by inserting after paragraph VIII the following new paragraph:

IX. "Publicly traded" means a company whose securities are traded on a securities exchange system approved and supervised by the Securities and Exchange Commission, including but not limited to the NYSE, AMEX, BSE, and NASDAQ. The term also includes a public reporting company that is subject to Sections 12 or 15(d) of the Securities Exchange Act of 1934.

32 License Application; Requirements; Investigations. Amend the introductory paragraph of RSA 399-D:5, II to read as follows:

II. To be considered for licensing, each person, firm, or corporation shall file with the department one verified application on a form prescribed by the commissioner. At a minimum, the application shall be in writing, setting forth the primary business address of the applicant, ***the applicant's tax identification number***, the address of its principal office and all branch offices located or to be located within the state, and a list of the principals ***or indirect owners*** and the name of any person occupying a similar status or performing similar functions. Each principal ***and indirect owner shall provide his or her social security number and*** shall authorize the commissioner to conduct a background check. The applicant shall submit any other information that the commissioner may require including, but not limited to, the applicant's form and place of organization, the applicant's proposed method of doing business, qualifications, and business history of the applicant and those persons listed in the application, and the applicant's financial condition and history. The applicant shall disclose if any injunction or administrative order has been issued against the applicant or any of its principals ***or indirect owners*** and whether the applicant or any of its principals ***or indirect owners*** have been convicted of a misdemeanor involving the lending industry or any aspect of the lending business or convicted of any felony. Each application shall designate the name and address of the manager or person in charge at each licensed location and shall contain other information required by rules adopted under this chapter. The applicant shall submit any other information that the commissioner may require. In addition:

33 License Application; Requirements; Investigations. Amend RSA 399-D:5, II(f) to read as follows:

(f) Unless the applicant is a publicly traded corporation, the department shall complete a background investigation and criminal history records check on the applicant's principals and any person in a similar position or performing similar functions. If the applicant is a subsidiary, the department shall complete a background investigation and criminal history records check on ~~the principals of each equity owner of 10 percent or more of the applicant unless such equity owner is a publicly traded corporation~~ ***individuals who are indirect owners.***

34 Licensee's Duties. Amend RSA 399-D:15, VII to read as follows:

VII. Persons licensed under this chapter are under a continuing obligation to update information on file with the commissioner. If any information filed with the commissioner becomes materially inaccurate, the licensee shall promptly submit to the commissioner an amendment to its application records that will correct the information on file with the commissioner. An amendment shall be considered to be filed promptly if the amendment is filed within 30 days of the event that required the filing of the amendment. ***Certain***

significant events as defined by rule shall be reported to the department in writing within 10 calendar days.

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

AMENDED ANALYSIS

This bill makes certain changes relative to licenses for first mortgage bankers, brokers, pawnbrokers, and money lenders.

This bill was requested by the banking department.

HB 1188, relative to notice before entry into a condominium unit. OUGHT TO PASS WITH AMENDMENT

Rep. Tara G. Reardon for Commerce: This bill provides condominium unit owners with the same right to prior notice before entry that is presently afforded under the landlord tenant law to renters. Additionally, it provides the condominium unit owners' association with the right to access after notice to enable them to exercise and discharge their responsibilities. Vote 16-0.

Amendment (0981h)

Amend RSA 356-B:41, I-a and I-b as inserted by section 1 of the bill by replacing them with the following:

I-a. No unit owners' association, its agents, or its employees shall willfully enter into the unit of a unit owner without providing prior notice to the owner, other than for emergency purposes.

I-b. No unit owner, tenant, or other person occupying a condominium unit shall willfully refuse the unit owners' association, its agents, or its employees access through a condominium unit as is necessary to enable them to exercise and discharge their respective powers and responsibilities at a reasonable time after notice which is adequate under the circumstances. But to the extent that damage is inflicted on the common areas or any unit through which access is taken, the unit owner causing the same, or the unit owners' association if it caused the same, shall be liable for the prompt repair thereof.

AMENDED ANALYSIS

This bill gives condominium unit owners the right to notice before the owners' association, its agents, or its employees may enter a unit other than for emergency purposes.

HB 1190, establishing a committee to study refunds of insurance premiums overcharged under SB 110. INEXPEDIENT TO LEGISLATE

Rep. Marshall E. Quandt for Commerce: This bill establishes a committee to study refunds of insurance premiums overcharged under SB 110. The committee felt that this information can be obtained by SB 125, Chapter 225, Laws of 2005 oversight committee. Vote 18-0.

HB 1192, relative to property and casualty insurance. OUGHT TO PASS WITH AMENDMENT

Rep. Charles L. Clark for Commerce: This bill is the result of a request by the insurance department to make certain clarifications, updates and technical changes relative to property and casualty insurance. The committee is in complete accord with the insurance department suggestions regarding updates needed to current statutes as a result of advancements in technology, new types of coverage, etc. Vote 18-0.

Amendment (0647h)

Amend the bill by deleting section 5 and renumbering the original sections 6-15 to read as 5-14, respectively.

Amend the bill by replacing all after section 13 with the following:

14 Insurance; Electronic Transmittal Added. Amend RSA 400-B:2, III to read as follows:

III. "Complaint" means [a] *any* written *or electronically transmitted* communication primarily expressing a grievance.

15 Insurance; Complaint Records. Amend RSA 400-B:7 to read as follows:

400-B:7 Complaint Records. The complaint records required to be maintained under RSA 417 shall include a complaint log or register, or grievance log or register for health insurers, in addition to the actual written complaints. The complaint log or register shall show clearly the total number of complaints for the current year plus the immediately preceding 5 years, the classification of each complaint by line of insurance and by complainant, the nature of each complaint, the insurer's disposition of each complaint, *the time it took to process each complaint*, and the complaint number assigned by the department, if applicable. If the insurer maintains the file in a computer format, the reference in the complaint log or register for locating the documentation shall be an identifier such as the policy number or other code. The codes shall be provided to the examiners at the time of an examination.

16 Insurance; Technical Correction. Amend RSA 417-B:3, II to read as follows:

II. Conviction of the named [~~insurer~~] *insured* of a crime having as one of its necessary elements an act increasing any hazard insured against.

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

HB 1274, relative to certain disclosures to the department of health and human services.
OUGHT TO PASS WITH AMENDMENT

Rep. Stephen T. DeStefano for Commerce: The original bill and the amendment asked to repeal RSA 125:15-a VIII relative to rulemaking for certain disclosures to the department of health and human services. The second section of the bill asked to repeal RSA 125:25-c relative to disclosure of certain ownership interests to the department of health and human services. The committee felt that disclosure was very important, so the amendment was a compromise between owners filing reports and making sure that the insured have the information on file about ownership of physicians in the companies to which they have been referred. Vote 16-1.

Amendment (1044h)

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

1 Disclosure to Respective Boards; Ownership Interest. RSA 125:25-c is repealed and reenacted to read as follows:

125:25-c Disclosure to the Licensing Authority.

I. Notwithstanding any other section of the law, any health care practitioner who has an ownership interest in an entity which provides diagnostic or therapeutic services shall disclose such interest to the appropriate licensing authority regardless of whether any referrals are provided to the health care practitioner's entity or any other entity. In the disclosure to the appropriate licensing authority, the health care practitioner shall list all diagnostic and therapeutic services provided by any entity in which the health care practitioner has an ownership interest. Disclosure of ownership, as well as the percentage of ownership interest in each entity or entities, shall be made upon application for and renewal of the health care practitioner's license, on the application and renewal form.

II. An entity which provides diagnostic and therapeutic services shall include services provided by an entity within a hospital, but which is not owned by the hospital.

III. This section shall not apply to in-office ancillary services.

IV. Failure to report such ownership interest may result in disciplinary action by the licensing authority.

2 Repeal. RSA 125:15-a, VIII, relative to rulemaking for certain disclosures, is repealed.

3 Effective Date. This act shall take effect July 1, 2006.

AMENDED ANALYSIS

This bill requires a health care practitioner to report an ownership interest in certain health care facilities and businesses to their respective licensing boards instead of the department of health and human services.

HB 1276, relative to automobile insurance. **INEXPEDIENT TO LEGISLATE**

Rep. Donald H. Flanders for Commerce: This bill would prohibit an insurer from charging or increasing a premium under an automobile policy for an adult living in the household of the policyholder, if the adult holds a valid title to an automobile and the policyholder requests that the adult not be included on the policy. This cannot be done as it would be in violation of the provisions of RSA 264:18 which spells out the required provisions of a motor vehicle liability policy issued in New Hampshire. Vote 17-0.

HB 1291, relative to automobile insurance coverage for drivers in the same household as the policyholder. **INEXPEDIENT TO LEGISLATE**

Rep. Donald H. Flanders for Commerce: This bill requires insurance companies to permit an automobile insurance policy holder to decline coverage for drivers in the same household. This cannot be done as it would be in violation of the provisions of RSA 264:18 which spells out the required provisions of a motor vehicle liability policy issued in New Hampshire. Vote 17-0.

HB 1327, requiring a vote by the tenants who are owners of manufactured housing park units prior to purchase of the manufactured housing park by the tenant or tenants' association. **INEXPEDIENT TO LEGISLATE**

Rep. Donald H. Flanders for Commerce: After a thorough review of the evidence presented, the committee felt that this bill would create a severe hardship for tenant associations to purchase manufactured housing parks by shortening the period for finalizing a purchase from 60 to 30 days, and requiring 51% of the parks' tenants to vote in favor of the acquisition prior to proceeding. The current rules are working well and we see no reason to change them at this time. Vote 15-2.

HB 1338, relative to medical malpractice insurance rates. **INEXPEDIENT TO LEGISLATE**

Rep. Stephen B. Stepanek for Commerce: This bill would freeze malpractice rates until the final report of the committee to study medical malpractice insurance rates. This report is not due out until December 1, 2010. Although we appreciate the intent of the sponsors, freezing the malpractice rates for this long would effectively eliminate malpractice insurance in New Hampshire. Vote 18-0.

HB 1355, permitting the use of certain campers or recreational vehicles in manufactured housing parks. **INEXPEDIENT TO LEGISLATE**

Rep. Donald H. Flanders for Commerce: After hearing all testimony, it was determined that RSA 205-A:2 excludes campers or recreational vehicles within the definition of manufactured housing and therefore they are not eligible to rent space from a manufactured housing park. It also appeared to be primarily a local issue so the committee felt it could be better addressed through municipal rules and ordinances. Vote 14-4.

HB 1365, relative to public pooled risk management. **INEXPEDIENT TO LEGISLATE**

Rep. Tara G. Reardon for Commerce: This bill would require all three boards of the New Hampshire Public Pooled Risk Management to be elected or appointed public officials, officer or employees of an entity that is a member of the pool. The committee amended this statute in 1997 to require that a majority of the board be elected or appointed public officials, officers, or employees. Two of the boards already consist of all elected or appointed officials and the third has a 10-member board with two non-elected or appointed members. A

representative of the board stated that they like to have the ability to include a board member with professional expertise at times and this has never proven to be a problem. Noting that no issues have occurred with these non-elected or appointed members, the committee did not feel this legislation warranted. Vote 17-0.

HB 1447, requiring a New Hampshire bank to credit a customer's account within 24 hours of notification that a check is good. **INEXPEDIENT TO LEGISLATE**

Rep. Tara G. Reardon for Commerce: The determination of the availability of funds is determined by federal law, Regulation CC. Any law enacted to vary that procedure would only apply to our state-chartered banks, that quite often make funds available sooner than the federal guidelines provide. Vote 18-0.

HB 1469-FN, requiring hospitals to make the price of certain common procedures available to the public. **INEXPEDIENT TO LEGISLATE**

Rep. Marshall E. Quandt for Commerce: This bill requires hospitals to compile a list of charges for common services. This bill grants rulemaking authority to the commissioner of the Department of Health and Human Services. The majority of the committee, including the sponsor, agreed that the issues raised by this bill are expected to be covered by other legislation. Vote 17-1.

HB 1485, establishing a commission to study the feasibility of forming self-insurance groups for medical malpractice. **INEXPEDIENT TO LEGISLATE**

Rep. Stephen B. Stepanek for Commerce: There is nothing that now prevents any group from being formed to provide self-insurance for medical malpractice. In fact, the New Hampshire Medical Society has looked at this issue twice and Southern New Hampshire Medical of Nashua also investigated self-insurance. In all three situations, it was found that the capital requirement to allow a medical malpractice self-insurance group to be formed was so large as to make it impractical. It was felt by the committee that this commission was not needed. Vote 15-3.

HB 1488, establishing a committee to study regulation of employers self-insured group health plans. **INEXPEDIENT TO LEGISLATE**

Rep. Stephen T. Pelkey for Commerce: Self-insured group health plans fall under federal jurisdiction of Employee Retirement Income Security Act (ERISA) and therefore are not subject to mandates imposed by the state. Vote 15-2.

HB 1513, requiring legislative approval for changes to the purpose of a special corporation. **INEXPEDIENT TO LEGISLATE**

Rep. Stephen T. Pelkey for Commerce: On September 20, 2005, SB 70, Chapter 282, Laws of 2005, relative to the powers of a special corporation, became law amending RSA 292:8-1 by adding paragraph II which permits the purpose of a special corporation to be changed by a majority vote of the corporation and the filing of a certified copy of the vote with the Secretary of State. This bill would basically nullify what was passed last session after only five months of existence. The Attorney General's office opposes this bill. Vote 17-0.

HB 1528, establishing a committee to study the adequacy of consumer protection laws in New Hampshire. **INEXPEDIENT TO LEGISLATE**

Rep. Stella Scamman for Commerce: This bill would create another committee to study the adequacy of consumer protection laws in New Hampshire. The committee felt that this study committee was not necessary. These issues have all been addressed under separate legislation in the recent past. Vote 18-0.

HB 1533, relative to services provided by manufacturers and distributors of beer to beer

retailers. **INEXPEDIENT TO LEGISLATE**

Rep. David H. Kidder for Commerce: This bill would permit manufacturers and distributors of beer to provide carbon dioxide filters to beer retailers and would be an exception to RSA 179:11. It was decided that it was more appropriate to tackle this problem from the Liquor Commission end as opposed to the distributor/vendor end of the situation. Vote 18-0.

HB 1537, relative to the procedure for resolving disputes regarding construction defects between homeowners and contractors. **INEXPEDIENT TO LEGISLATE**

Rep. Tara G. Reardon for Commerce: The committee made great effort last year to put in place a dispute resolution process to keep contractors and homeowners out of court. This bill was filed prior to the new procedure becoming effective on January 1, 2006. We have enhanced the powers of the Attorney General's Office, Consumer Protection Division to pursue and prosecute the criminals who are holding themselves out as contractors and defrauding consumers. We would like to wait and see how the new law works. Vote 18-0.

HB 1555, establishing a commission to investigate cost drivers in providing health care. **OUGHT TO PASS WITH AMENDMENT**

Rep. Stella Scamman for Commerce: The amendment to this bill adds a member from the Retail Merchants Association and creates a 20 member commission. The amendment also refers to federal and state reimbursement associated with cost shifting. The committee believes that passing this bill and investigating healthcare cost drivers is an important step to finding solutions. Vote 18-0.

Amendment (0905h)

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

(n) One member of the Retail Merchants Association of New Hampshire, appointed by such association.

Amend paragraph I of section 3 of the bill by replacing it with the following:

I. Cost shifting associated with federal and state reimbursements.

HB 1592-FN, making certain changes in the insurance laws. **OUGHT TO PASS WITH AMENDMENT**

Rep. Donald H. Flanders for Commerce: This is a bill that was requested by the insurance department to clarify certain continuation of coverage proceedings in the group accident and health insurance provisions. It also requires insurance carriers to continue to provide benefits to covered members under a group insurance policy which has been cancelled for any reason for up to 39 weeks or until such member becomes eligible for benefits under another group, whichever comes first. Where coverage has ended as a result of nonpayment of premiums, the member electing continuation coverage shall not be liable for any accrued and unpaid premium that was the employer's responsibility under the policy, or any amount previously paid by the person for coverage under the policy that, due to the employer's actions, was not paid to the carrier. Vote 18-0.

Amendment (1048h)

Amend the bill by replacing section 5 with the following:

5 New Paragraphs; Continuation of Coverage; Termination of Coverage. Amend RSA 415:18 by inserting after paragraph XIV the following new paragraphs:

XV. In paragraphs XVI and XVII:

(a) "Carrier" means an entity that offers or provides a policy, contract, or certificate of insurance coverage in this state. "Carrier" shall include an insurer, a health maintenance organization, or any other entity providing a policy, contract, or certificate of insurance coverage subject to state insurance regulation.

(b) "Cancellation" means the circumstance when the employer/employee relationship ceases to exist.

(c) "Individual" means any person covered under a group health plan, including but not limited to, the covered employee, the spouse of the covered employee, whether surviving, dependent, former dependent, or legally separated; or the dependent child of the employee, and any other person including a child born or placed for adoption with the covered employee, who is covered under a group health plan through the employment relationship.

(d) "Health insurance" means all group hospital and medical expense policies subject to RSA 415, group health service plan contracts pursuant to RSA 420-A, and health maintenance organization policies and plans issued pursuant to RSA 420-B, and all other plans that are additionally subject to RSA 420-G, except for small employers of size one defined pursuant to RSA 420-G:2, XVI.

(e) "Entire group termination" means that circumstance when all health insurance coverage to the group ends.

XVI. Continuation of Coverage.

(a) Carriers shall provide continuation of coverage when an individual covered by a plan of group health insurance that provides medical, hospital, and/or surgical expense benefits, except short-term student insurance where the policyholder is the school, loses coverage under the plan, coverage shall be provided in accordance with the procedures described in this section.

(b) Continuation coverage shall be identical to the coverage provided to other similarly situated members of the group that are still covered by the plan. The policy shall not be changed, except that normal premium rate increases or decreases upon renewal affecting the group plan may also affect the continuation premium rate. The effective date of continuation coverage shall be the date the individual's coverage under the group plan ceased.

(c) Periods of coverage shall be as follows:

(1) Eighteen month period – When any individual loses coverage under a group health insurance plan for any reason except dismissal from employment for gross misconduct or carrier termination, coverage shall continue subject to this section for a period of 18 months, unless the individual is eligible for coverage under subparagraph (2), (3), (4), or (5).

(2) Thirty-nine week period (entire group insurance termination) – Whenever the entire group is terminated, coverage shall continue subject to this section for a period of 39 weeks. Where an individual has continuation coverage, coverage shall continue until it would have expired had the plan not been terminated or for 39 weeks, whichever occurs first.

(3) Twenty-nine month period (disability) – An individual who is determined to be disabled within the first 60 days of the date such individual loses coverage shall be entitled to 29 months of continuation coverage. Determination of disability shall be under Title II or XVI of the federal Social Security Act or any future Act that has the same purpose.

(4) Thirty-six month period – Subject to subparagraph (e), coverage shall continue subject to this section for a period of 36 months if any individual loses coverage under a group health insurance plan for one of the following reasons:

(A) Death of a covered employee;

(B) The divorce or the legal separation of the covered employee;

(C) A substantial loss of coverage by retirees and dependents within one year of the employer filing for protection under the bankruptcy provisions of Title 11 of the United States Code; or

(D) A dependent child ceasing to be a dependent child.

(5) Eligible for Medicare – When the surviving spouse, divorced spouse, or legally separated spouse is 55 years of age or older and loses coverage because of the death,

divorce, or legal separation of the covered employee, coverage shall continue subject to this section until such time as the spouse becomes eligible for participation in another employer-based group plan or becomes eligible for Medicare.

(d) Premium Payments:

(1) Determination. When an individual's coverage has ended, the amount of the premium charged to the individual electing continuation coverage shall not exceed 102 percent of the group premium amount.

(2) Responsibilities:

(A) It shall be the responsibility of the employer to notify the carrier when an individual loses coverage under the employer's plan, and it shall be the responsibility of the carrier to notify the individual of the right to elect continuation coverage.

(B) It shall be the responsibility of the individual electing continuation coverage to make timely premium payments. Failure to make a timely remittance of the premium shall be grounds for cancellation.

(C) Where the premium is submitted to the carrier through the employer or plan administrator, it shall be the responsibility of the employer or plan administrator to promptly forward payments received from the individual to the carrier.

(3) Liabilities:

(A) If the employer or plan administrator responsible fails to forward the premium payment and the individual's continuation coverage is terminated as a result, the employer or plan administrator shall be liable for benefits to the same extent that the carrier would have been if coverage had not been terminated.

(B) Whenever a carrier fails to notify an individual that his or her coverage will not continue unless the individual so elects, the carrier shall be liable, in accordance with the terms of the policy, for claims accrued until such notice is made, except that any carrier that in good faith mailed a notice to the last known address of the individual shall not be held liable. Such carrier's liability shall in no way diminish the liability of the employer.

(4) Notice Requirements and Procedures.

(A) A carrier shall notify the employer or individual of the discontinuance or termination of a policy as follows:

(i) Notice of the right to continue coverage shall be set forth in each master policy and individual certificate of coverage.

(ii) When coverage for an individual will cease under the group policy, the carrier shall notify the individual of the individual's right to continue, the amount of the premium required to continue coverage, and the procedure for electing continuation coverage. The notice of continuation shall specify the election period that shall not be less than 31 days after the date of the notice and shall be mailed to the last known address of the individual provided by the employer or plan administrator.

(iii) The carrier shall specify in each notice of continuation whether premium payments are to be remitted to the employer, plan administrator, or directly to the carrier.

(iv) If the employer or plan administrator to which the premium payments have been remitted fails to forward the premium payment and the individual's continuation coverage is terminated as a result, the employer or plan administrator shall be liable for the benefits to the same extent that the carrier would have been if coverage had not been terminated.

(v) The carrier shall notify the individual of the right to continue coverage within 15 days of the date the coverage ceased. The additional period shall expire 31 days after the date of the notice.

(B) When the individual shall notify the carrier or the employer:

(i) An individual electing continuation coverage shall notify the carrier in writing with a copy of the notice provided to the employer or plan administrator when the election is made. Such election shall be made within 31 days of the date of notice.

(ii) Where the employee's spouse is also covered by the group plan, and there is a divorce or legal separation, the employee shall notify the employer of the divorce or separation within 30 days, and shall provide the employer and carrier with the employee's spouse's mailing address. In case of a divorce or legal separation, the carrier shall provide a separate notice of the right to continue to the divorced or separated spouse. The divorced or separated spouse may elect to continue coverage by notifying the carrier within 31 days of the date of the notice and remitting the premium payment.

(C) Election and waiver:

(i) Election by the individual shall be made within 31 days of the date of the notice of the right to continue, by written notice to the carrier and the employer. The required premium payment, as specified in the notice of the right to continue, shall be remitted as required in the notice with the written notice of election.

(ii) Where an individual declines the right to continue coverage, waiver shall be made by an affirmative means of declination, including but not limited to written declination of continuation coverage or electronic contact to the employer or plan administrator.

(iii) Where proper notice has been given, and no response is made within 31 days, coverage may be deemed waived if the carrier has in good faith made reasonable efforts to contact the eligible individual. However, no carrier may deem any coverage waived if a notice does not fully comply with this section.

(iv) Where an individual has attempted to notify the carrier, employer, or plan administrator of election, and where the written election has not included a premium payment, the carrier, employer, or administrator shall allow the individual to fully comply by paying the full amount of the unpaid premiums within 31 days.

(v) Where more than one person covered by the group health insurance plan will lose coverage as a result of the covered employee's termination from the group, each individual shall be provided with a notice and shall have the opportunity to elect or waive coverage. Where there is a choice among plans, each individual shall have the opportunity to choose a plan.

(e) End of continuation coverage. Nothing in this chapter shall require a carrier to continue coverage beyond:

(1) The first day of the month following the individual's eligibility for a group plan through a different employer;

(2) In the case of an individual that is eligible for Medicare, the date of the first Medicare open enrollment period following the date the individual became ineligible for continued participation under the group plan;

(3) In the case of a period of extended coverage for a person who has been determined to be disabled during the first 60 days of continuation coverage, the month that begins more than 30 days after the date of a final determination that the person is no longer disabled;

(4) The date on which continuation coverage ceases because the individual has failed to pay the premium. The individual shall be given a 30-day grace period before coverage is cancelled, and shall be provided with a notice within 15 days of the date of termination that the coverage will be cancelled if the premium is not paid; or

(5) The date on which the group plan terminates subject to the continuation rights set forth in RSA 415:26.

XVII. Termination of Coverage.

(a) Whenever any group hospital, surgical, medical insurance plan, or health maintenance organization coverage terminates for any reason, the benefits of such plan shall be available at the same group rate to the covered members of the group plan, for an

extension period of 39 weeks, or until such member of the group plan becomes eligible for benefits under another group plan, whichever occurs first.

(b) Written notice of the right to continue such group coverage upon termination shall be given by the carrier in each master policy, certificate, and group policy. The carrier shall send the notice within 15 days of the termination of the policy to the policyholder and each certificate holder under the policy.

(c) The member electing continuation of coverage under this subparagraph shall provide the carrier written notice of election together with the required premium contribution within 31 days of the date of the notice. The group rate shall be paid by the member directly to the carrier. The premium rate shall be that required for the coverage being continued and shall not exceed the applicable group rate, but a reasonable administrative fee not to exceed 2 percent of the monthly premium may be charged to offset billing and payment costs.

(d) If group members become entitled to the 39-week extension period due to termination of the policy, the carrier shall:

(1) Notify such person or member of the option to elect continuation of coverage for the extension period of 39 weeks and the conditions applicable to such coverage within 15 days of the date the plan terminates.

(2) If the carrier fails to notify the members of the termination of the group plan within 15 days of the date of termination of the group coverage, the members shall not be liable for any premiums that have not been paid prior to the date the notice was sent. In no event shall a person or member entitled to coverage for the extension period of 39 weeks be responsible for premiums accrued and unpaid prior to the date of the termination or cancellation of the coverage.

(3) Where coverage has ended as a result of an employer's nonpayment of premiums, the member electing continuation coverage shall not be liable for any accrued and unpaid premium that was the employer's responsibility under the policy, or any amount previously paid by the person for coverage under the policy that due to the employer's actions was not paid to the carrier.

(e) If the carrier fails to comply with the applicable employee notification requirements, the carrier shall be liable for lost benefits payable under and according to the terms of the group policy or contract to the employee resulting from the termination of the employee's benefit plan. Such liability shall extend only for the period of non-compliance beginning on the date notification of the employee was required and ending 31 days after the date notice was mailed.

Amend the bill by inserting after section 11 the following and renumbering the original sections 12 and 13 to read as 15 and 16, respectively:

12 Individual Health Insurance Market; Eligibility. Amend RSA 404-G:5-e, V(c) to read as follows:

(c) The individual's premiums are paid for or reimbursed by the health care provider **or the individual's premiums are paid by any government sponsored program or government agency**, except if the person is ~~[an "eligible individual" as defined in section 2741(b) of the Public Health Service Act]~~ **eligible under RSA 404-G:5-e, I(d) or (e).**

13 Individual Health Insurance Market; Reference Change. Amend RSA 404-G:5-f, II to read as follows:

II. The following provisions of title 37 shall apply to the pool to the extent applicable and not inconsistent with the express provisions of this chapter: RSA 415:5, 415:6, 415:6-a, 415:6-b, 415:6-c, 415:6-f, 415:6-g, 415:6-h, 415:7, 415:9--415:13, 415:22, 415:22-a, 415:22-b, 415:23, RSA 415-A, RSA 417, RSA 420-B:8, 420-B:8-b, 420-B:8-d, 420-B:8-e, 420-B:8-ee, 420-B:8-f, 420-B:8-ff, 420-B:8-g, 420-B:8-gg, 420-B:8-h, 420-B:8-i, 420-B:8-j, 420-B:8-k, 420-B:8-m, 420-B:11-12, RSA 420-C, RSA 420-E:4, RSA 420-G:7, ~~[420-G:8,]~~ 420-G: 11, RSA 420-H, RSA 420-I, and RSA ~~[420-J:3]~~ **420-J**. For the purposes of this chapter, the pool shall be deemed

an insurer, pool coverage shall be deemed individual health insurance, and pool coverage contracts shall be deemed policies.

14 New Paragraph; Health Coverage; Enrollment. Amend RSA 420-G:8 by inserting after paragraph II the following new paragraph:

II-a. Notwithstanding the provisions of paragraph I-a and II, small employers who are self-employed individuals shall have 90 days from the date their business is first established to enroll in a plan. Health carriers shall make their plans available to such individuals for effective dates beginning on the first day of the month following enrollment. Amend the bill by replacing section 16 with the following:

16 Effective Date. This act shall take effect January 1, 2007.

HB 1652-FN, relative to certain insurance claims. OUGHT TO PASS WITH AMENDMENT

Rep. Donald H. Flanders for Commerce: This bill clarifies when an insurer may impose a retroactive denial of a previously paid claim beyond 18 months and codifies the details in such a manner that it should eliminate the problems that have occurred in the past. It was fully supported by both the industry and the insurance department. Vote 18-0.

Amendment (1149h)

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

1 Individual Health Care Insurance; Retroactive Denials. Amend RSA 415:6-i, II(b)(5) to read as follows:

(5) The claim payment is the subject of ***an*** adjustment with ~~[another]~~ ***a different*** insurer, administrator, or payor ***and such adjustment is not affected by a contractual relationship, association, or affiliation involving claims payment, processing, or pricing;*** or

2 Group Health Insurance; Retroactive Denials. Amend RSA 415:18-m, II(b)(5) to read as follows:

(5) The claim payment is the subject of ***an*** adjustment with ~~[another]~~ ***a different*** insurer, administrator, or payor ***and such adjustment is not affected by a contractual relationship, association, or affiliation involving claims payment, processing, or pricing;*** or

3 Health Service Corporations; Retroactive Denials. Amend RSA 420-A:17-e, II(b)(5) to read as follows:

(5) The claim payment is the subject of ***an*** adjustment with ~~[another]~~ ***a different*** insurer, administrator, or payor ***and such adjustment is not affected by a contractual relationship, association, or affiliation involving claims payment, processing, or pricing;*** or

4 Managed Care; Retroactive Denials. Amend RSA 420-J:8-b, II(b)(5) to read as follows:

(5) The claim payment is the subject of ***an*** adjustment with ~~[another]~~ ***a different*** insurer, administrator, or payor ***and such adjustment is not affected by a contractual relationship, association, or affiliation involving claims payment, processing, or pricing;*** or

5 Effective Date. This act shall take effect 90 days after its passage.

HB 1668, relative to providing bank account balance information. INEXPEDIENT TO LEGISLATE

Rep. Tara G. Reardon for Commerce: The intent of this bill was to prevent an unauthorized person from making a deposit into an account, learning the balance and then defrauding the customer. It appears only one bank prints balances on the deposit slip and they have never encountered this scenario. They testified it would be extremely expensive for them to change their software, which currently prints balances because 95% of their customers request it. Because this would only affect state-chartered banks, it could be an incentive for a bank to

change to a federal charter. Additionally, a minimal deposit made, on camera at the bank, would be unlikely and most likely generate a “suspicious activity” report by the lender. Vote 18-0.

HB 1769, relative to insurance records required for market conduct purposes.

INEXPEDIENT TO LEGISLATE

Rep. Stephen T. DeStefano for Commerce: This bill would interfere with existing contracts between insurance companies and their agents with respect to record keeping. The record keeping is a cost of doing business and should be left to the parties to agree upon. This bill goes far beyond its intended purpose of market conduct examination. Vote 15-3.

HB 298, relative to consolidating statutes relating to driving while intoxicated. **OUGHT TO PASS WITH AMENDMENT**

Rep. John E. Tholl for Criminal Justice and Public Safety: This bill is a 2nd committee referral, having already passed the house on the consent calendar. The bill simply places all of the existing DWI statutes under one title (XXI) making no changes to existing law. The committee amended the bill to assure that Fish and Game officers could still retain the ability to enforce portions of the DWI laws pertaining to OHRV's, snowmobiles, watercraft and boats that they currently have under existing statutes. Vote 18-0.

Amendment (0830h)

Amend the introductory paragraph of RSA 265-A:2, I as inserted by section 1 of the bill by replacing it with the following:

I. No person shall drive or attempt to drive a vehicle upon any way or operate or attempt to operate an OHRV:

Amend the bill by inserting after section 35 the following and renumbering the original sections 36-37 to read as 37-38, respectively:

36 Fish and Game; Executive Director and Conservation Officers; Enforcement Power.

Amend RSA 206:26-b, I to read as follows:

I. The executive director and each conservation officer shall:

(a) Be ex officio constables throughout the state; ~~and~~

(b) Have general power to enforce all criminal laws of the state and to serve criminal processes and make arrests, under proper warrants, in all counties; **and**

(c) Have general power to enforce any provision of RSA title XXI relative to the operation of OHRVs, snowmobiles, watercraft, or boats.

HB 624-FN, relative to penalties in certain health and health-related professions. **OUGHT TO PASS**

Rep. John E. Tholl for Criminal Justice and Public Safety: Criminal Justice received this bill as a second committee to review the penalties. No one appeared at the public hearing to oppose the issue and the committee felt that making the penalty consistent with the other licensing statutes was the appropriate thing to do. Vote 15-2.

HB 1155, creating a violation for failure to pay a highway toll. **OUGHT TO PASS**

Rep. Stanley E. Stevens for Criminal Justice and Public Safety: This bill came to us as a second committee to review the penalty. The bill itself deals with failure to pay a highway toll and the committee unanimously agreed that a violation is an appropriate penalty for this infraction. Vote 14-0.

HB 1180, relative to distributing sexual offender registry information. **INEXPEDIENT TO LEGISLATE**

Rep. Laura C. Pantelakos for Criminal Justice and Public Safety: The bill intends to allow local law enforcement agencies, at the discretion of the governing body, to distribute

information about sex offenders living in the geographical area. The committee felt there are many flaws in this bill. The governing body is different in different parts of the state. The committee feels this might become an Article 28A issue. The subject is addressed in another bill currently in the committee. Vote 16-0.

HB 1209, relative to notification requirements for criminal offenders. **OUGHT TO PASS WITH AMENDMENT**

Rep. Gene P. Charron for Criminal Justice and Public Safety: This bill requires a school administrative unit, school district, or charter school to adopt a policy designating certain categories of volunteers as “designated volunteers” who may be required to undergo a background check and background investigation. It allows local law enforcement agencies to notify schools within its jurisdiction of the address of a registered criminal offender, provides limited liability to a school administrative unit, school district, or charter school for permitting certain volunteers to have contact with students. Vote 16-0.

Amendment (1229h)

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

1 School Boards; School Employee and Volunteer Background Investigations. Amend RSA 189:13-a, VI-VII to read as follows:

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

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

2 New Paragraph; School Boards; School Employee and Volunteer Background Investigations. Amend RSA 189:13-a by inserting after paragraph VII the following new paragraph:

VIII. A school administrative unit, school district, or charter school which has adopted a policy establishing procedures for certain volunteers shall be immune from civil or criminal liability, provided the school administrative unit, school district, or charter school has acted in accordance with its policy.

3 Registration of Criminal Offenders; Release of Certain Sexual Offenders into the Community. Amend RSA 651-B:3 to read as follows:

651-B:3 Release of Certain Sexual Offenders Into the Community; Duties.

I. Upon release of any sexual offender or offender against children required to register, whether on probation, parole, conditional or unconditional release, completion of sentence, release from secure psychiatric care, or for any other reason, the official in charge of such release shall notify the offender of the offender’s duty to report under this chapter. The offender shall acknowledge in writing that he has received such notice. The official shall obtain the address at which the offender expects to reside upon release and shall report such address to the department. The department shall inform the local law enforcement agency **in the city or town** where the offender expects to reside. **The local law enforcement agency in the city or town where the offender expects to reside may notify all schools**

within its jurisdiction of the address at which the offender expects to reside. If such notification occurs, the local law enforcement agency shall notify all schools within its jurisdiction of any changes to the offender's information made pursuant to RSA 651-B:5. The division shall enter the information concerning the offender's release and notification in the LENS system.

II. Upon receipt from any out-of-state law enforcement agency of information that a sex offender or offender against children has moved to New Hampshire, the department shall locate and shall serve notice upon such offender of the offender's duty to report under this chapter. The offender shall acknowledge in writing that the offender has received such notice. The department shall obtain the address at which the offender expects to reside and shall inform the local law enforcement agency. *The local law enforcement agency in the city or town where the offender expects to reside may notify all schools within its jurisdiction of the address at which the offender expects to reside.* The division shall enter the information concerning the offender's location in New Hampshire and notification in the LENS system.

4 New Paragraph; Registration of Criminal Offenders; Change of Name or Alias or Address. Amend RSA 651-B:5 by inserting after paragraph III the following new paragraph:

IV. The local law enforcement agency in the city or town of the offender's new place of residence may notify all schools within its jurisdiction of a change in residence of a person required to be registered under this chapter. The local law enforcement agency in the city or town where the offender resides may notify all schools within its jurisdiction of any change in name or alias of a person required to be registered under this chapter.

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

AMENDED ANALYSIS

This bill:

I. Requires a school administrative unit, school district, or charter school to adopt a policy designating certain categories of volunteers as "designated volunteers" who may be required to undergo a background investigation and a criminal history records check.

II. Allows local law enforcement agencies to notify schools within its jurisdiction of the address of a registered criminal offender.

III. Provides limited liability to a school administrative unit, school district, or charter school for permitting certain volunteers to have direct contact with students.

HB 1235-FN, establishing a criminal penalty for driving a commercial motor vehicle while violating an out-of-service order. **OUGHT TO PASS**

Rep. Jordan G. Ulery for Criminal Justice and Public Safety: This bill modifies RSA 263:93-

a. Under current law, there is no immediate tool available to law enforcement when a commercial driver, or that driver's employer, operates a commercial vehicle following the issuance of an "out-of-service" order to either a vehicle or driver. This bill creates a misdemeanor crime for "jumping" such an order. This bill is a deterrent to both the driver, or the driver's employer to such violation of an order and results in safer commercial motor vehicle operation. The Department of Safety testified in favor of this bill. Vote 14-0.

HB 1349, relative to costs of personnel and rates for equipment use in hazardous waste incidents. **OUGHT TO PASS**

Rep. Bob M. Fesh for Criminal Justice and Public Safety: This bill would permit establishment of state-wide rates which would be fair and reasonable relative to costs of personnel and rates for equipment use in hazardous waste incidents. This responds to the frustration expressed by municipalities and the Department of Environmental Services. Vote 12-0.

HB 1369, relative to the posting of signs restricting the bearing of arms. **INEXPEDIENT TO LEGISLATE**

Rep. John E. Tholl, Jr. for Criminal Justice and Public Safety: While the committee understands the intent of the bill, the members of the committee were unable to produce an amendment that would have been workable. Numerous attempts by the sponsor and others failed to provide an acceptable piece of legislation that satisfied the committee. Vote 16-0.

HB 1377, relative to certain mandatory minimum sentences. **OUGHT TO PASS WITH AMENDMENT**

Rep. William V. Knowles for Criminal Justice and Public Safety: This bill eliminates a mandatory one year sentence of imprisonment in addition to the sentence provided for the underlying felony for the felonious use of a firearm, first offense. In addition, it eliminates the three year minimum mandatory sentence for reckless conduct, a felony, an element of which is the possession, use or attempted use of a deadly weapon which is a firearm. This will give judges more sentencing discretion. We have seen instances where shooting a firearm in the air has resulted in three years mandatory jail time. Another element of the bill clarifies a violent crime under incest and endangering the welfare of a child. The violent crime will apply if the victim is under the age of 18 under the incest statute and under the age of 16 under the endangerment statute when the prosecution is for the solicitation to engage in child pornography, or sexual penetration. Vote 16-0.

Amendment (0657h)

Amend RSA 651:2, II-b as inserted by section 1 of the bill by replacing it with the following:

II-b. A person convicted of **a second or subsequent offense for** the felonious use of a firearm, as provided in RSA 650-A:1, shall, in addition to any punishment provided for the underlying felony, be given a ~~[minimum mandatory sentence of one year imprisonment for a first offense and a]~~ minimum mandatory sentence of 3 ~~[years]~~ **years** imprisonment ~~[for any subsequent offense]~~. Neither the whole nor any part of the additional sentence of imprisonment hereby provided shall be served concurrently with any other term nor shall the whole or any part of such additional term of imprisonment be suspended. No action brought to enforce sentencing under this section shall be continued for sentencing, nor shall the provisions of RSA 651-A relative to parole apply to any sentence of imprisonment imposed.

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

2 New Paragraph; Assault and Related Offenses; Reckless Conduct. Amend RSA 631:3 by inserting after paragraph II the following new paragraph:

III. A person convicted of a class B felony offense under this section shall not be subject to the provisions of RSA 651:2, II-g.

3 Sentences; Sentences and Limitations. Amend RSA 651:5, XIII(g) to read as follows:

(g) Incest under RSA 639:2, **III** or endangering the welfare of a child by solicitation under RSA 639:3, III; or

4 Effective Date. This act shall take effect January 1, 2007.

AMENDED ANALYSIS

This bill:

I. Provides that a person convicted of a second or subsequent offense for the felonious use of a firearm shall receive a minimum mandatory 3-year sentence in addition to any sentence for the underlying offense.

II. Excludes anyone convicted of felony reckless conduct from receiving the minimum mandatory sentence.

III. Defines incest committed against a person under the age of 18 as a violent crime for the purposes of annulment of a criminal record.

HB 1386, relative to exceptions to the prohibition on carrying and selling knives. **OUGHT TO PASS WITH AMENDMENT**

Rep. George D. Winchell for Criminal Justice and Public Safety: This bill, as amended,

includes the following in the exception clause RSA 159:17 to the Carrying or Selling Weapons statute RSA 159:16: emergency medical technicians, firefighters, military personnel while in the course of their duties, as well as duly authorized military or civil organizations when parading, or the members thereof when at, or going to or from their customary places of assembly. The committee attempted to include knife dealers and collectors in this exception. However, neither group is defined anywhere by statute and the committee felt that including that category would lead to unintended consequences. Vote 15-1.

Amendment (1217h)

Amend RSA 159:17 as inserted by section 1 of the bill by replacing it with the following:

159:17 Exceptions. The provisions of the preceding section shall not apply to officers of the law, to persons holding hunters' licenses when lawfully engaged in hunting, to employees of express companies while on duty, ~~to watchmen while on duty,~~ ***to emergency medical technicians, firefighters, or military personnel while in the course of their duties, or to duly authorized military or civic organizations when parading, or to the members thereof when at, or going to or from, their customary places of assembly.***

HB 1389, relative to firearms in locked vehicles. **INEXPEDIENT TO LEGISLATE**

Rep. John E. Tholl for Criminal Justice and Public Safety: This bill as introduced had few supporters. The committee was unable to devise a workable means of addressing the bill's intent. Vote 16-0.

HB 1390, relative to official oppression. **INEXPEDIENT TO LEGISLATE**

Rep. George D. Winchell for Criminal Justice and Public Safety: This bill is an attempt to address violations of civil rights. As this area is already covered under federal law, the committee felt that it is not needed in state statute. Vote 15-1.

HB 1420-FN, prohibiting remote control and Internet hunting. **OUGHT TO PASS WITH AMENDMENT**

Rep. John E. Tholl for Criminal Justice and Public Safety: The committee received the bill to review the penalties. The committee amendment brings the penalty section in line with other penalties under the codes. Additionally, after a public hearing, a change was made to RSA 159:12 to allow firearms instructors to lawfully utilize live ammunition during hunter safety or other firearm instruction while instructing minors. This will be done with the permission of the parents or legal guardian. The Attorney General's office had advised Fish and Game that unless current laws were changed they would have to curtail the hunter safety programs. The committee acted to allow this essential activity to continue. Vote 17-0.

Amendment (1159h)

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

AN ACT prohibiting remote control and Internet hunting and relative to exceptions to the prohibitions on the sale of firearms to minors and the furnishing of arms to persons under 16.

Amend RSA 207:8-a, I as inserted by section 1 of the bill by replacing it with the following:

I. No person shall offer for sale, take, or assist in the taking of wildlife by use of remote control or Internet hunting. Any person who violates this section shall be guilty of a class A misdemeanor if a natural person and guilty of a felony if any other person. In addition, the executive director may impose a civil penalty of not less than \$10,000 for each violation of this section, with the moneys received from imposition of such civil penalty to be deposited in the fish and game fund.

Amend the bill by inserting after section 1 the following and renumbering the original section 2 to read as 4:

2 Pistols and Revolvers; Sale to Minors. Amend RSA 159:12 to read as follows:
159:12 Sale to Minors.

I. Any person who shall sell, barter, hire, lend or give to any minor any pistol or revolver shall be guilty of a misdemeanor.

II. This section shall not apply to:

(a) Fathers, mothers, guardians, administrators or executors who give a revolver to their children or wards or to heirs to an estate.

(b) *Individuals instructing minors in the safe use of firearms during a supervised firearms training program, provided the minor's parent or legal guardian has granted the minor permission to participate in such program.*

(c) *Licensed hunters accompanying a minor while lawfully taking wildlife.*

(d) *Individuals supervising minors using firearms during a lawful shooting event or activity.*

3 Breaches of the Peace and Related Offenses; Furnishing Arms to Persons Under 16. Amend RSA 644:15 to read as follows:

644:15 Furnishing Arms to Persons Under 16.

I. Any person who shall sell, barter, hire, lend, or give to any person under the age of 16 years any cartridges or shotshells suitable for discharging in any rifle, pistol, revolver, or shotgun shall be guilty of a violation.

II. This section shall not apply to:

(a) Fathers, mothers or guardians of such children.

(b) *Individuals instructing such children in the safe use of firearms during a supervised firearms training program, provided the child's parent or legal guardian has granted the child permission to participate in such program.*

(c) *Licensed hunters accompanying such children while lawfully taking wildlife.*

(d) *Individuals supervising such children using firearms during a lawful shooting event or activity.*

AMENDED ANALYSIS

This bill prohibits remote control or Internet hunting and establishes criminal and civil penalties for violations.

The bill also sets forth exceptions to the prohibitions on sale of firearms to minors and the furnishing of arms to persons under 16 years of age.

HB 1480, amending the provisions relative to registration of criminal offenders. **OUGHT TO PASS WITH AMENDMENT**

Rep. William V. Knowles for Criminal Justice and Public Safety: This legislation requires criminal offenders required to register because of a violation of RSA 632-A:2, aggravated felonious sexual assault, or RSA 632-A:3, felonious sexual assault, to be designated as offenders against children if the victim was under the age of 18 at the time of the offense. These names will be available to the public for reasons of safety. Vote 18-0.

Amendment (1055h)

Amend the bill by replacing section 1 with the following:

1 Sexual Assault and Related Offenses; Felonious Sexual Assault. Amend RSA 632-A:3, II to read as follows:

II. Engages in sexual penetration with a person, other than his legal spouse, who is 13 years of age or older and under 16 years of age ***where the age difference between the actor and the other person is 3 years or more***; or

Amend RSA 651-B:6, II as inserted by section 3 of the bill by replacing it with the following:

II. Any sexual offender required to register as a result of a violation or attempted violation of RSA 632-A:4, I(a) **or (b)**, or RSA 645:1, II, and any offender against children

required to register as a result of a violation or attempted violation of RSA 633:3 or 645:2, I, or of an equivalent offense in an out-of-state jurisdiction, shall be registered for a 10-year period from the date of release, provided that any such registration period shall not run concurrently with any registration period resulting from a subsequent violation or attempted violation of an offense for which the person is required to register.

Amend RSA 651-B:1, V(a) as inserted by section 4 of the bill by replacing it with the following:

(a) Any of the following offenses, where the victim was under the age of 18 at the time of the offense, ***RSA 632-A:2***, ***RSA 632-A:3***, RSA 633:1, ***RSA 633:2***, ***RSA 633:3***, ***RSA 639:2***, or ***RSA 645:2***; or

AMENDED ANALYSIS

This bill:

I. Requires lifetime registration for persons convicted of aggravated felonious sexual assault.

II. Requires certain persons convicted of sexual assault to be registered for 10 years.

III. Amends the statute on felonious sexual assault involving sexual penetration with a person 13 years old but under 16 years old where the age difference between the actor and victim is 3 years or more.

IV. Repeals the statute requiring the department of safety to locate and serve notice on an offender who has moved into the state and has already registered with a local law enforcement agency.

HB 1482, relative to false information provided in connection with registering a motor vehicle belonging to a foreign national. **INEXPEDIENT TO LEGISLATE**

Rep. Jordan G. Ulery for Criminal Justice and Public Safety: While the committee recognizes that the fraudulent application for motor vehicle license/registration is a real problem, it was pointed out that RSA 260:10 already requires that all applications filed with the New Hampshire Division of Motor Vehicles display the notice "This application is signed under penalty of unsworn falsification pursuant to RSA 641:3" including those for foreign persons. Vote 17-0.

HB 1522, relative to extended authority for law enforcement assistance. **INEXPEDIENT TO LEGISLATE**

Rep. Peter M. Sullivan for Criminal Justice and Public Safety: The authority of law enforcement officials to respond to requests for assistance from outside of their jurisdiction is covered by RSA's 48:11-a, 104:6, 105:9-a and 106:C. The committee believes that existing law is more than adequate to address current needs and that this bill would only undermine the intent of existing statutes. Vote 17-0.

HB 1620-FN, relative to hunting restrictions of certain convicted felons. **OUGHT TO PASS WITH AMENDMENT**

Rep. Elbert I. Bicknell for Criminal Justice and Public Safety: This bill came forward from the law enforcement arm of New Hampshire's Fish and Game Department where some of the enforcement officers came upon convicted felons hunting with Cross Bows, which are not defined as being a dangerous weapon under N.H. Statutes. Two of our courts in Carroll and Coos Counties ruled that the felon was hunting bear and not humans and was licensed to so do. They were found not guilty. Further, the amendment states it is an affirmative defense if a person convicted in another jurisdiction of a felony which would not have constituted a felony in the State of New Hampshire at that time of the offense. The bill prohibits certain felons from obtaining a hunting license, or signing an application for a license. Vote 17-0.

Amendment (0922h)

Amend RSA 214:1, II as inserted by section 1 of the bill by inserting after subparagraph (b) the following new subparagraph:

(c) It is an affirmative defense to a charge under this paragraph that a felony of which a defendant has been convicted in another jurisdiction would not have constituted a felony in the state of New Hampshire at the time such felony was committed.

Amend RSA 207:2-b as inserted by section 2 of the bill by inserting after paragraph II the following new paragraph:

III. It is an affirmative defense to a charge under this section that a felony of which a defendant has been convicted in another jurisdiction would not have constituted a felony in the state of New Hampshire at the time such felony was committed.

HB 1624-FN, relative to boat noise. **OUGHT TO PASS WITH AMENDMENT**

Rep. Gene P. Charron for Criminal Justice and Public Safety: This bill was referred to the committee to review the increase in fine from \$100 to \$250 according to RSA 270:41-A. Additionally, the amendment eliminates an increase in penalty which was not supported. Section 4 of the bill is eliminated by the amendment which would have added a misdemeanor for a natural person, or a felony for a business or corporation, for failure to pass a noise test, or for altering a marine engine that results in a failure to pass a noise test. Vote 17-0.

Amendment (1210h)

Amend the bill by deleting section 4 and renumbering the original section 5 to read as 4.

AMENDED ANALYSIS

This bill modifies the boat noise limits.

HB 1625, establishing penalties for court-appointed advocates who fail to file reports which are required by the court. **OUGHT TO PASS WITH AMENDMENT**

Rep. Gene P. Charron for Criminal Justice and Public Safety: The committee came to the conclusion that something needed to be done. We heard from the public, a judge and other interested and affected parties. Reports should be on time and when they are not, there should be a penalty. Included in the amendment is a charge for the cost of the parties to the action for the day of the hearing. People have taken time off from work, attorneys are present and in some cases children. When a report is not done on time and there is a continuance it becomes costly to all parties. Furthermore, we feel that it is imperative that the Guardian Ad Litem Board continue with the completion of the rules and regulations as soon as possible, so that Guardians Ad Litem come under one board. Vote 18-0.

Amendment (1004h)

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

AN ACT establishing penalties for guardians ad litem who fail to file reports which are required by the court.

Amend the bill by replacing section 1 with the following:

1 New Section; Guardians Ad Litem; Failure to File Reports. Amend RSA 490 by inserting after section 490:26-f the following new section:

490:26-g Guardians Ad Litem; Failure to File Reports Required by the Court. A guardian ad litem who fails to file a report required by any court by the date the report is due shall be subject to a fine, established by supreme court rule, of not less than \$100 and not more than the amount of court costs of the parties to the action for the day of the hearing. The court clerk shall report a guardian ad litem who fails to file a report by the date the report is due to the guardian ad litem board. The court clerk and the guardian ad litem board shall make such report available to the public.

AMENDED ANALYSIS

This bill establishes penalties for guardians ad litem who fail to file reports which are required by the court.

HB 1660-FN, regulating identity theft. **OUGHT TO PASS**

Rep. Stanley E. Stevens for Criminal Justice and Public Safety: This bill requires any persons who own or license computerized data that includes personal information to notify affected individuals of any security breach of such system as soon as they become aware of the breach. It sets forth the manner in which notification will be given. The penalty listed is consistent with similar corporate violations. Vote 16-0.

HB 1667-FN, establishing penalties for methamphetamine manufacturing and possession of substances with intent to manufacture methamphetamine. **OUGHT TO PASS WITH AMENDMENT**

Rep. John E. Tholl, Jr. for Criminal Justice and Public Safety: The amendment replaces the bill. The committee strongly believes that methamphetamine use and especially the production of methamphetamine (labs) is a serious danger to the citizens of New Hampshire. Of the 18 labs discovered in New England during 2005, twelve of the labs were in New Hampshire. The production of methamphetamine exposes New Hampshire residents to the dangers of explosion and contamination which can and often does lead to serious long-lasting injuries or death. For every one pound of "meth" produced there is 5 to 7 pounds of toxic waste produced which is often disposed of without regard for others. The bill provides for appropriate penalties for manufacture/possession of methamphetamine. Vote 17-0.

Amendment (1123h)

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

1 New Chapter; Methamphetamine-Related Offenses. Amend RSA by inserting after chapter 318-C the following new chapter:

CHAPTER 318-D

METHAMPHETAMINE-RELATED OFFENSES

318-D:1 Definitions. In this chapter:

I. In this section:

I. "Clandestine lab site" means any structure or conveyance or location occupied or affected by conditions or chemicals typically associated with the manufacturing of methamphetamine.

II. "Emergency response" includes, but is not limited to, removing and collecting evidence, securing the site, removal, remediation, and hazardous chemical assessment or inspection of the site where the relevant offense or offenses took place, regardless of whether these actions are performed by a public entity, a private contractor paid by a public entity, or the property owner.

III. "Remediation" means proper cleanup, treatment, or containment of hazardous substances or methamphetamine at or in a clandestine lab site, and may include demolition or disposal of structures or other property.

IV. "Removal" means the removal from the clandestine lab site of precursor or waste chemicals, chemical containers, or equipment associated with the manufacture, packaging, or storage of illegal drugs.

318-D:2 Manufacture of Methamphetamine.

I. It shall be unlawful for any person to knowingly manufacture or attempt to manufacture methamphetamine. A person is guilty of an attempt to manufacture methamphetamine if the person:

(a) With the purpose that the crime of manufacturing methamphetamine be committed, the person engages in any conduct that, under the circumstances as the person believes them to be, is an act constituting a substantial step toward the commission of the crime; or

(b) Possesses one or more of the following substances or their salts or isomers, with the intent to manufacture methamphetamine:

- (1) Acetic anhydride.
- (2) Acetone.
- (3) Ammonium nitrate.
- (4) Anhydrous ammonia.
- (5) Benzaldehyde.
- (6) Benzyl chloride.
- (7) Benzyl cyanide.
- (8) Benzyl methyl ketone.
- (9) Chlorophedrine.
- (10) Chloropseudoephedrine.
- (11) Cyclohexane.
- (12) Ephedrine.
- (13) Ether.
- (14) Ethylamine.
- (15) Hydriodic acid.
- (16) Hydriotic acid.
- (17) Hydrochloric acid.
- (18) Hypophosphorus acid.
- (19) Iodine.
- (20) Lithium metal.
- (21) Mercuric chloride.
- (22) Methyl isobutyl ketone.
- (23) Methylamine.
- (24) Nitroethane.
- (25) Organic solvents.
- (26) Phenylacetone.
- (27) Phenyl-2-propanone.
- (28) Phenylacetic acid.
- (29) Pseudoephedrine.
- (30) Red phosphorus.
- (31) Sodium hydroxide.
- (32) Sodium hypophosphite.
- (33) Sodium metal.
- (34) Sodium/potassium cyanide.
- (35) Sulfuric acid.
- (36) Tetrachloroethylene.
- (37) Thieryl chloride.
- (38) Toluene.
- (39) White phosphorus.
- (40) Yellow phosphorus.

II. Notwithstanding the provisions of RSA 318-B:26, I, a person convicted under this section may be sentenced to imprisonment for not more than 30 years, a fine of not more than \$500,000, or both. A person convicted under this section who has one or more prior offenses as defined in RSA 318-B:27, shall be sentenced to imprisonment for not less than 5 years and not more than life imprisonment, a fine of not more than \$500,000, or both.

III. A court may require a person convicted of manufacturing or attempting to manufacture methamphetamine, where the response to the crime involved an emergency response, to pay restitution to all public entities that participated in the response. The restitution ordered shall cover the reasonable costs of the public entities' participation in the response.

IV. In addition to the restitution authorized in paragraph III, a court may require a person convicted of manufacturing or attempting to manufacture methamphetamine to pay restitution to a property owner who incurred removal or remediation costs as a result of the crime.

318-D:3 Injury Resulting From the Manufacture of Methamphetamine.

I. A person shall be guilty of an offense if that person recklessly causes serious bodily injury to a law enforcement officer, firefighter, emergency medical technician, ambulance operator, ambulance attendant, or social worker, acting in his or her official duties, as a result of the hazards posed by the person's conduct in manufacturing or attempting to manufacture methamphetamine. For purposes of this section, a person who takes any substantial step towards the manufacture of methamphetamine acts recklessly.

II. A person convicted of an offense under this section may be sentenced to imprisonment for not more than 20 years, or a fine of not more than \$300,000 or both.

318-D:4 Transfer of Real Estate in Which Methamphetamine Has Been Produced.

Before signing an agreement to sell or transfer real property, the seller or transferor shall disclose in writing to the buyer or transferee if, to the seller's or transferor's knowledge, methamphetamine production has occurred on the property. If methamphetamine production has occurred on the property, the disclosure shall include a statement to the buyer or transferee informing the buyer or transferee.

318-D:5 Anhydrous Ammonia; Prohibited Conduct.

I. In this section, "tamper" means action taken by a person not authorized to take that action by law or by the owner or authorized custodian of an anhydrous ammonia container or of equipment where anhydrous ammonia is used, stored, distributed, or transported.

II. No person shall:

(a) Steal or unlawfully take or carry away any amount of anhydrous ammonia.

(b) Purchase, possess, transfer, or distribute any amount of anhydrous ammonia, knowing, or having reason to know, that it will be used to unlawfully manufacture a controlled substance.

(c) Place, have placed, or possess anhydrous ammonia in a container that is not designed, constructed, maintained, and authorized to contain or transport anhydrous ammonia.

(d) Transport anhydrous ammonia in a container that is not designed, constructed, maintained, and authorized to transport anhydrous ammonia.

(e) Use, deliver, receive, sell, or transport a container designed and constructed to contain anhydrous ammonia without the express consent of the owner or authorized custodian of the container.

(f) Tamper with any equipment or facility used to contain, store, or transport anhydrous ammonia.

III. The department of safety shall adopt rules, pursuant to RSA 541-A, relative to prohibited conduct under this section.

IV. Except as provided in paragraph V, a person who tampers with anhydrous ammonia containers or equipment under this section shall have no cause of action for damages arising out of the tampering against:

(a) The owner or lawful custodian of the container or equipment;

(b) A person responsible for the installation or maintenance of the container or equipment; or

(c) A person lawfully selling or offering for sale the anhydrous ammonia.

V. Paragraph IV shall not apply to a cause of action against a person who unlawfully obtained the anhydrous ammonia or anhydrous ammonia container or who possesses the anhydrous ammonia or anhydrous ammonia container for any unlawful purpose.

VI. A person who knowingly violates paragraph II may be sentenced to imprisonment for not more than 5 years or a fine of not more than \$50,000, or both.

2 New Subparagraph; Controlled Drug Act; Penalties. Amend RSA 318-B:26, I(a) by inserting after subparagraph (3) the following new subparagraph:

(4) Methamphetamine or its analog, in a quantity of 5 ounces or more, including adulterants or dilutants.

3 Controlled Drug Act; Prior Offenses. Amend RSA 318-B:27 to read as follows:

318-B:27 Prior Offenses. In the case of any person charged with a violation of any provision of this chapter **or RSA 318-D**, who has previously been convicted of a violation of the laws of the United States or any state, territory or the District of Columbia relating to controlled drugs as defined in this chapter, such previous conviction shall be deemed a prior offense.

4 Effective Date. This act shall take effect January 1, 2007.

HB 1674-FN, requiring emergency care providers to report information on certain sexual assault crimes to law enforcement officials. **OUGHT TO PASS WITH AMENDMENT**
Rep. Karl I. Gilbert for Criminal Justice and Public Safety: This bill requires emergency care providers to report any relevant information on certain sexual assault crimes to law enforcement officials. The bill also provides that an emergency care provider who has shown due diligence shall not be held liable for failure to suspect abuse, or for reporting to law enforcement officials in good faith, without malice, any suspected abuse. Vote 16-0.

Amendment (1124h)

Amend RSA 631:6, IV as inserted by section 1 of the bill by replacing it with the following:

IV.(a) Except as provided in paragraph II, a person is guilty of a misdemeanor if, having knowingly examined or treated a person under the age of 18 years, where the situation indicates that an offense under RSA 632-A:2 or RSA 632-A:3 may exist, he or she fails to immediately notify a law enforcement official of any relevant information he or she possesses concerning the suspected offense, including the name, address, parents' names, suspected perpetrator, if known, and the nature of the injuries.

(b) No emergency care provider who has shown due diligence shall be held liable for failure to suspect abuse, or for reporting to law enforcement officials in good faith, without malice, any suspected abuse.

AMENDED ANALYSIS

This bill requires emergency care providers to report any relevant information on certain sexual assault crimes to law enforcement officials. The bill also provides that an emergency care provider who has shown due diligence shall not be held liable for failure to suspect abuse, or for reporting to law enforcement officials in good faith, without malice, any suspected abuse.

HB 1706-FN, requiring certain persons to have Transportation Security Administration training and certification to provide airport security support in emergency situations.

INEXPEDIENT TO LEGISLATE

Rep. George D. Winchell for Criminal Justice and Public Safety: This bill would require that at least 100 persons who are National Guard members or state, or county or local law enforcement officers, be trained and certified by the Transportation Security Administration to provide airport security support in emergency situations. The fiscal note attached to the bill states that it is impossible to estimate the fiscal impact since the breakdown of personnel among governments, the cost of training each person, or what government or governments would absorb the cost is unknown. The High Sheriff of Rockingham County and the administration at the Manchester Airport have expressed their opposition to this bill. Vote 16-0.

HB 1745-FN, relative to methamphetamine-related crimes involving children and incapacitated adults. **OUGHT TO PASS WITH AMENDMENT**

Rep. John E. Tholl for Criminal Justice and Public Safety: As amended, this bill provides for laws that directly impact those persons who knowingly engage in conduct involving methamphetamine labs or the illicit production of methamphetamine in such locations where a child or incapacitated adult may come into contact with the drug production, or its residue. It further provides that the Department of Health and Human Services shall be responsible for the care, shelter and medical treatment screening of the children found in or near a lab, or that may have been exposed to the toxic chemicals or residue. Vote 18-0.

Amendment (1083h)

Amend RSA 639-A:4 as inserted by section 1 of the bill by replacing it with the following:

639-A:4 Protective Custody for Health Screening; Reports Required.

I. A peace officer shall, pursuant to RSA 169-C:6, take any child present in an area where any of the activities described in RSA 639-A:2 are taking place into protective custody. Upon taking a child into protective custody, the peace officer shall follow the procedures outlined in RSA 169-C:6 and shall report the matter to the department of health and human services as a suspected incident of abuse or neglect under RSA 169-C:29. The department shall investigate the report in accordance with RSA 169-C:34 and shall, as part of its investigation, screen the child for possible health concerns related to exposure to methamphetamine.

II. If a peace officer does not take a child into protective custody under this section, but has reason to believe that the child may have been exposed to methamphetamine, the peace officer shall report the matter to the department of health and human services as a suspected incident of abuse or neglect under RSA 169-C:29. The department shall investigate the report in accordance with RSA 169-C:34 and may, as part of its investigation, screen the child for possible health concerns related to exposure to methamphetamine.

HB 1749-FN, relative to access to motor vehicle records by certain defense contractors. **OUGHT TO PASS**

Rep. Jordan G. Ulery for Criminal Justice and Public Safety: This bill alters RSA 260:14, Records and Certification, to allow NH contractors with certain Department of Defense contracts to obtain limited information from motor vehicle records under a waiver from the Commissioner of Safety which can be granted for a period of up to one year. This bill addresses concerns of national security.. Vote 15-2.

HB 1113, adding a definition of "public academy" to New Hampshire law. **OUGHT TO PASS WITH AMENDMENT**

Rep. David W. Hess for Education: The committee unanimously recommends that this bill be passed as amended. It contains a useful definition of a "public academy" and the amendment ensures that this definition will have no bearing on whether or not public academies and their employees are eligible to participate in the New Hampshire Retirement System. Vote 15-0.

Amendment (1142h)

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

AN ACT adding a definition of "public academy" to the definition of "high school."

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

1 School Districts; Definition of High School. Amend RSA 194:23 to read as follows:
194:23 Definition of High School.

I. The term "high school" shall mean a public school or public academy comprising a span of grades beginning with the next grade following an approved elementary, middle or junior high school as defined by RSA 189:25 and ending with grade 12. Such a school shall:

[I-] (a) Offer those subjects prescribed by statute, including instruction in history, government, and constitutions of the United States and New Hampshire and of the organization and operation of New Hampshire municipal, county, and state government;

[II-] (b) Provide such other subjects as the school district maintaining such school shall determine by its school board or by vote of the district; and

[III-] (c) Comply with standards prescribed by the state board of education which shall be uniform in their application to all schools.

II. In this section, “public academy” means an independent school which contracts with one or more school districts to provide education services to such districts in compliance with RSA 194:23. All contracts between a public academy and a school district shall be subject to approval by the state board of education. In this section, “independent school” means a school which is governed by a board of trustees or other officials who are not publicly elected. An independent school shall not include a charter school established under RSA 194-B.

III. The enactment of paragraph II shall not affect a determination of the New Hampshire retirement system board of trustees under RSA 100-A regarding the eligibility of an employer or its employees to participate in the New Hampshire retirement system.

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

AMENDED ANALYSIS

This bill adds a definition of “public academy” to the definition of “high school.”

HB 1136, establishing a commission to study the care needs of medically fragile students in the school system. **INEXPEDIENT TO LEGISLATE**

Rep. David W. Hess for Education: The committee voted unanimously to kill this bill after the sponsors advised that the bill was unnecessary. Vote 15-0.

HB 1159, relative to procedures for certain court ordered out-of-district placements.

INEXPEDIENT TO LEGISLATE

Rep. Nancy F. Stiles for Education: The committee recognized the value of the requirement for courts to consider school district information from special education teachers and specialists prior to out of district placement. HB 1159 will be considered in the Special Education Ad Hoc Committee review of all special education laws where we can also discuss the inclusion of the IEP which includes parental involvement. Vote 15-0.

HB 1170, requiring state education aid to be used exclusively for public education.

INEXPEDIENT TO LEGISLATE

Rep. Stephen R. L'Heureux for Education: By a unanimous vote the committee believes current law is appropriate. We found the following as problematic: aside from an error by government, no additional money can be sent to a school district. The Dept. of Revenue Administration (DRA) reviews warrants and minutes to assure approvals are legal and DRA reduces appropriations for any illegal expenditure. Further, education aid is paid directly to the school district and not to the municipality. Vote 15-0.

HB 1532, revising the special education statutes. **REFER FOR INTERIM STUDY**

Rep. Clifford A. Newton for Education: This bill, while well intended, was originally brought forward as a housekeeping bill. It was soon realized that there were additional concerns with the bill and an amendment was then offered. The amendment, while clarifying some concerns of the committee, brought up even more concerns. The bill was then referred to interim study so that the appropriate time and energy could be given to the issue of revising the special education statutes that this deserves. Vote 15-0.

HB 1640-FN-L, requiring school boards to disclose the financial costs of contracts to the

voters. **INEXPEDIENT TO LEGISLATE**

Rep. David W. Hess for Health, Human Services and Elderly Affairs: This bill would impose additional obligations and possibly additional costs on local school districts in requiring them to inform the legislative body of the district; i.e. the public, about contracts of any value over which the legislative body has no power or authority. In addition, it has potential Article 28-A problems as an unfunded mandate. Vote 14-0.

HB 1172-FN, relative to registration of political committees. **OUGHT TO PASS WITH AMENDMENT**

Rep. Claudia A. Chase for Election Law: This bill strengthens existing law pertaining to the registration of political committees by requiring that such a committee file an amendment to its registration reporting any change of officers or purpose. Vote 12-0.

Amendment (1136h)

Amend the bill by replacing section 1 with the following:

1 Registration of Political Committees. Amend RSA 664:3, I to read as follows:

I. Any political committee, except the political committee of a political party, shall register with the secretary of state as provided in this section. The committee shall register with the secretary of state not later than 24 hours after receiving any contribution in excess of \$500 or before making any expenditure in excess of \$500, ***but in no event later than 14 days after the formation of the committee.*** The registration shall be accompanied by a fee of \$50, which shall be deposited by the secretary of state into the election fund established pursuant to RSA 5:6-d; provided, however, that the political committee of a candidate which registers under this section shall not be required to pay the \$50 fee. Each political committee shall designate a treasurer or agent who is a citizen of this state and who is authorized to receive all process and other legal documents on behalf of the political committee, and through whom may be obtained access to all books and records of the political committee. The political committee shall file with the secretary of state a statement of the purpose of the committee and shall indicate whether the committee will be making independent expenditures in support of or in opposition to any candidate including a statement of the name, address, occupation, and principal place of business of its chairperson[,] ***and*** treasurer or agent, and ***the names and addresses of*** other officers. ***The committee shall file an amendment to its registration within 14 days of any change in the officers or purpose of the committee.***

HB 1217, requiring the secretary of state to publish certain information on campaign contributions. **OUGHT TO PASS**

Rep. Richard B. Drisko for Election Law: The committee feels that this bill has merit. This is or is about to become the practice of the Secretary of State. Information is already being published by way of the internet. Because the technology already exists, and Help America Vote Act (H.A.V.A.) dollars are already in place to federally fund this venture, it seems that it is the right time to fully implement this information technology which will enable the Secretary of State to identify campaign contributions and contributors online. Vote 15-0.

HB 1219, prohibiting the use of public funds to advocate for the success or defeat of a candidate or ballot question. **REFER FOR INTERIM STUDY**

Rep. Claudia A. Chase for Election Law: Representatives of such entities as the New Hampshire Municipal Association, government services and town administrations were concerned that activities they perform in the service of providing requested information would be construed as electioneering. Representatives of the judicial branch were concerned that their practice of advocating for ballot questions, which they routinely do, would be made illegal. In the service of such concern, it is necessary to fully explore the consequences and wording of this bill. Vote 15-1.

HB 1237-FN-L, requiring matching expenditures when public money is paid for purposes of electioneering. **REFER FOR INTERIM STUDY**

Rep. Jane A. Clemons for Election Law: The committee has agreed to study a number of bills regarding public money, campaigns, electioneering and will address these issues in the fall in order to make an appropriate recommendation. Vote 16-0.

HB 1312, clarifying the definition of gift as it applies to elected officials. **INEXPEDIENT TO LEGISLATE**

Rep. Charles F. Weed for Election Law: This bill was filed to clarify the definition of a gift relative to the prohibition of cash gifts passed in the spring of 2005. The committee now believes that this is unnecessary because of the passage of SB 206 which does a thorough job of defining gifts. Vote 15-1.

HB 1421-FN, relative to campaign contributions and expenditures. **REFER FOR INTERIM STUDY**

Rep. James R. Splaine for Election Law: This legislation would establish a fund to provide campaign financing for eligible candidates for governor, executive councilor and state senator. Candidates would qualify for that financing by collecting a required number of small contributions and by complying with other provisions of the state's financing laws. The candidate would then use money received from the fund instead of so many private contributions to finance his or her campaign. The committee believes that the concept and purpose of this bill are positive and deserve further review and study. Vote 13-3.

HB 1544, establishing a committee to study the propriety of a university of New Hampshire employee working in and being paid by the governor's office. **INEXPEDIENT TO LEGISLATE**

Rep. James M. Carew for Election Law: The committee recommends this bill be inexpedient to legislate as the content of this bill is incorporated into SB 206. The sponsor has agreed with the decision of this committee. Vote 16-0.

HB 1547, clarifying what constitutes physical presence for purposes of establishing domicile under the election laws. **REFER FOR INTERIM STUDY**

Rep. Jane A. Clemons for Election Law: This bill was put in interim study because the committee feels we need time to look closely at what constitutes "physical presence" and domicile. The committee agrees we need to be careful as not to disenfranchise legitimate voters and further study is appropriate. Vote 15-1.

HB 1553, relative to electioneering. **REFER FOR INTERIM STUDY**

Rep. William L. O'Brien for Election Law: This bill brought before the committee the important issues of the conduct of elections at and near polling stations and electioneering by public officials. It quickly became apparent that each component of the bill introduced a host of competing public safety and freedom of speech issues, as well as a need for substantial public input on current voting practices, concerns and suggestions for improvement. No one aspect of the bill would permit legislative remedy now, without greater consideration and study, and that any attempt to do so would surely result in unintended and adverse consequence. This concern was shared by each member of the committee who considered the bill in unanimously voting to recommend the bill be referred to interim study. Vote 15-0.

HB 1613-FN-L, relative to polling place arrangement and accessibility. **OUGHT TO PASS WITH AMENDMENT**

Rep. Richard B. Drisko for Election Law: This legislation was requested by the offices of the Secretary of State and the Attorney General to bring our RSA's into full compliance with the

Help America Vote Act and the Americans with Disabilities Act of 1990. The original bill specified that the Secretary of State shall provide one disabled voter accessible voting booth to each municipality. The amendment clarified that the voting booth would be provided to each polling place to be in compliance with the subject laws. Vote 15-1.

Amendment (0878h)

Amend the bill by replacing section 3 with the following:

3 Accessible Voting Booths and Voting Screens. Prior to the effective date of section one of this act, the secretary of state shall provide to each polling place one accessible voting booth that satisfies the requirements of RSA 658:9, III and 2 voting screens that satisfy the requirements of RSA 658:9, IV.

HB 1635-FN-L, relative to direct recall elections. **INEXPEDIENT TO LEGISLATE**
Rep. Ralph G. Boehm for Election Law: We may all feel at sometime that a recall maybe necessary, but this opens up elected public officials to abuse by a minority of voters. This bill calls for 15% of voters to sign a petition and then 30% of voters to vote in a special recall election. This would cause additional cost to municipalities. Vote 15-0.

HB 1394, relative to determination of value of property in current use. **OUGHT TO PASS WITH AMENDMENT**

Rep. Donald R. Philbrick for Environment and Agriculture: Current use value is determined by the income producing value of the property solely for growing forest or agricultural crops and not its real estate market value. The amendment defines current use value to further clarify RSA 79-A. Vote 18-0.

Amendment (1059h)

Amend RSA 79-A:2, V as inserted by section 1 of the bill by replacing it with the following:

V. "Current use value" means the assessed valuation per acre of open space land based upon the income-producing capability of the land in its current use ***solely for growing forest or agricultural crops***, and not its real estate market value. This valuation shall be determined by the assessor in accordance with the range of current use values established by the board and in accordance with the class, type, grade and location of land.

AMENDED ANALYSIS

This bill provides that the value of property in current use shall be based on the income-producing capability of the land solely for growing forest or agricultural crops.

HB 1429, relative to municipal exemptions for hazardous waste cleanup liability. **OUGHT TO PASS WITH AMENDMENT**

Rep. J. David Knox for Environment and Agriculture: This bill seeks to amend RSA 147-A:9 and RSA 147-B:10 to remove strict liability to municipalities in transporting locally collected household hazardous waste to regional hazardous waste collection centers. The New Hampshire Department of Environmental Services accepts the responsibility of any inadvertent spillage in this transportation and thus eliminates a concern municipalities have had in sponsoring local hazardous waste collection events. This would thus help eliminate the problem of mixing hazardous waste with municipal solid waste at local disposal facilities. No one testified against this bill and all individuals and groups representing municipalities in New Hampshire that spoke to the committee were supportive of this change. Vote 13-1.

Amendment (1065h)

Amend the bill by replacing sections 1-2 with the following:

1 New Paragraph; Exemptions Added. Amend RSA 147-A:9 by inserting after paragraph I the following new paragraph:

I-a. Strict liability under paragraph I and cost recovery under paragraph II shall not extend to government entities, including their employees, while lawfully transporting locally collected household hazardous waste over the byways of the state, to regional hazardous waste collection centers or in-state or out-of-state disposal facilities. In the event of a release during transportation, the department of environmental services shall be liable for containment of household hazardous wastes, removal of the household hazardous wastes, necessary cleanup and restoration of the affected site and the surrounding environment, and any required evaluation, assessment, and monitoring associated with the release.

2 New Paragraph; Exemptions Added. Amend RSA 147-B:10 by inserting after paragraph I the following new paragraph:

I-a. Strict liability under paragraph I and cost recovery under paragraph II shall not extend to government entities, including their employees, while lawfully transporting locally collected household hazardous waste over the byways of the state, to regional hazardous waste collection centers or in-state or out-of-state disposal facilities.

AMENDED ANALYSIS

This bill creates municipal exemptions for hazardous waste cleanup liability.

HB 1438-FN, relative to mandatory recycling of solid waste. INEXPEDIENT TO LEGISLATE

Rep. David E. Essex for Environment and Agriculture: This bill would have prohibited the disposal of construction and demolition (C & D) waste except through an appropriate recycling program. The committee heard testimony that such a requirement might add an onerous burden to businesses and municipalities, and conflict with other pending legislation and studies, thus making this bill premature. Vote 14-0.

HB 1455-FN-A, relative to the recovery, reuse, and recycling of used electronic devices. OUGHT TO PASS WITH AMENDMENT

Rep. Suzanne S. Butcher for Environment and Agriculture: Hundreds of thousands of computers, monitors and televisions will become obsolete in New Hampshire this year. They should not go into our landfills or incinerators, both because of sheer volume and because they contain toxics such as lead (several pounds in each CRT), cadmium, and mercury. HB 1455 was introduced as part of a ten-state Council of State Governments effort to develop coordinated legislation to deal with consumer e-waste, requiring manufacturers to assume responsibility for the cost of recycling. Since the CSG discussions are not yet completed, the Environment and Agriculture Committee amended HB 1455 simply to ban disposal of computer monitors and televisions in landfills and incinerators. New Hampshire businesses accept and process e-waste. Until more comprehensive regional or national legislation can be developed, consumers will have to continue to pay to recycle our old computers and TVs, or continue to store them in our basements or garages. Vote 13-0.

Amendment (0868h)

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

AN ACT relative to the disposal of video display devices.

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

1 New Paragraph; Definitions. Amend RSA 149-M:4 by inserting after paragraph XXVII the following new paragraph:

XVIII. "Video display device" means a visual display component of a television or a computer, whether separate or integrated with a computer central processing unit/box, and includes a cathode ray tube, liquid crystal display, gas plasma, digital light processing, or other image projection technology, greater than 4 inches when measured diagonally, and its case, interior wires, and circuitry.

2 New Paragraph; Refuse Reduction. Amend RSA 149-M:27 by inserting after paragraph III the following new paragraph:

IV.(a) No person shall dispose of any video display device in any solid waste landfill or incinerator in New Hampshire after July 1, 2007.

(b) Owners or operators of such facilities shall not be found to have knowingly disposed of a video display device if the facility has implemented mechanisms to avoid such disposal which shall include, at a minimum, posting of signs at the facility or providing written notification to, or agreements with, the facility's customers concerning the disposal prohibition.

3 Report by Department. The department of environmental services shall monitor and participate in any regional initiatives regarding the financing and disposal of electronic wastes and shall report the results of such efforts, to date, to the house environment and agriculture committee and the senate environment and wildlife committee by November 1, 2006.

4 Effective Date. This act shall take effect July 1, 2006.

AMENDED ANALYSIS

This bill defines video display devices and prohibits disposing of video display devices in solid waste landfills or incinerators after July 1, 2007. This bill also requires the department of environmental services to monitor the disposal of electronic waste.

HB 1479, relative to debris and solid waste removal at manufactured housing parks.

INEXPEDIENT TO LEGISLATE

Rep. Peter B. Schmidt for Environment and Agriculture: The committee recognized an existing problem at a particular manufactured housing park, which gave rise to this bill. But, the committee believes a) that existing statutes provide adequate authority to address the situation, and b) that, even if passed, the bill would offer no greater guarantee of re-mediating the aforementioned problem and/or avoiding court action than existing statutes. Vote 16-1.

HB 1571, relative to reports of legislative standing committees on environmental legislation and relative to the adoption of rules concerning environmental regulation. **INEXPEDIENT TO LEGISLATE**

Rep. Betty B. Hall for Environment and Agriculture: The subject matter of this bill, requiring standing committees of the House and Senate review environmental matters to include a technical and scientific basis for regulation, will be considered with another bill on developing environmental policy being studied by the committee. Vote 13-0.

HB 1630-L, relative to land use change taxes imposed for certain road construction on rights-of-way. **OUGHT TO PASS WITH AMENDMENT**

Rep. Timothy D. O'Connell for Environment and Agriculture: This bill shifts the responsibility for the land use change tax involving a right of way to the party responsible for causing the change. Today, the party who caused the change is not responsible for paying the tax. This bill also mandates that the land beneath the right of way remains in current use. Vote 12-1.

Amendment (1220h)

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

1 New Subparagraph; Current Use; Land Use Change Tax; Right-of-way Road Construction. Amend RSA 79-A:7, VI by inserting after subparagraph (d) the following new subparagraph:

(e) A road is constructed on a existing right-of-way on current use land solely for the purpose of access to an adjoining lot where the owner of the land in current use does no other activity changing the use of the land under this section and does not share any ownership interest in the adjoining lot. Provided, however, and notwithstanding any other provision of law to the contrary, that if such road construction on a existing right-of-way

would constitute a change in use if done by the owner of the land in current use, then the owner of such adjoining property utilizing the road for access shall be responsible for and shall be assessed the land use change tax penalty as provided for in this section. Enforcement and collection proceedings shall be applied to the party responsible for the payment of the penalty under this subparagraph.

2 Land Use Change Tax; Lien. Amend RSA 79-A:7, II to read as follows:

II. The land use change tax shall be due and payable by the owner, **or by the responsible party pursuant to RSA 79-A:7, VI(e)**, at the time of the change in use to the town or city in which the property is located. If the property is located in an unincorporated town or unorganized place, the tax shall be due and payable by the owner **or responsible party** at the time of the change in use to the county in which the property is located. Moneys paid to a county from the land use change tax shall be used, in addition to any other funds, to pay for the cost of the services provided in RSA 28:7-a and 7-b. The land use change tax shall be due and payable according to the following procedure:

(a) The commissioner shall prescribe and issue forms to the local assessing officials for the land use change tax bill which shall provide a description of the property which is subject to a non-qualifying use, the RSA 75:1 full value assessment, and the tax payable.

(b) The prescribed form shall be prepared in quadruplicate; the original, duplicate, and triplicate copy of the form shall be given to the collector of taxes for collection of the land use change tax along with a special tax warrant authorizing the collector to collect the land use change tax assessed under the warrant; the quadruplicate copy of the form shall be retained by the local assessing officials for their records.

(c) Upon receipt of the land use change tax warrant and the prescribed forms, the tax collector shall mail the duplicate copy of the tax bill to the owner responsible for the tax as the notice thereof. Such bill shall be mailed, at the latest, within 12 months of the date upon which the local assessing officials receive written notice of the change of use from the landowner or his agent, or within 12 months of the date the local assessing officials actually discover that the land use change tax is due and payable. Upon receipt of payment, **but except for proceedings under RSA 79-A:7, VI(e)**, the collector shall forward the original tax bill to the register of deeds of the county in which the land is located for the purpose of releasing recorded contingent liens required under RSA 79-A:5, VI. The tax bill shall state clearly whether all, or only a portion, of the land affected by the notice of contingent lien is subject to release. The recording fee charged by the register of deeds shall be paid by the owner of the land in accordance with the fees to which the register of deeds is entitled under RSA 478:17; 478:17-f or 478:17-g, I as applicable.

(d) Payment of the land use change tax, together with the recording fees due the register of deeds, shall be due not later than 30 days after mailing of the tax bills for such tax, and interest at the rate of 18 percent per annum shall be due thereafter on any taxes not paid within the 30-day period.

(e) All land use change tax assessments levied under this section shall, on the date of the change in use, create a lien upon the lands on account of which they are made and against the owner of record of such land **or against the responsible party pursuant to RSA 79-A:7, VI(e)**. Furthermore, such liens shall continue for a period of 18 months following the date upon which the local assessing officials receive written notice of the change of use from the landowner or his agent, or the date the local assessing officials actually discover that the land use change tax is due and payable, and such assessment shall be subject to statutory collection proceedings against real estate as prescribed by RSA 80.

(f) Thereafter, the land which has changed to a use which does not qualify for current use assessment shall be taxed at its full RSA 75:1 value. The land shall again become eligible for current use assessment if it meets the open space criteria established by the board under RSA 79-A:4, I.

3 Effective Date. This act shall take effect July 1, 2006.

HB 1689, relative to the New Hampshire-Vermont interstate waste compact.

INEXPEDIENT TO LEGISLATE

Rep. Betty B. Hall for Environment and Agriculture: The process of withdrawing from the New Hampshire-Vermont interstate waste compact is proceeding on schedule and this bill is premature. Vote 13-0.

HB 1247-FN, relative to licensure of pharmacy benefit managers. **REFER FOR INTERIM STUDY**

Rep. Charlotte Houde-Quimby for Executive Departments and Administration: Pharmacy drug benefit managers negotiate drug prices with pharmaceutical firms for health plans and health insurance companies for drug dispensation to covered individuals within the state. Pharmacy benefits managers owe a fiduciary duty to covered individuals but expressed concern about revealing trade secrets. Issues of drug substitution, lower priced generic drugs and negotiated rates raised significant questions in the committee. The breadth and depth of pharmaceuticals in the spiraling costs of health care moved the committee to explore this issue in greater detail. Vote 12-0.

HB 1287, requiring legislative approval of any rules proposed by the state board of education. **INEXPEDIENT TO LEGISLATE**

Rep. Charlotte Houde-Quimby for Executive Departments and Administration: Testimony from the Department of Education reassured the committee that the multiple rules processes (10-12 per year) which take 12-18 months in time are working. The current process is more open thanks to the last successful set of rules. The committee also objected to subjecting rulemaking requirements for the Board of Education to an extent that exists for no other agency. Vote 11-0.

HB 1298, establishing a commission to evaluate disciplinary procedures of the board of medicine. **OUGHT TO PASS WITH AMENDMENT**

Rep. James B. Coburn for Executive Departments and Administration: This committee felt a performance audit would better serve the purpose than a commission. The bill was amended to indicate a study committee in case the request for a performance audit was denied. The committee expects that the performance audit will result in additional legislation to correct any problems found. Vote 11-0.

Amendment (1021h)

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

AN ACT establishing a study committee to evaluate disciplinary procedures of the board of medicine.

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

1 Committee Established. There is established a study committee to evaluate the policies, procedures, and effectiveness of the disciplinary process of the board of medicine under RSA 329.

2 Membership and Compensation.

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

(a) Three members of the house of representatives, 2 of whom shall be members of the executive departments and administration committee and one of whom shall be a member of the judiciary committee, appointed by the speaker of the house of representatives.

(b) Three 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 evaluate the policies, procedures, and effectiveness of the disciplinary process of the board of medicine under RSA 329.

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

5 Report. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2006.

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

AMENDED ANALYSIS

This bill establishes a study committee to evaluate the policies, procedures, and effectiveness of the disciplinary process of the board of medicine.

HB 1337, relative to the regulation of carnival and amusement ride operators. **OUGHT TO PASS WITH AMENDMENT**

Rep. Ken Hawkins for Executive Departments and Administration: This bill will establish an Amusement Safety Advisory Board within the Department of Safety. The board will be like the Tramway Board to ensure that rides are inspected, employees are trained, etc; to help ensure the safety of the public. Vote 12-0.

Amendment (1086h)

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

AN ACT establishing the amusement ride safety advisory board.

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

1 New Section; Amusement Ride Safety Advisory Board. Amend RSA 321-A by inserting after section 9 the following new sections:

321-A:10 Amusement Ride Safety Advisory Board; Membership.

I. There is established the amusement ride safety advisory board, comprised of the following members:

(a) The commissioner or designee, who shall serve as the chair of the board.

(b) One representative of owners or operators of carnival or amusement rides which are portable in nature, appointed by the governor with the advice and consent of the council.

(c) One representative of owners or operators of permanently placed carnival or amusement rides, appointed by the governor with the advice and consent of the council.

(d) One representative of the fair managers in New Hampshire, appointed by the governor with the advice and consent of the council.

(e) An insurance professional with experience underwriting carnival or amusement rides, appointed by the governor with the advice and consent of the council.

(f) An electrical engineer with experience in the mechanisms of amusements, appointed by the governor with the advice and consent of the council.

(g) A member of the general public, appointed by the governor.

II. The first members of the board shall serve staggered terms, appointed as follows: members appointed under subparagraphs I(b) and (c) shall be appointed for one-year terms, members appointed under subparagraphs I(d) and (e) shall be appointed for 2-year terms, members appointed under subparagraphs I(f) and (g) shall be appointed for 3-year terms. Thereafter, appointed members shall serve 4-year terms, and until their successors are appointed. Any vacancy on the board shall be filled for the remainder of the unexpired term.

III. Members of the board may be removed from office only as provided in RSA 4:1.

IV. Members of the board shall serve without compensation, but shall be reimbursed for their reasonable expenses incurred in official duties.

321-A:11 Amusement Ride Safety Advisory Board; Duties; Administratively Attached to Department of Safety.

- I. The duties of the amusement ride safety advisory board shall be:
 - (a) To assist the division with the formulation of rules and regulations regarding the safe operation of amusement rides; and
 - (b) To give the division such counsel and advice as will aid it in the proper enforcement and administration of the provisions of this chapter.
 - II. The board shall be administratively attached to the department of safety, division of safety services for the purposes of reporting and sharing support services.
 - III. On or before January 1 of each year, the board shall submit a report of its activities, findings, and recommendations to the department of safety.
- 2 Rulemaking Relative to Carnival and Amusement Rides; Consultation with Amusement Ride Safety Board. Amend RSA 321-A:2 to read as follows:
- 321-A:2 Rules. The commissioner shall adopt rules, ***in consultation with the amusement ride advisory board and*** pursuant to RSA 541-A, for the safe installation, repair, maintenance, use, operation, and inspection of all carnival or amusement rides, air supported structures, and amusement attractions, as covered by this chapter, for the protection of the general public. The rules shall be based upon generally accepted engineering standards, formulas, and practices.
- 3 Effective Date. This act shall take effect January 1, 2007.

AMENDED ANALYSIS

This bill establishes the amusement ride safety advisory board.

HB 1347, relative to licensure, registration, or certification of regulated professions.
REFER FOR INTERIM STUDY

Rep. Donald F. Ryder for Executive Departments and Administration: The committee felt this bill to be of great importance to the public but some relevant points were not covered. Many meaningful ideas were presented but time prevented the committee from fully addressing them. Interim study will allow the committee to review them and make the bill more protective. Vote 13-0.

HB 1351, relative to the rulemaking process. **OUGHT TO PASS WITH AMENDMENT**
Rep. A. Laurie Harding for Executive Departments and Administration: This amended bill does the following: 1) requires proposed legislation which contains rulemaking to include a clear statement of intent; 2) establishes a process for dealing with a preliminary objection by the Joint Legislative Committee on Administrative Rules which includes the option of sending a copy of the objection to the standing policy committee and requiring notice to the agency effected; and 3) establishes a study committee on the rule process to discuss a number of concerns including but not limited to: (a) the development of a process to record a clear statement of legislative intent on every bill sent out of a house or senate committee with a favorable report; such process may involve requiring a purpose clause to be included in every bill in the form of either chapter law or statute, requiring a statement of intent to be included in every bill filed, requiring a statement of intent to be included in each house committee report, or requiring all house hearing and executive session to be recorded; (b) the development of a formal process for ensuring that the Joint Legislative Committee on Administrative Rules receives input from the appropriate policy committees on proposed rules; such process may involve the establishment of a rules review subcommittee within each policy committee of the house and senate and/or participation by a policy committee member prior to the agency public comment period; (c) adopting methods to provide for an expedited rulemaking process to adopt rule changes with minimal impact, including the adoption or revision of forms used by agencies; (d) developing an RSA 541-A training program for members newly appointed to the Joint Legislative Committee on Administrative Rules and an educational program on rules for all House members. Vote 13-0.

Amendment (0995h)

Amend RSA 14:39-a as inserted by section 1 of the bill by replacing it with the following:

14:39-a Legislation Granting Rulemaking Authority. Any member of the house of representatives or senate proposing legislation which includes provisions granting rulemaking authority to any agency as defined in RSA 541-A:1, II, shall include an explanation of the intent for the proposal relative to the parameters under which rulemaking authority under RSA 541-A may be used. Rulemaking provisions in proposed legislation shall not grant broad authority for the adoption of rules, including general authority to implement a program, but shall specify the issues to be addressed by rules.

Amend RSA 541-A:7 as inserted by section 5 of the bill by replacing it with the following:

541-A:7 Style of Rules. Rules shall be written in a clear and coherent manner using words with common and everyday meanings ~~[, consistent with the text of the rule, except when]~~ **for those persons who engage in the activities that are regulated by the rules, which may include** technical language ~~[is]~~ **as** necessary.

Amend RSA 541-A:13, V(b) as inserted by section 6 of the bill by replacing it with the following:

(b) If the committee objects to the final proposal as filed or as amended pursuant to paragraph II, the committee shall send the agency a preliminary written objection stating the basis for the objection. A preliminary objection or conditional approval shall require the assent of a majority of the votes cast, a quorum being present. ***If a preliminary objection is made to a rule proposed to implement a new or newly amended state statute, the committee may send a copy of the preliminary objection to the appropriate standing policy committees and, if so, shall give notice to the agency. Within 30 days of the date the preliminary objection was entered, the standing policy committee may review the proposed rules and the preliminary objection and may advise the committee relative to the basis for the preliminary objection.***

HB 1381, requiring the department of environmental services to do a criminal background check on any applicant for a permit. **INEXPEDIENT TO LEGISLATE**

Rep. Ken Hawkins for Executive Departments and Administration: The Department of Environmental Services issues over 10,000 permits per year. The bill was amended so that air pollution permits would not be granted to anyone for various reasons, including felony convictions in the previous five years as well as numerous other subjective reasons. The committee, after much discussion, felt that DES has enough enforcement power to revoke permits now. Vote 10-2.

HB 1397, prohibiting an agency from adopting rules over the objection of the joint legislative committee on administrative rules. **INEXPEDIENT TO LEGISLATE**

Rep. Peter F. Bergin for Executive Departments and Administration: This bill was not necessary as HB 1351 would address the concerns of the rule making process. Vote 12-0.

HB 1456-FN, relative to licensure of septic system inspectors. **INEXPEDIENT TO LEGISLATE**

Rep. Charlotte Houde-Quimby for Executive Departments and Administration: The committee heard testimony on the increasing number of problems confronting sellers and purchasers of real estate that deal with septic systems. Currently, there are no regulations in New Hampshire concerning qualifications for inspection of septic systems or the qualifications of inspectors themselves. The committee supports the work of Department of Environmental Services and home inspectors to address these problems and encourages them to pursue in greater depth the mechanism for licensure versus certification, requirements for continuing education, and the requirements for qualifications as a septic inspector. Vote 12-0.

HB 1517-FN, relative to membership on the board of medicine and the medical review

subcommittee. **OUGHT TO PASS WITH AMENDMENT**

Rep. James B. Coburn for Executive Departments and Administration: The committee agreed that more public oversight on the board and subcommittee was a good thing. An amendment added one public member to the board and two public members to the subcommittee. It also staggered the terms of the public members and cleared up some wording. Vote 12-2.

Amendment (1038h)

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

1 Board of Medicine; Membership. Amend RSA 329:2, I to read as follows:

I. There shall be a board of medicine consisting of ~~[9]~~ **10** members; including 5 members selected from among physicians and surgeons, one member selected to represent physician assistants regulated by the board, the commissioner or the medical director of the department of health and human services, ***or in the case of a vacancy in the office of medical director, the commissioner shall appoint a designee***, and ~~[2]~~ **3** public members. Only board members provided for in this paragraph shall have the authority to vote in board determinations. Any public member of the board shall be a person who is not, and never was, a member of the medical profession or the spouse of any such person, and who does not have, and never has had, a material financial interest in either the provision of medical services or an activity directly related to medicine, including the representation of the board or profession for a fee at any time during the 5 years preceding appointment.

2 Board of Medicine; Appointment. Amend RSA 329:4 to read as follows:

329:4 Appointment; Term; Removal.

I. The commissioner or the medical director of the department of health and human services shall serve as a voting member of the board, ***or in the case of a vacancy in the office of medical director, the commissioner shall appoint a designee***. The commissioner and the medical director, ***or designee***, are exempt from the provisions of RSA 329:4, II.

II. The remaining ~~[8]~~ **9** members of the board shall be appointed, as their terms expire, by the governor with the advice and consent of the council. Their terms of office shall be 5 years and until their successors are appointed and qualified. No member shall be appointed to more than 2 consecutive terms. Appointments to fill vacancies shall be for the unexpired term. The governor and council may remove any appointed member of the board for malfeasance, misfeasance, or nonfeasance.

3 Medical Review Subcommittee; Public Members. Amend RSA 329:17, V-a to read as follows:

V-a. A medical review subcommittee of ~~[7]~~ **9** members shall be nominated by the board of medicine and appointed by the governor and council. The subcommittee shall consist of one member of the board of medicine and ~~[6]~~ **8** other persons, ~~[no more than] 3 of whom shall be public members and 5 of whom shall be physicians~~, ~~[one of whom shall be a medical director as defined in paragraph III-b of this section]~~. Any public member of the subcommittee shall be a person who is not, and never was, a member of the medical profession or the spouse of any such person, and who does not have, and never has had, a material financial interest in either the provision of medical services or an activity directly related to medicine, including the representation of the board or profession for a fee at any time during the 5 years preceding appointment. ***The terms of the public members shall be staggered so that no 2 public members' terms expire in the same year.*** The subcommittee members shall be appointed for 3-year terms, and shall serve no more than 2 terms. Upon referral by the board, the subcommittee shall review disciplinary actions reported to the board under paragraphs II-V of this section, except that matters concerning a medical director involved in a current internal or external grievance pursuant to RSA 420-J shall not be reviewed until the grievance process has been completed. Following review of each case, the subcommittee shall make recommendations to the board. Funds shall be

appropriated from the general fund for use by the subcommittee to investigate allegations under paragraphs I-V of this section. The board shall employ a physician as a medical review subcommittee administrator who shall serve at the pleasure of the board. The salary of the medical review subcommittee administrator shall be established by the board in accordance with duties, experience, and amount of time required for the position.

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

AMENDED ANALYSIS

This bill adds public members to the board of medicine and the medical review subcommittee, and allows for a designee in the case of a vacancy in the office of medical director of the department of health and human services.

HB 1526, relative to the composition of the medical review subcommittee of the medical review board. **OUGHT TO PASS**

Rep. James B. Coburn for Executive Departments and Administration: This bill deletes the requirement that one member of the medical review subcommittee be a medical director. The requirement was specified back when there were perceived issues with HMOs that a medical director would be best qualified to address. The issues never became serious and now there are only a few medical directors in the state. The Board of Medicine and the New Hampshire Medical Society support this bill. Vote 12-0.

HB 1572, establishing a commission to study the mission and organization of the fish and game department. **INEXPEDIENT TO LEGISLATE**

Rep. Ronald J. Nowe for Executive Departments and Administration: While we oppose the forming of a commission to investigate the mission and organization of the Fish and Game Department, we feel an LBA performance audit would objectively identify problems which then could be rectified. We also realize that the Fish and Game Committee has the intent of setting up a study of the Fish and Game Department. In an effort to eliminate duplication of effort and redundancy, we could not support this bill. Vote 13-0.

HB 1574, relative to membership on the public employees deferred compensation commission. **OUGHT TO PASS WITH AMENDMENT**

Rep. A. Laurie Harding for Executive Departments and Administration: This bill permits the director of the Office of Securities Regulation to appoint a designee to serve on the Public Employee Deferred Compensation Commission. Vote 11-0.

Amendment (1179h)

Amend RSA 101-B:2, I(e) as inserted by section 1 of the bill by replacing it with the following:

(e) The [~~director of the office of securities regulation, department~~] **secretary** of state, **or designee**;

AMENDED ANALYSIS

This bill replaces the director of the office of securities regulation with the secretary of state or designee as a member of the public employees deferred compensation commission.

HB 1590-FN, relative to the pari-mutuel commission. **OUGHT TO PASS WITH AMENDMENT**

Rep. James M. Fitzgerald for Executive Departments and Administration: This bill, as amended, was brought forward at the request of the pari-mutuel commission after consultation with the attorney general's office to make technical changes and strengthen language in pari-mutuel licensing. The bill provides the pari-mutuel commission and the attorney general with authority to conduct criminal background checks, require proper disclosure of information and set conditions for license holders and applicants. It also gives the pari-mutuel commission and the attorney general authority to audit and investigate at the applicant or licensees expense. The bill also defines the duties and powers of the racing

stewards and judges, bringing them into compliance with common practices in the industry.
Vote 13-0.

Amendment (0884h)

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

1 License Fees; Background Checks. Amend RSA 284:12-a to read as follows:

284:12-a License Required; ***Investigation Fees.***

I. No person, association, corporation, ***or any other type of entity*** shall hold any running or harness horse or dog race or meet at which pari-mutuel pools are sold without a license from the commission.

II. Investigation fees shall be collected by the commission and shall be continually appropriated to the commission and used by the commission to offset the costs of conducting background checks and monitoring of license applicants and licensees as required under this section, RSA 284:16, RSA 284:16-a, RSA 284:18-a, RSA 284:19, RSA 284:20, and RSA 284:20-b. Funds received hereunder and not expended for such investigations shall lapse to the general fund 2 years after receipt of such funds.

2 License Applicants; Audits. Amend RSA 284:15, III to read as follows:

III. The commission shall have the power to require, at the applicant's or holder's expense, that any financial information provided under paragraphs I and II be verified by an audit performed by a certified public accountant. The commission shall have the further power to require that as a condition of securing a license or of continuing to hold a license the license applicant or holder make available its books and records so as to permit the commission to perform such independent auditing or financial analysis as the commission may deem necessary. In so doing, the commission may employ certified public accountants and any other financial analysts or investigators necessary to perform said auditing and may ~~[pay them reasonable compensation, on the warrant of the governor, out of any money in the treasury not otherwise appropriated]~~ ***bill the license applicant or holder for all costs associated with the auditing.***

3 Disclosure of Information. RSA 284:15-b is repealed and reenacted to read as follows:

284:15-b Disclosure of Information; Expenses of Investigations.

I. Any person, association, corporation or any other type of entity applying for or holding a license issued pursuant to the provisions of this chapter shall file annually, not later than December 31, with the attorney general a complete and detailed written statement, signed under oath, by the applicant or holder of such license, if an individual, or by the officers of the applicant or holder, if a corporation or an association, containing the following information:

(a) The name, residence address, and nature of the ownership interest, including where applicable the number of shares of stock held and, if known, how obtained, of every person who possesses an ownership interest in such license applicant or holder;

(b) The name, address, present principal occupation or employment, and the name and principal business of any corporation or other organization in which such employment is carried on of every director, officer, and holder of 10 percent or more ownership interest in such license applicant or holder;

(c) The name and all information which a license applicant or holder has or might reasonably be expected to have as to any felony convictions of any officer, director, or holder of an ownership interest of any degree; provided, that if the license applicant or holder is an association or corporation in which 25 or fewer individuals or organizations hold an ownership interest or stock, then the information required by subparagraphs (a) and (b) shall be provided by each such interest holder or stockholder, who shall be further required to submit a detailed statement of assets and liabilities on forms prescribed by the attorney general; and

(d) Such information as the commissioner may prescribe by rule or rejection.

II. The attorney general shall have the authority to conduct an investigation on the attorney general's motion into the background of the license applicant or holder, of any person included in paragraph I or of any person or entity upon whom the license applicant or holder relies for financial support. In addition, whenever the commission shall receive an application, it shall refer the application to the attorney general who shall conduct such an investigation. The investigation may be conducted through any appropriate state or federal law enforcement system and may seek information as to the subject's financial, criminal or business background, or any other information which the attorney general, in the attorney general's sole discretion, may find to bear on the subject's fitness to be associated with racing in New Hampshire, including, but not limited to, the subject's character, personal associations, and the extent to which the subject is properly doing business in the manner in which it purports to operate. When the commission requests such an investigation, the attorney general shall report the results of such investigation to the commission within 90 days after the receipt of the request. Notwithstanding any other law to the contrary, the results of any such investigation shall be confidential and shall not be subject to disclosure or to public inspection, except that the attorney general shall have sole discretion to determine the extent to which and the manner in which the results may be reported to the commission or other state agency or official and, if reported, whether such results are to retain their confidential character; provided, however, that whenever the attorney general conducts such an investigation, the attorney general shall notify the commission whether or not in the attorney general's opinion such person is fit to be associated with racing in New Hampshire. Notwithstanding any other provision of law, no person shall be issued or hold a license if in the opinion of the attorney general such person is not fit to be associated with racing in this state.

III. The reasonable expenses of the commission and the office of attorney general in conducting any investigation authorized in this section, including the services of consultants, experts, accountants and other assistants, shall be a direct charge against the applicant or holder.

IV. In any investigation conducted pursuant to paragraph II, the attorney general or any duly authorized justice department staff member may require, by subpoena or otherwise, the attendance of witnesses and the production of such correspondence, documents, books, and papers as the attorney general or staff member deems advisable, and for purposes of this section, may administer oaths and take the testimony of witnesses. No person shall be excused from testifying or from producing any book or paper in any investigation conducted pursuant to paragraph II upon the ground that such testimony or documentary evidence might tend to incriminate such person; provided that if, after a claim of privilege, the attorney general, in writing, orders such person to testify or produce documentary evidence, that person shall not be prosecuted, punished, or subjected to any penalty or forfeiture for or on account of any act, transaction, matter, or thing which such person, under oath, disclosed or produced. No person so testifying shall be exempt from prosecution or punishment for any perjury committed by such person in such testimony.

4 Condition of Licensee. Amend RSA 284:16-b to read as follows:

284:16-b ~~[Financial]~~ Condition of Licensee.

I. The commission shall monitor the ~~[financial]~~ condition of its licensees on a continuing basis and shall have the power to revoke, after hearing, any license if in its judgment the ~~[financial]~~ condition of the holder thereof does not warrant a continuation of said license, or, in lieu of revocation, to impose such conditions upon the continued possession of the license as the commission deems reasonably necessary ~~[to the functioning of said licensee on a sound financial basis]~~.

II. *The commission, after conducting a hearing, may require a licensee to divest itself of any partner, person, sub-corporation, shareholder, or any other entity of the licensee if the commission determines that any partner, person, sub-*

corporation, shareholder, or any other entity of the licensee is not fit to be associated with racing in this state.

III. The licensee shall notify the commission of any change of, or transfer of any of the owners of the voting stock or other voting interest, if the licensee is privately held. In the case of a publicly-traded entity holding the license, the commission shall be notified of any changes to the board of directors, or when more than 10 percent of the publicly-held shares or other voting interest are closely held by one entity. The licensee shall provide such notice to the commission in writing within 10 days of the occurrence of any such event. On receipt of such notice, the commission shall assess whether the change in ownership affects the licensee's qualifications for continued licensure.

5 Powers of Stewards. Amend RSA 284:20 to read as follows:

284:20 Stewards. There shall be at least 3 stewards to supervise each running or harness horse race or meet, conducted under the provisions of this chapter, at which pari-mutuel pools are sold. One of such stewards shall be the official steward of the state racing commission, and the remaining stewards shall be appointed by the person, association, corporation, **or any other type of entity** conducting the race or meet, subject to the approval of the commission. Said stewards shall **be authorized to assess fines and suspend licenses and shall** exercise such **other** powers and perform such duties at each race meet as may be prescribed by the rules and regulations of the commission. **Any person who has been assessed a fine or whose license has been suspended may appeal any fine or suspension imposed by the stewards under this section to the commission.**

6 Powers of Judges. Amend RSA 284:20-b to read as follows:

284:20-b Judges. There shall be at least 3 judges to supervise each dog race or meet, conducted under the provisions of this chapter, at which pari-mutuel pools are sold. One of such judges shall be the official judge of the state greyhound racing commission, and the remaining judges shall be appointed by the person, association, corporation, **or any other type of entity** conducting the race or meet, subject to the approval of the commission. Said judges shall **be authorized to assess fines and suspend licenses and shall** exercise such **other** powers and perform such duties at each race as may be prescribed by the rules and regulations of the commission. **Any person who has been assessed a fine or whose license has been suspended may appeal any fine or suspension imposed by the judges under this section to the commission.**

7 Compensation of Stewards. Amend RSA 284:20 to read as follows:

284:20-d Compensation of Stewards, Judges, and Veterinarians. Compensation of the commission veterinarian, and of the official state steward or associate judges of the commission shall be reimbursed to the state by the person, association, corporation, **or any other type of entity** conducting the race or meet, and such reimbursement shall include the employer's share of OASI taxes. The commission may establish the salaries of the state steward and associate judges. Payments to the state required under this section shall be made no later than 30 calendar days after receipt of billing from the commission. Failure to make payments in the time prescribed shall subject the licensee to a civil forfeiture of up to \$50 for each day the payments are overdue, at the discretion of the pari-mutuel commission.

8 New Section; Background and Criminal Records Check. Amend RSA 284 by inserting after section 284:20-e the following new section:

284:20-f Background and Criminal Records Check.

I. Each applicant for a license pursuant to this chapter and rules adopted by the pari-mutuel commission shall submit to the commission with his or her license application a background and criminal record release authorization form provided or approved by the pari-mutuel commission.

II. Upon receipt of an applicant's background and criminal record information, the commission shall make a determination of eligibility for licensure.

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

AMENDED ANALYSIS

This bill makes changes in the laws regulating horse and greyhound racing, including license requirements and fees, payment for audits, powers of stewards and judges, and compensation of track veterinarians.

HB 1595-FN, relative to voluntary certification of electronic systems technicians. **OUGHT TO PASS WITH AMENDMENT**

Rep. Ken Hawkins for Executive Departments and Administration: This bill will license electronic system technicians who install sound systems and home theaters and place them under the Electricians Board. Presently, systems that are being installed that do not meet wiring codes could result in a public safety concern. Vote 14-0.

Amendment (1188h)

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

AN ACT relative to certification of electronic systems technicians by the electricians' board.

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

1 New Subdivision; Electronic Systems Technicians. Amend RSA 319-C by inserting after section 15 the following new subdivision:

Electronic Systems Technicians

319-C:16 Certification of Electronic Systems Technicians.

I. The board shall establish and administer an electronic system technician certification program for the purpose of certifying an individual whose primary occupation is the design or integration, installation, and field maintenance or service of cabling infrastructure and products that do any of the following:

(a) Transport voltage of less than 100 volts of voice, video, audio, control, and data signals in commercial and residential premises.

(b) Capture and display or otherwise annunciate signals.

(c) Control voice, video, audio, or data signals.

(d) Use signals to control mechanical and electrical apparatus.

II. The board, with the approval of the commissioner of safety, shall adopt rules pursuant to RSA 541-A developed by the advisory committee on electronic systems technicians relative to:

(a) The establishment of minimum education and training standards and continuing education requirements for certified electronic systems technicians.

(b) The establishment of fees for certification. After the first year of this program, such fees shall be sufficient to produce estimated revenues equal to 125 percent of the direct operating expenses of the program for the previous fiscal year.

III. Whoever falsely claims to be certified as an electronic systems technician through advertising, signage, or verbal representation shall be guilty of a violation if a natural person, or guilty of a misdemeanor if any other person.

IV. Electricians licensed by the board under this chapter shall be exempt from the requirements of this subdivision.

V. Telephone, cable, and utility workers when performing their duties shall be exempt from the requirements of this subdivision.

319-C:17 Criminal Records Check.

I. All applicants for certification as an electronic systems technician shall submit to the New Hampshire department of safety, division of state police, a notarized criminal record release authorization form, along with the appropriate fee, prior to submitting an application for a certification to the board.

II. The board shall supply the criminal record release authorization form to applicants.

III. Upon receipt of an applicant's criminal record information, the board shall make a determination of eligibility for certification.

319-C:18 Advisory Committee on Electronic Systems Technicians. There is established an electronic system technicians advisory committee appointed by the governor with advice of the council. The term of office for members shall be 3 years and until a successor is appointed. The initial members of the commission shall serve staggered terms. Vacancies shall be filled in the same manner and for the unexpired terms.

I. The advisory committee shall be comprised of the following members:

(a) Three representatives of the Custom Electronic Design and Installation Association.

(b) Two representatives of the National Systems Contractors Association.

(c) Two representatives of the Retail Merchants Association of New Hampshire.

(d) Two representatives of a trade union.

II. The advisory committee shall assist the board in carrying out the duties under this subdivision by providing advice regarding:

(a) Developing rules.

(b) Qualifications for certification.

(c) Implementing the certification program under this subdivision.

2 Effective Date. This act shall take effect July 1, 2006.

HB 1602-FN, eliminating the reduction of a New Hampshire retirement system annuity at age 65. **INEXPEDIENT TO LEGISLATE**

Rep. Ken Hawkins for Executive Departments and Administration: At the present time when an eligible employee retires, he or she receives a retirement check from the New Hampshire Retirement System. Upon reaching the age of 65, the benefit is reduced by 10%. This bill if passed would require an additional \$11 million dollars be collected from both employer and employee. In the 60's, 70's and early 80's, there was a 100% reduction at age 65 because of the Social Security benefit that was reduced to 10% sometime in the 1980's. Vote 9-2.

HB 1633-FN, relative to membership, eligibility, and financing of the New Hampshire retirement system. **OUGHT TO PASS WITH AMENDMENT**

Rep. Ken Hawkins for Executive Departments and Administration: This makes a few technical changes to the New Hampshire Retirement System. It would also change the date the fiscal committee may approve COLA'S from February 1 to May 31 of each year. This would also allow four more months to analyze the returns the system has attained. Vote 12-0.

Amendment (0862h)

Amend the bill by replacing sections 6 and 7 with the following:

6 Political Subdivisions; Modifications. Amend RSA 100-A:22 to read as follows:

100-A:22 Modifications. Membership in the retirement system shall be optional for officers and employees of the employer who are in the service of the employer on the date when participation becomes effective, and any such officer or employee who elects to join the retirement system within one year thereafter shall be credited with prior service covering such periods of prior service rendered to such employer for which the employer is willing to make accrued liability contributions. If the employer is unable or unwilling to make such contributions, a member in service may petition the board of trustees for periods of prior service rendered to such employer. Upon payment by the member of the amount determined in accordance with RSA 100-A:3, VI(b) and with the approval of the board, the member shall receive credit for such prior service. Thereafter, service for such employer on account of which contributions are made by the employer and member shall also be considered as creditable service. ***However, in no event shall prior service purchased as creditable service under this section be used as creditable service for the purpose of eligibility***

for medical benefits under RSA 100-A:52, RSA 100-A:52-a, or RSA 100-A:52-b.

Membership shall be compulsory for all employees entering the service of such employer after the date participation becomes effective. Municipalities may, by action of their city council or board of selectmen, exempt their chief administrative officer, ~~[as an unclassified employee]~~ **at the time of initial hiring or appointment**, from compulsory membership provided herein. The chief fiscal officer of the employer, and the heads of its departments, shall submit to the board of trustees such information and shall cause to be performed with respect to the employees of such employer, who are members of the retirement system, such duties as shall be prescribed by the trustees in order to carry out the provisions of this chapter.

7 Supplemental Allowances. Amend RSA 100-A:41-a, II to read as follows:

II. ~~[On February 1]~~ **No later than May 31** of each year, ~~[beginning in 1999,]~~ the fiscal committee of the general court may approve ~~[COLA's]~~ **COLAs** for the July 1 thereafter upon certification from the actuary of the amount of the COLA which may be granted to each member classification based on the funds available in the special account for each member classification. The actuary shall look at each member classification component of the special account separately and shall certify to the fiscal committee the funds available, and any other information required by the committee, including but not limited to any change in the Consumer Price Index-Urban for the year prior to the year in which the allowance is granted. Any such supplemental allowance when granted by the fiscal committee of the general court shall become a permanent addition to the beneficiary's base retirement allowance, and shall be included in the monthly annuity paid to the retired member, or to the member's beneficiary if the member is deceased and the beneficiary is receiving an allowance under RSA 100-A:8, 100-A:9, 100-A:12, 100-A:13, **100-A:19, the provisions of former RSA 100-A:16, I(c)(2) relative to additional contributions**, or similar provisions of predecessor systems.

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

8 New Paragraph; Creditable Service; Purchase of Nonqualified Service Credit. Amend RSA 100-A:4 by inserting after paragraph VI the following new paragraph:

VII. Notwithstanding any provision of this section, a member in active service in the retirement system who currently has at least 5 years of creditable service in the state, shall be entitled to receive credit for not less than one month nor more than 5 years of nonqualified service credit within the meaning of section 415(n) of the United States Internal Revenue Code of 1986, as amended, upon payment by the member of the full actuarial cost of such credit and upon approval of the board, subject to the following:

(a) Credit shall not be granted until the active member has fully paid for the nonqualified service in a lump sum or by installment payments as permitted by the board. The actuarial cost shall be the product of the member's annual rate of compensation at the time of buy-in, multiplied by the sum of the member and employer contribution rates in effect with respect to the member at the time of buy-in, multiplied by the number of years of nonqualified service credit bought. The member's payment shall be credited to the member annuity savings fund.

(b) "Nonqualified service credit" means time that is not otherwise purchasable under this chapter.

(c) Requests concerning the purchase of nonqualified service credit pursuant to this paragraph shall be limited to 2 such requests per member per calendar year.

AMENDED ANALYSIS

This bill makes various changes to the New Hampshire retirement system concerning service of members, determination of benefits, and administration of RSA 100-A.

HB 1683-FN, establishing a homestead food license for residential, non-commercial kitchens. **OUGHT TO PASS WITH AMENDMENT**

Rep. Donald F. Ryder for Executive Departments and Administration: The establishing of a homestead food license causes out of state suppliers to be subject to the same requirements as in-state suppliers. It establishes a two level license based on gross sales. The bill reduces a one-time registration fee and requires training and certification of processors and manufacturers of home made foods. Vote 16-0.

Amendment (0662h)

Amend RSA 143-A:12, II as inserted by section 2 of the bill by replacing it with the following:

II. There is hereby established a 2-level homestead license. For a level one license, a one-time fee of \$25 shall be paid to the department of health and human services. The level 2 homestead license shall be based on gross sales. It shall be unlawful for a processor or a manufacturer to operate a homestead without a homestead license as required under this subdivision. The commissioner and the commissioner of the department of agriculture, markets, and food shall administer the homestead licensure required under this subdivision. Amend RSA 143-A:13, V as inserted by section 2 of the bill by replacing it with the following:

V. Fees for a level 2 license, including application fees and fees for renewal.

HB 1696-FN, relative to the cremation of human remains. **OUGHT TO PASS WITH AMENDMENT**

Rep. Charlotte Houde-Quimby for Executive Departments and Administration: This bill provides for licensing and annual inspection of crematoria under the auspices of the Department of Health and Human Services. The committee heard testimony from law enforcement and family members about multiple egregious violations of practices, bookkeeping and behavior in a New Hampshire crematorium and believes that it is imperative to the grieving families of New Hampshire to insure that this tragedy never be repeated. Provisions are made to allow the assistant deputy medical examiner to remove pacemakers and other such devices at the crematorium. Regulations are put in place to protect the final remains and mandates that only one remain be processed at one time unless the remains are family members whose authorizing agent so deems. Crematory authorities shall retain for at least seven years after the cremation, with appropriate backup if electronic, documents required under this chapter. Finally, the department may impose disciplinary actions as well as fines not to exceed \$20,000 per violation. Vote 14-0.

Amendment (1198h)

Amend the bill by replacing section 1 with the following:

1 Cremation of Human Remains. RSA 325-A is repealed and reenacted to read as follows:

CHAPTER 325-A

CREMATION OF HUMAN REMAINS

325-A:1 Definitions. In this chapter:

I. "Alternative container" means a container in which human remains are placed in a cremation chamber for cremation.

II. "Authorizing agent" means a person vested with the right to control the disposition of human remains pursuant to RSA 290.

III. "Casket" means a rigid container made of wood, metal, or other similar material, ornamented and lined with fabric, which is designed for the encasement of human remains.

IV. "Commissioner" means the commissioner of health and human services.

V. "Cremated remains" means the residue of human remains recovered after cremation and the processing of such remains by pulverization, leaving only bone fragments reduced to unidentifiable dimensions, and the unrecoverable residue of any foreign matter, such as eyeglasses, bridgework, or other similar material, that was cremated with the human remains.

VI. "Cremated remains" receipt form means a form provided by a crematory authority to an authorizing agent or his or her representative that identifies cremated remains and the person authorized to receive such remains.

VII. "Cremation" means the technical process that uses heat and evaporation to reduce human remains to bone fragments.

VIII. "Cremation chamber" means the enclosed space within which a cremation takes place.

IX. "Crematory" means a building or portion of a building which contains a cremation chamber and holding facility.

X. "Crematory authority" means the legal entity subject to licensure by the department to maintain and operate a crematory and perform cremation.

XI. "Crematory operator" means a person who is responsible for the operation of a crematory.

XII. "Delivery receipt form" means a form provided by a funeral establishment to a crematory authority to document the receipt of human remains by such authority for the purpose of cremation.

XIII. "Department" means the department of health and human services.

XIV. "Funeral director" means funeral director as defined in RSA 325.

XV. "Holding facility" means the area of a crematory designated for the retention of human remains prior to cremation and includes a refrigerated facility.

XVI. "Human remains" means the body of a deceased person, or a human body part, in any stage of decomposition and includes limbs or other portions of the anatomy that are removed from a person or human remains for medical purposes during treatment, surgery, biopsy, autopsy, or medical research.

XVII. "Permanent container" means a receptacle made of durable material for the long-term placement of cremated remains.

XVIII. "Temporary container" means a receptacle made of cardboard, plastic, or other similar material in which cremated remains are placed prior to the placement of such remains in an urn or other permanent container.

325-A:2 Crematory; License Required. A crematory shall not be established, operated, or maintained in this state except by a crematory authority licensed by the department under this chapter. The department shall issue a license to a crematory authority that satisfies the requirements for licensure under the chapter. Human remains shall not be cremated in this state except at a crematory operated by a crematory authority licensed under this chapter.

325-A:3 Building and Location Requirements.

I. A crematory shall conform to all building codes and environmental regulations.

II. A crematory may be constructed at any location consistent with applicable zoning and environmental regulations.

325-A:4 License; Application; Requirements; Fee. An applicant for an initial or renewal license as a crematory authority shall file a written application with the department. The application shall be accompanied by the license fee required under RSA 325-A:7 and a certificate confirming that the crematory operator has attended, prior to issuance of the license, a training course provided by the Cremation Association of North America or by the manufacturer of the cremation chamber maintained and operated by the crematory authority and shall set forth the full name and address of the applicant, the address and location of the crematory, the name of the crematory operator, the name and address of the owner of the crematory, and additional information as required by the department, including affirmative evidence of the applicant's ability to comply with rules adopted under this chapter. The application shall include the applicant's social security number if the applicant is an individual. The social security number shall not be public record and shall only be used for administrative purposes.

325-A:5 License; Expiration. Except as otherwise provided in this chapter, licenses issued pursuant to this chapter shall expire 5 years after the date of issuance. Licenses shall be issued only for the crematory authority named in the application and shall not be transferable or assignable.

325-A:6 Change in Location, Ownership, or Name.

I. A crematory authority desiring to relocate a crematory shall file a written application with the department at least 30 days prior to the designated date of such relocation. The application shall be accompanied by a fee as determined by the department in rules adopted under RSA 541-A.

II. A crematory authority desiring to change ownership of a crematory shall file a written application with the department at least 30 days prior to the designated date of such change. The application shall be accompanied by a fee as determined by the department in rules adopted under RSA 541-A.

III. A crematory authority desiring to change its name shall file a written application with the department at least 30 days prior to such change. The application shall be accompanied by a fee as determined in rules adopted under RSA 541-A.

325-A:7 Licensure; Fees.

I. The fee for an initial or renewal license as a crematory authority shall include a fee determined in rules adopted under RSA 541-A.

II. If the license application is denied, the license fee shall be returned to the applicant, except that the department may retain an administrative fee and may retain the entire license fee if an inspection has been completed prior to such denial.

III. The department shall collect a fee for reinstatement of a license that has lapsed or has been suspended. The department shall collect a fee for a duplicate original license.

IV. The department shall collect a fee for a certified statement that a crematory authority is licensed in this state and a fee for verification that a crematory authority is licensed in this state.

V. The department shall collect all fees authorized under the chapter and shall remit such fees to the state treasurer for deposit in the general fund of the state.

325-A:8 Inspection; Department; Duties.

I. The department shall annually inspect or provide for the inspection of any crematory operated by a crematory authority licensed under this chapter in such manner and at such times as provided in rules adopted by the commissioner.

II. The department shall issue an inspection report and provide a copy of the report to the crematory authority within 10 working days after the completion of an inspection. The department shall review any findings of noncompliance contained in such report within 20 working days after such inspection.

III. If the department determines, after such review, that the evidence supports a finding of noncompliance by a crematory authority with any applicable provisions of this chapter or rules adopted under this chapter, the department may send a letter to the crematory authority requesting a statement of compliance. The letter shall include a description of each alleged violation, a request that the crematory authority submit a statement of compliance within 10 working days, and a notice that the department may take further action if the statement of compliance is not submitted. The statement of compliance shall indicate any actions by the crematory authority which have been or will be taken and the period of time estimated to be necessary to correct each alleged violation. If the crematory authority fails to submit such statement of compliance or fails to make a good faith effort to correct the alleged violations, the department may take further action as provided in this chapter.

325-A:9 Complaints.

I. Any person may submit a complaint to the department and request investigation of an alleged violation of this chapter or rules adopted under this chapter. The department

shall review all complaints and determine whether to conduct an investigation relating to such complaints.

II. A complaint submitted to the department under this section shall be confidential. A person submitting such complaint shall be immune from criminal or civil liability of any nature, whether direct or derivative, for submitting the complaint or for disclosure of documents, records, or other information to the department relating to such complaint.

325-A:10 Imminent Danger; Department Powers.

I. If the commissioner determines that a crematory authority is operating a crematory so as to create an imminent danger of death or serious physical harm to persons employed at or in proximity to such crematory, he or she may order the temporary suspension or temporary limitation of the license of the crematory authority and may order the temporary closure of the crematory pending further action by the department. A hearing shall be held by the department no later than 10 days after the date of such order. The department shall also simultaneously institute proceedings for revocation, suspension, or limitation of the license of the crematory authority.

II. A continuance of the hearing under paragraph I shall be granted by the department upon written request from the crematory authority. Such continuance shall not exceed 30 days.

III. A temporary suspension or temporary limitation order by the commissioner under this section shall take effect when served upon the crematory authority and shall not exceed 90 days. If further action is not taken by the department within such period, the temporary suspension or temporary limitation shall expire.

325-A:11 Deny or Refuse to Renew License; Grounds. The department may deny or refuse to renew a license under this chapter or take disciplinary action against a crematory authority licensed under this chapter as provided in RSA 325-A:12 on any of the following grounds:

- I. Violation of this chapter or rules adopted and pursuant to this chapter;
- II. Conviction of any crime involving moral turpitude;
- III. Conviction of a misdemeanor or felony under state law, federal law, or the law of another jurisdiction which, if committed within this state, would have constituted a misdemeanor or felony and which has a rational connection with the fitness or capacity of the crematory authority to operate a crematory;
- IV. Conviction of a violation pursuant to RSA 325-A:15;
- V. Obtaining a license as a crematory authority by false representation or fraud;
- VI. Misrepresentation or fraud in the operation of a crematory; or
- VII. Failure to allow access by an agent or employee of the department to a crematory operated by the crematory authority for the purposes of inspection, investigation, or other information collection activities necessary to carry out the duties of the department.

325-A:12 Disciplinary Actions.

I. The department may impose any one or more of the following types of disciplinary action against a crematory authority licensed under this chapter:

- (a) A fine not to exceed \$20,000 per violation;
- (b) A limitation on the license and upon the right of the crematory authority to operate a crematory to the extent, scope, or type of operation, for such time, and under such conditions as the commissioner finds necessary and proper;
- (c) Placement of the license on probation for a period not to exceed 2 years during which the crematory may continue to operate under terms and conditions fixed by the order of probation;
- (d) Suspension of the license for a period not to exceed 2 years during which the crematory may not operate; and
- (e) Revocation and permanent termination of the license.

II. Any fine imposed and unpaid under this chapter shall constitute a debt to the state of New Hampshire which may be collected in the manner of a lien foreclosure or sued

for and recovered in any proper form of action in the name of the state in the superior court of the county in which the crematory is located. The department shall, within 30 days after receipt, remit any such fines to the state treasurer for deposit in the general fund.

325-A:13 Appeal. Any party to a decision of the department under this chapter may appeal such decision. The appeal shall be in accordance with RSA 541.

325-A:14 License Reinstatement or Relicensure.

I. If the license of a crematory authority has lapsed for nonpayment of fees, such license shall be eligible for reinstatement at any time upon application to the department and payment of the applicable fee as provided in RSA 325-A:7.

II. If the license of a crematory authority has been placed on probation, such license shall be eligible for reinstatement at the end of the period of probation upon successful completion of an inspection if the department determines an inspection is warranted.

III. If the license of a crematory authority has been suspended, such license shall be eligible for reinstatement at the end of the period of suspension upon successful completion of an inspection and payment of the applicable fee as provided in RSA 325-A:7.

IV. If the license of a crematory authority has been suspended, such license may be reinstated by the department prior to the completion of the term of suspension upon petition by the licensee. After reviewing such petition and any material submitted by the licensee with such petition, the department may order an inspection or investigation of the licensee. Based on such review and such inspection or investigation, if any, the commissioner shall grant full reinstatement of the license, modify the suspension, or deny the petition for reinstatement. The commissioner's decision shall become final 30 days after mailing the decision to the licensee unless the licensee requests a hearing within such period. Any requested hearing shall be held according to rules of the department.

V. If the license of a crematory authority has been revoked, such crematory authority shall not be eligible for relicensure until 5 years after the date of such revocation. A reapplication for an initial license may be made by the crematory authority at the end of such 5-year period.

325-A:15 Acts Prohibited; Penalty.

I. Maintaining or operating a crematory in violation of this chapter or any rules of the department is a public nuisance and may be abated as a nuisance as provided by law.

II. It shall be a felony to establish, operate, or maintain a crematory subject to this chapter without being licensed as a crematory authority under this chapter, to hold oneself out to the public as a crematory authority without being licensed, or to perform a cremation without a cremation authorization form signed by the authorizing agent and a completed permit for transit or cremation as provided by the department or a cremation permit.

III. Signing a cremation authorization form with actual knowledge that the form contains false, incorrect, or misleading information is a felony.

IV. A violation of any other provision of this chapter is a misdemeanor.

325-A:16 Injunctions. The department may maintain an action in the name of the state for an injunction against any person for establishing, operating, or maintaining a crematory without first obtaining a license as a crematory authority under this chapter. In charging any defendant in a complaint in such action, it shall be sufficient to charge that such defendant did, upon a certain day and in a certain county, establish, operate, or maintain a crematory without obtaining a license as a crematory authority under this chapter, without alleging any further or more particular facts concerning the same.

325-A:17 Right to Authorize Cremation. The right to authorize the cremation of human remains and the final disposition of the cremated remains, except in the case of a minor and unless other directions have been given by the decedent in the form of a testamentary disposition or a pre-need contract, vests pursuant to RSA 290.

325-A:18 Crematory Authority.

I. A crematory authority upon receiving human remains shall sign a delivery receipt form and shall hold the human remains, prior to cremation, as provided in this section. The

form shall include the name of the deceased, the time and date of delivery of such remains, and the signatures of the owner of the crematory or his or her representative and the funeral director or his or her representative, or the next-of-kin or designated agent as provided in RSA 290.

II. If a crematory authority is unable to cremate the human remains immediately upon taking receipt thereof, the crematory authority shall place the human remains in a holding facility. A holding facility shall be designed and constructed to comply with all applicable public health laws, provide for the health and safety of persons employed at such facility, and prevent any unauthorized access to such facility.

III. A crematory authority may refuse to accept for holding an alternative container or casket from which there is any evidence of leakage of the body fluids from the human remains in the container.

IV. If human remains received by the crematory authority are not embalmed, such remains shall be held no longer than 24 hours from the time of death unless the human remains are placed within a refrigerated facility in accordance with the laws of this state.

325-A:19 Crematory Operation; Limitations.

I. No person shall be permitted in a crematory, unless authorized by the crematory authority, while any human remains are in the crematory awaiting cremation, being cremated, or being removed from the cremation chamber.

II. The human remains of more than one person shall not be simultaneously cremated within the same cremation chamber unless the crematory authority has received specific written authorization from the authorizing agent for the human remains to be so cremated.

325-A:20 Crematory Authority; Requirements.

I. A crematory authority shall not accept human remains for cremation without a proper label placed on the exterior of the alternative container or casket indicating the name of the deceased and the name and location of the funeral establishment, or the name of the next-of-kin or designated agent as provided in RSA 290.

II. No crematory authority shall make or enforce any rules requiring that human remains be placed in a casket before cremation or that human remains be cremated in a casket. No crematory authority shall refuse to accept human remains for cremation if the human remains are not in a casket.

III. No crematory authority shall accept human remains for cremation unless the human remains are delivered to the crematory authority in an alternative container or casket or delivered to the crematory authority's holding facility to be placed in an alternative container or casket. Human remains delivered to a crematory in an alternative container shall not be removed from the alternative container, and the alternative container shall be cremated with the human remains. A crematory authority may refuse a noncombustible casket or any other container that is not an alternative container or a casket or container that is not labeled as required under paragraph I.

IV. An alternative container shall:

- (a) Be composed of readily combustible materials suitable for cremation;
- (b) Be able to be closed to provide for complete encasement of the human remains;
- (c) Be resistant to leakage or spillage;
- (d) Be rigid enough for easy handling; and
- (e) Provide protection for the health and safety of persons handling such container.

325-A:21 Cremation Authorization Form.

I. A crematory authority shall not cremate human remains until it has received a cremation authorization form as provided in paragraph II, a completed and executed permit for transit or cremation as provided by the department or the appropriate cremation permit

from the state from which the human remains were delivered, indicating that the human remains are to be cremated, and a delivery receipt form.

II. A cremation authorization form shall be signed by the authorizing agent and shall include, but not be limited to, the following information:

- (a) The name of the deceased;
- (b) Date and place of death;
- (c) The identity of the funeral director involved in the preparation of the human remains for cremation, if any;
- (d) Notification that the death did or did not occur from a disease declared by the department to be infectious, contagious, communicable, or dangerous to the public health;
- (e) The name of the authorizing agent and the relationship between the authorizing agent and the deceased;
- (f) Authorization by the authorizing agent for the crematory authority to cremate the human remains;
- (g) A representation that the authorizing agent is aware of no objection to the human remains being cremated by any person who has a right to control the disposition of the human remains;
- (h) A representation that the human remains do not contain any material, implants, or conditions that may be potentially hazardous to equipment or persons performing the cremation;
- (i) The name of the person authorized to claim the cremated remains from the crematory authority; and
- (j) The intended disposition of the cremated remains.

III. A crematory authority shall retain, for at least 7 years after the cremation, in printed or electronic format with suitable backup, copies of the cremation authorization form, permit for transit or cremation as provided by the department or cremation permit, cremated remains receipt form, delivery receipt form, and any other records required under this chapter.

325-A:22 Signature.

I. Any person signing a cremation authorization form shall be deemed to warrant the truthfulness of any facts set forth on such form, including the identity of the deceased whose remains are sought to be cremated and the authority of the person to authorize such cremation. Any person signing a cremation authorization form is personally liable for all damages resulting from false, incorrect, or misleading information contained on such form.

II. A crematory authority may cremate human remains upon the receipt of a cremation authorization form signed by an authorizing agent and a completed and executed permit for transit or cremation or cremation permit as required by law.

325-A:23 Potentially Hazardous Conditions.

I. No human remains shall be cremated with the knowledge that the human remains contain a pacemaker or defibrillator or other potentially hazardous implant or condition. The authorizing agent shall take all necessary steps to ensure that any such hazardous implant or condition is removed or corrected prior to cremation. If an authorizing agent informs the funeral director and the crematory authority on the cremation authorization form of the presence of such potentially hazardous implant or condition in the human remains, the funeral director shall ensure that all necessary steps have been taken to remove or correct the implant or condition before delivering the human remains to the crematory. A funeral director who knowingly fails to ensure the removal or correction of the hazardous implant or condition prior to delivery and who knowingly delivers such human remains shall be liable for any damages resulting from such failure. If human remains with hazardous implants or conditions are in the custody of a crematory authority, such authority shall have the hazardous implants or conditions removed or corrected by a licensed funeral director and embalmer or a licensed embalmer at a funeral establishment within an embalming preparation room, or at a medical facility by appropriate medical personnel, or at the

crematory by an assistant deputy medical examiner of the department of health and human services.

II. No human remains shall be cremated with the knowledge that the human remains contain jewelry or other valuables unless authorized by the authorizing agent. The authorizing agent shall take all necessary steps to ensure that any jewelry or other valuables are removed prior to cremation. If the authorizing agent informs the funeral director and the crematory authority on the cremation authorization form of the presence of jewelry or other valuables on the human remains, the funeral director shall ensure that all necessary steps have been taken to remove the jewelry or other valuables before delivering the human remains to the crematory. A funeral director who knowingly fails to ensure the removal of the jewelry or other valuables prior to delivery and who knowingly delivers such human remains shall be liable for any damages resulting from such failure. If human remains with jewelry or other valuables are in the custody of a crematory authority, such authority shall provide for the removal of such jewelry or other valuables by a licensed funeral director and embalmer or his or her agent.

325-A:24 Disputes.

I. If a crematory authority or funeral establishment is aware of any dispute concerning the cremation of human remains, or has a reasonable basis to believe that such a dispute exists or to question any of the representations made by the authorizing agent with respect to such remains, until the crematory authority receives a court order that a dispute with respect to such remains has been settled, the crematory authority or funeral establishment may refuse to accept such human remains for cremation or to perform a cremation of such remains.

II. If a crematory authority or funeral establishment is aware of any dispute concerning the release or disposition of cremated remains, the crematory authority or funeral establishment may refuse to release cremated remains until the dispute has been resolved or the crematory authority or funeral establishment has been provided with a court order authorizing the release or disposition of the cremated remains.

325-A:25 Cremated Remains; How Treated.

I. In so far as is possible, upon completion of the cremation, all of the recoverable residue of the cremation shall be removed from the cremation chamber and any foreign matter or anything other than bone fragments shall be removed from such residue and shall be disposed of by the crematory authority. The remaining bone fragments shall be processed by pulverization so as to reduce the fragments to unidentifiable particles. This paragraph shall not apply when the commingling of human remains during cremation is otherwise authorized by law. The presence of incidental and unavoidable residue in the cremation chamber from a prior cremation is not a violation of this paragraph.

II. The cremated remains with proper identification shall be placed in a temporary container or permanent container selected or provided by the authorizing agent. The cremated remains shall not be contaminated with any other object unless specific written authorization to the contrary has been received from the authorizing agent.

III. If the entirety of the cremated remains will not fit within a temporary container or permanent container, then the remainder of such remains shall be returned to the authorizing agent or his or her representative in a separate container with proper identification.

IV. If the cremated remains are to be shipped, the temporary container or permanent container shall be packed securely in a suitable shipping container that complies with the requirements of the shipper. Unless otherwise directed in writing by the authorizing agent, cremated remains shall be shipped only by a method which includes an internal tracking system and which provides a receipt signed by the person accepting delivery of such remains.

325-A:26 Cremated Remains; Final Disposition.

I. For purposes of this chapter, the delivery of the cremated remains to the authorizing agent or his or her representative shall constitute final disposition. If, after a period of 60 days after the date of cremation, the authorizing agent or his or her representative has not directed or otherwise arranged for the final disposition of the cremated remains or claimed the cremated remains for final disposition as provided in this section, the crematory authority or the funeral establishment in possession of the cremated remains may dispose of the cremated remains after making a reasonable attempt to contact the authorizing agent or his or her representative. This method of disposition may be used by any crematory authority or funeral establishment to dispose of all cremated remains in the possession of a crematory authority or funeral establishment on or after the effective date of this chapter.

II. Cremated remains shall be delivered or released by the crematory authority to the representative specified by the authorizing agent on the cremation authorization form. The owner of the crematory authority or his or her representative and the party receiving the cremated remains shall sign a cremated remains receipt form. The form shall include the name of the deceased, the date, time, and place of receipt of the cremated remains, and the signatures of the owner of the crematory or his or her representative and the authorizing agent or his or her representative. If the cremated remains are shipped, a form used by the shipper may be used in lieu of a completed cremated remains receipt form if the shipper's form contains the information required for a cremated remains receipt form. Both the party delivering such remains and the party receiving such remains shall retain a copy of the cremated remains receipt form or shipper's form. Upon delivery, the cremated remains may be further transported within this state in any manner without a permit.

325-A:27 Rulemaking. The commissioner shall adopt rules, pursuant to RSA 541-A relative to:

- I. Procedures for licensure of crematory authorities.
- II. Establishing all required fees.
- III. The content of all forms.
- IV. Conditions under which human remains of persons whose death was caused by a disease declared by the department to be infectious, contagious, communicable, or dangerous to the public health may be transported in this state to a crematory for the purpose of cremation.
- V. Minimum sanitation standards for all crematories.
- VI. Inspection procedures for crematories as required under RSA 325-A:8.

325-A:28 Crematory Authority; Bylaws. A crematory authority may enact reasonable bylaws not inconsistent with this chapter for the management and operation of a crematory operated by such authority. Nothing in this section shall prevent a crematory authority from enacting bylaws which contain more stringent requirements than those provided in the act.

325-A:29 Chapter Construed. This chapter shall be construed and interpreted as a comprehensive cremation law, and the provisions of this chapter shall take precedence over any existing laws or rules that govern human remains that do not specifically address cremation.

Amend the bill by replacing section 4 with the following:

4 Applicability. Crematory authorities, as defined in section 1 of this act, operating crematories on the effective date of this act, which apply for licensure within 60 days after the effective date of this act, shall be presumed to meet requirements for initial licensure under RSA 325-A as inserted by section 1 of this act.

HB 1284-FN-A, increasing the appropriation to the firemen's relief fund. REFER FOR INTERIM STUDY

Rep. Robert Wheeler for Finance: The firemen's community had met to consider this bill but did not conclude on the subject. As a result, the sponsor and the community requested Interim Study and the committee concurred. Vote 21-0.

HB 1740-FN-A, making an appropriation to increase the hourly rate of pay for care providers for persons with developmental and acquired disabilities. **INEXPEDIENT TO LEGISLATE**

Rep. Elizabeth Hager for Finance: The contents of this bill are now contained in HB 1710-FN-A. Vote 21-0.

HB 1546, establishing a committee to study the application of the patients' bill of rights to all licensed health practitioners and their facilities. **OUGHT TO PASS WITH AMENDMENT**

Rep. James R. MacKay for Health, Human Services and Elderly Affairs: This bill extends the Patient's Bill of Rights list of health care providers under RSA 332-I:1,II to include pharmacists, mental health professionals and adds office (practice) clinic and health center. This bill also includes office employees or agents working in this setting. The bill outlines a Patient Bill of Rights pertaining to the health care providers listed under RSA 332-I. The Bill of Rights included 5 specific sections dealing with the right to courtesy and respect; right to receive information regarding the benefits, risks and cost of treatment; the right to an extensive and specific treatment plan; the right of the patient to make decisions about their case. Finally, the healthcare provider shall not reveal confidential information without the consent of the individual. The committee unanimously supported the bill as amended. Vote 17-0.

Amendment (0969h)

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

AN ACT relative to patient information.

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

1 Medical Records; Health Care Provider. Amend RSA 332-I:1, II to read as follows:

II. In this chapter, "health care provider" means any person, corporation, facility, or institution either licensed by this state or otherwise lawfully providing health care services, including, but not limited to, a physician, hospital, **office, clinic, health center** or other health care facility, dentist, nurse, optometrist, **pharmacist**, podiatrist, physical therapist, or ~~psychologist~~ **mental health professional**, and any officer, employee, or agent of such provider acting in the course and scope of employment or agency related to or supportive of health care services.

2 Patient Information. RSA 332-I:2 is repealed and reenacted to read as follows:

332-I:2 Patient Information.

I.(a) The patient has the right to courtesy, respect, dignity, responsiveness, and timely attention to his or her needs.

(b) The patient has the right to receive information from the health care provider and to discuss the benefits, risks, and costs of appropriate treatment alternatives.

(c) The patient shall be fully informed by the health care provider of his or her medical condition, health care needs and diagnostic test results, including the manner by which such results will be provided and the expected time interval between testing and receiving results, unless medically inadvisable and so documented in the medical record.

(d) The patient has the right to make decisions regarding the health care that is recommended by the health care provider. Accordingly, patients may accept or refuse any recommended medical treatment and to be involved in experimental research upon the patient's written consent only.

(e) The health care provider shall not reveal confidential communications or information without the consent of the patient, unless provided for by law or by the need to protect the welfare of the individual or the public interest.

II. Facilities subject to RSA 151:21 and RSA 151:21-b shall be exempt from paragraph I.

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

AMENDED ANALYSIS

This bill clarifies the patient information that is to be provided to a patient by a health care provider.

HB 1672-FN, relative to a registry for founded cases of abuse, neglect, or exploitation of incapacitated adults. **OUGHT TO PASS WITH AMENDMENT**

Rep. James R. MacKay for Health, Human Services and Elderly Affairs: This bill deals with an existing critical gap in our system to safeguard adults receiving care in the health and human services system including developmental and mental health services. The gap is the difficulty in identifying persons who have abused individuals in the past if they have not been arrested and convicted of a crime. DCYF has a well-established system to identify abusers who are listed in a registry. This bill will provide the same protection for those agencies providing services to adults. This bill also requires that DHHS write administrative rules including rules to protect the confidentiality of the registry. No one spoke against this bill and it was strongly supported at the public hearing. The amendment was also agreed to by DHHS and the Disability Rights Center. Vote 17-0.

Amendment (1140h)

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

AN ACT relative to a registry for substantiated cases of abuse, neglect, or exploitation of incapacitated adults and establishing a task force relative to central registries.

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

1 Elderly and Adult Services; Immunity From Liability. Amend RSA 161-F:47 to read as follows:

161-F:47 Immunity From Liability. Any person or agency, other than an alleged perpetrator, participating in good faith in the making of a report of an alleged incident of adult abuse, neglect or exploitation, providing information relative to such incident or following a reporting protocol developed jointly with the department, ***or who in good faith investigates the report, administers the registry, or who participates in a judicial or administrative proceeding resulting from that complaint***, shall have immunity from any liability, civil or criminal, that might otherwise be incurred or imposed. Any person or agency providing information in good faith, including materials requested by the department pursuant to RSA 161-F:56, shall have the same immunity with respect to participation in any investigation by the commissioner or his authorized representative or in any judicial proceeding resulting from such report.

2 Registry for Substantiated Cases of Abuse, Neglect, or Exploitation of Incapacitated Adults. RSA 161-F:49 is repealed and reenacted to read as follows:

161-F:49 Registry.

I. There shall be established a state registry of abuse, neglect, and exploitation reports at the department for the purpose of maintaining a record of information on each case of abuse, neglect, or exploitation toward an individual by a paid caregiver that is substantiated by an investigator. For the purposes of this section:

(a) "Individual" means an individual found eligible for or receiving services pursuant to RSA 171-A, RSA 135-C:13, RSA 135-C:14, or programs licensed under RSA 151:2, I(b), (e), or (f), or who is an "adult," as defined in RSA 161-F:43, I.

(b) The investigators shall be designated or employed by the department, in accordance with a protocol developed by the department to ensure objectivity, thoroughness, timeliness and uniformity in methodology and format in the conduct of investigations and investigation reports. The investigators may include investigators employed by area agencies or community mental health centers, if designated by the department.

II. Within 5 business days of completion of an investigation report in accordance with paragraph I, the investigator shall provide the investigation report to the commissioner,

or designee. Except as provided in paragraph IV, for a substantiated report, the commissioner, or designee, shall, within 5 business days, notify the perpetrator:

(a) Of the substantiated finding against him or her and that such information shall be entered on the registry and the consequences of such a finding.

(b) The right to contest the finding by appealing within 10 business days.

(c) The right to receive a full and fair hearing, including the right to be represented by counsel at his or her own expense.

(d) That he or she may petition the probate court to expunge his or her name from the registry pursuant to RSA 161-F:49, VIII.

III. Except as provided in paragraph IV, a substantiated finding of abuse, neglect, or exploitation, and other information the commissioner deems necessary, shall be entered on the registry upon:

(a) Expiration of the 10-day period for appeal when the perpetrator does not request an appeal.

(b) An administrative hearing officer sustaining the finding unless the finding is reversed by a court.

(c) A court sustaining a substantiated finding.

IV. If it is determined by the investigator or after a hearing requested pursuant to subparagraph II(c) that a substantiated finding was caused by factors beyond the control of the perpetrator, then the finding shall not be entered onto the registry as substantiated.

V. All employers of programs which are licensed, certified, or funded by the department to provide services to individuals shall be required before hiring a prospective employee who may have client contact to submit his or her name, for review against the central registry of substantiated reports of abuse, neglect, and exploitation to determine whether the person is on the registry. The employer shall not hire the prospective employee if the person is listed on the registry with a substantiated case of abuse, neglect, or exploitation, unless the employer requests and obtains a waiver from the department to hire such person. The employer, upon receiving of notice that a prospective employee is on the registry and in order to determine whether he or she should request a waiver from the department, may request permission from the prospective employee for the authority to obtain further information about a substantiated case of abuse, neglect, or exploitation. It shall be unlawful for any employer other than those specified under this paragraph to require as a condition of employment that the employee submit his or her name for review against the central registry of substantiated reports of abuse and neglect and any violation of this provision shall be punishable as a violation.

VI. Substantiated reports of abuse and neglect shall be retained for a period of 7 years subject to an individual's right to petition for the earlier removal of his or her name from the central registry as provided in this section.

VII. Any individual whose name is listed in the substantiated reports maintained on the central registry may petition the probate court to have his or her name expunged from the registry as follows:

(a) A petition to expunge shall be filed in the probate court where the petitioner resides or where the abuse, neglect, or exploitation occurred.

(b) A petition to expunge shall be filed on forms provided by the probate courts. The petition shall include certified copies of the petitioner's criminal record and may include any other information the petitioner deems relevant.

(c) When a petition to expunge is filed, the probate court shall require the department to report to the court concerning any additional substantiated abuse and neglect reports relative to the petitioner and shall require that the petitioner submit the petitioner's name, birth date, and address to the state police to obtain information about criminal convictions. The court may require the department to provide any additional information that the court believes may aid it in making a determination on the petition.

(d) Upon the receipt of the department's report, the court may act on the petition without further hearing or may schedule the matter for hearing at the request of either party. If the court determines that the petitioner does not pose a present threat to the safety of adults and has exhibited best efforts to eliminate the likelihood of reoccurrence of the type of behavior that resulted in his or her entry onto the registry, the court shall grant the petition and order the department to remove the individual's name from the central registry. Otherwise, the petition shall be dismissed.

VIII. The department shall, in the notice it sends out pursuant to RSA 161-F:49, II(d), notify the perpetrator of his or her right to petition to have his or her name expunged from the central registry. No petition to expunge shall be brought within one year from the date that the petitioner's name was initially entered on the central registry. If the petition to expunge is denied, no further petition shall be brought more frequently than every 3 years thereafter.

IX. The commissioner shall adopt rules, pursuant to RSA 541-A, relative to:

(a) Setting forth the process and criteria for requesting and granting a waiver pursuant to RSA 161-F:49, V.

(b) Safeguarding the confidentiality of and access to the registry except for the functions necessary to comply with this section. Such safeguards shall include limitations on which persons in an employment situation may request and access the names of persons on the registry.

(c) Requiring the department to notify the employer:

(1) Relative to a prospective employee who is not on the registry of that fact within 5 days of receipt of a request from the employer.

(2) Relative to a prospective employee who is on the registry of that fact within 5 business days of receipt of the request from the employer, including in the notice the date the person was placed on the registry.

3 Task Force Established. There is established a task force to study the need for further improvements in the efficiency, effectiveness, and accessibility of the central registries established pursuant to RSA 161-F:49 and RSA 169-C:35. The task force shall also study the provisions of 42 CFR 488 (c)-(e).

4 Membership and Compensation.

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) The commissioner of the department of health and human services and a member appointed by the commissioner of the department of health and human services, or 2 designees.

(d) The long-term care ombudsman, department of health and human services.

(e) The commissioner of the department of education, or designee.

(f) The attorney general, or designee.

(g) A representative of the Disabilities Rights Center, appointed by the center.

(h) A representative of New Hampshire Legal Assistance, appointed by such office.

(i) A representative of the Community Services Council of New Hampshire, appointed by the council.

(j) A representative of the Behavioral Health Network, Inc., appointed by the network.

(k) A representative of Granite State Independent Living Foundation, appointed by such foundation.

II. The task force shall solicit information from any other person or entity the task force deems relevant to its study.

III. Legislative members of the task force shall receive mileage at the legislative rate when attending to the duties of the task force.

5 Duties. The task force shall study the need for further improvements in the efficiency, effectiveness, and accessibility of the central registries established pursuant to RSA 161-F:49 and RSA 169-C:35 and shall include in its study an examination of 42 CFR 488(c)-(e). The task force shall determine the need, desirability, and feasibility of merging or combining the registries into one registry or otherwise improving access to and between the registries so that all licensed, certified, and funded programs by the department and the department of education or other local or state programs have greater access to substantiated perpetrator information in and across all systems serving children and incapacitated or vulnerable adults.

6 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. The first meeting of the task force shall be held within 45 days of the effective date of this section. Six members of the task force shall constitute a quorum.

7 Report. The task force 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 December 1, 2006.

8 Effective Date.

I. Sections 3-7 of this act shall take effect upon its passage.

II. The remainder of this act shall take effects January 1, 2007.

AMENDED ANALYSIS

This bill requires employers of programs licensed, certified, or funded by the department of health and human services to check the backgrounds of certain prospective employees against the registry for substantiated cases of abuse, neglect, or exploitation of incapacitated adults.

This bill also establishes a task force to study central registries.

HB 1718-FN, relative to the provision of medical services at nursing facilities. OUGHT TO PASS WITH AMENDMENT

Rep. Hilda W. Sokol for Health, Human Services and Elderly Affairs: This bill, as amended, requires nursing homes to provide a written statement disclosing all the medical services offered on site; the rates charged by the nursing home and what is included in the rates; and the client's rights in the event of a necessary temporary absence from the nursing facility or discharge (or transfer) to another facility. Vote 17-0.

Amendment (0971h)

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

AN ACT requiring a written disclosure statement be provided to prospective nursing home facility clients.

Amend RSA 151:25-a as inserted by section 1 of the bill by replacing it with the following:

151:25-a Nursing Home Facility Statement Required. Any nursing home licensed under this chapter, which offers medical services shall provide a written statement setting forth the following to prospective clients:

I. A specific description of the medical services offered on site.

II. The rates charged by the nursing home and what is included in the rates.

III. The client's rights in the event of a temporary absence from the nursing home facility, in accordance with RSA 151:25, and the client's rights in the event of a proposed transfer or discharge from the facility, in accordance with RSA 151:26.

IV. The circumstances under which a discharge or transfer to another facility may occur, including situations in which the client's needs would exceed what the nursing home

could provide, and the responsibility of the nursing home in transitioning the client to another location.

V. A statement affirming that the proposed client has received the nursing home disclosure statement in accordance with this section, that the client has read it or it has been read to the client, and that the client understands its contents.

VI. Any other disclosures or information required by this chapter, if applicable, and any other provisions of state or federal law.

AMENDED ANALYSIS

This bill requires nursing home facilities to provide a written statement of certain disclosures to prospective clients.

CACR 35, Relating to an automatic address of judges every 10 years. Providing that all judges shall be reviewed every 10 years by governor and council as if there has been an address for removal of the judge by both houses of the legislature. **INEXPEDIENT TO LEGISLATE**

Rep. Bea Francoeur for Judiciary: This bill would create an automatic presumption every ten years that sitting judges in the state of NH would be subject to the constitutional bill of address procedure. In addition, all sitting judges would still be subject to the bill of address procedure by legislative act. Thus by the act of individual legislator, the possibility exists that any number of bills of address could be taking place simultaneously at any given time at great cost to the state and individual judges. The committee believes that such a circumstance would not further the efficiency of justice for the citizens of New Hampshire. There currently exists periodic review of judges by the judicial branch, the results of which are public. Additionally, the legislature can address or impeach a judge. The committee believes these are sufficient safeguards to assure the quality of members of our judiciary. Vote 17-1.

Rep. Coughlin declared a conflict of interest and did not participate.

HB 1116, relative to service of the notice to quit and writ of possession in landlord tenant actions. **OUGHT TO PASS WITH AMENDMENT**

Rep. Gregory M. Sorg for Judiciary: This bill, as amended, clarifies and simplifies the procedure for evictions by changing the name of the "Notice to Quit" to be the less confusing "Eviction Notice." It also directs the district court system to create forms for both the Demand for Rent and Eviction Notice for use by landlords in order to minimize the number of eviction actions dismissed for technical defects that sometimes occur in such documents when prepared by non-lawyers. Finally, it allows for service of the Writ of Summons in a landlord/tenant action by either a local law enforcement officer or the county sheriff. Vote 17-0.

Amendment (0866h)

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

AN ACT relative to service of the notice to quit and writ of summons in landlord tenant actions.

Amend RSA 540:5, I as inserted by section 2 of the bill by replacing it with the following:

I. Any notice of a demand for rent or ~~a~~ **an eviction** notice ~~[to quit]~~ may be served by any person and may be served upon the tenant personally or left at his **or her** last and usual place of abode. Proof of service must be shown by a true and attested copy of the notice accompanied by an affidavit of service, but the affidavit need not be sworn under oath. A notice of a demand for rent shall be sufficient if served upon the tenant at any time after the rent becomes due and prior to or simultaneously with the service of ~~a notice to quit~~ **an eviction notice**.

Amend the bill by replacing section 3 with the following:

3 Service of Writ of Summons. Amend RSA 540:13, III to read as follows:

III. The writ of summons and the notice provided in paragraph II shall be returnable 7 days from the date of service of the writ by the sheriff ***or other local law enforcement officer***. The writ of summons shall provide an opportunity for the landlord, at the landlord's option, to make a claim for an award of unpaid rent. If the landlord elects to make a claim for unpaid rent, the court shall consider any defense, claim, or counterclaim by the tenant which offsets or reduces the amount owed to the plaintiff. If the court finds that the landlord is entitled to possession on the ground of nonpayment of rent, it shall also award the landlord a money judgment. If the court determines that the amount owed by the landlord to the tenant, as a result of set-off or counterclaim exceeds or equals the amount of rent and other lawful charges owed by the tenant to the landlord, judgment in the possessory action shall be granted in favor of the tenant. If the court finds that the tenant's counterclaim exceeds the amount of the nonpayment, a money judgment shall issue in favor of the tenant. Any decision rendered by the court related to a money judgment, shall be limited to a maximum of \$1,500 and shall not preclude either party from making a subsequent claim in a court of competent jurisdiction to recover any additional amounts not covered by the \$1,500 judgment.

AMENDED ANALYSIS

This bill changes the name of the notice to quit to an eviction notice; directs the supreme court to make forms for an eviction notice and demand for rent available on the district court's website; and authorizes any local law enforcement officer to serve a writ of summons.

HB 1234-FN, reducing the maximum amount of debt or damages for small claims actions. **INEXPEDIENT TO LEGISLATE**

Rep. Stephen J. Shurtleff for Judiciary: This bill would reduce the amount of debt or damages for a small claims action from \$5,000 to \$2,500. The committee felt that the small claims courts truly are the people's court. They allow private individuals to seek damages by representing themselves in non-evidentiary proceedings. This bill would increase the cost to plaintiffs by necessitating the need to hire legal counsel for a formal hearing. Plaintiffs would also incur additional court cost, which are not imposed in small claims cases. Vote 13-2.

HB 1254, relative to eminent domain. **REFER FOR INTERIM STUDY**

Rep. Maureen C. Mooney for Judiciary: The committee received 2 bills this session relative to defining "public use" for the first time in New Hampshire law. After careful consideration, this bill closely resembles SB 287 which recently passed in the Senate 24-0. The committee voted to place this bill into Interim Study and work off of SB 287 to define "public use" and update eminent domain law. Vote 17-0.

HB 1340, relative to references to "United States citizen" in the New Hampshire statutes. **INEXPEDIENT TO LEGISLATE**

Rep. Gail C. Morrison for Judiciary: The bill changes all statutory references to "United States Citizen" to "American Citizen of the United States." The sponsor believes the language proposed would better describe a citizen's relation to the judicial government. The committee disagreed and determined the language change is unnecessary. Vote 19-0.

HB 1556, relative to the disclosure of certain financial documents filed with the probate court. **INEXPEDIENT TO LEGISLATE**

Rep. John B. Hunt for Judiciary: This bill is another attempt to protect New Hampshire citizens' financial records from being publicly available. Although the committee would very much want to do more, this legislation unfortunately is not workable. All findings by the court must be publicly available. The committee did consider studying the issue further, but since this bill was a result of a study committee, it was decided that more studying would not find a solution. Vote 17-2.

HB 1560, shortening the enforcement period for a restraining order against one's spouse. **INEXPEDIENT TO LEGISLATE**

Rep. Stephen J. Shurtleff for Judiciary: This bill would shorten the enforcement period of a restraining order against a spouse to three months. The committee believes that the current law is perfectly adequate. This belief was reinforced by testimony from the NH Association of Chiefs of Police, the Attorney General's office, Merrimack County Attorney's office, and domestic violence counselors. Currently, a NH judge can set the period of enforcement for a restraining order not to exceed one year. Upon motion of a defendant, the order can be reviewed at any time during this period. The proposed change in the law would cause an unnecessary burden to the plaintiff and additional work for the court system. Vote 17-2.

HB 1569, relative to trust protectors, trust advisors, and directed trusts. **REFER FOR INTERIM STUDY**

Rep. John B. Hunt for Judiciary: This bill would create several new kinds of trusts. Given that there is a Senate bill that would also include these and other new forms of trust, the committee decided to keep this bill in committee in case the Senate bill is unsuccessful. Vote 14-2.

HB 1598-FN, relative to publication of the New Hampshire Revised Statutes Annotated. **INEXPEDIENT TO LEGISLATE**

Rep. Robert H. Rowe for Judiciary: This bill would remove the Supreme Court Case Citation that currently appears in the state's publication of the Revised Statutes Annotated. These citations, when they appear after a law, describe the case and the interpretation of the law or a position of the law to the court. The citations are helpful to parties conducting legal research. Vote 16-0.

HB 1759, relative to liens for labor and materials. **INEXPEDIENT TO LEGISLATE**

Rep. Robert D. Mead for Judiciary: The sponsor failed to appear at the hearing and no one spoke in favor or against this bill. It appears to be unnecessary legislation which solves no known problems and is not needed at this time. Vote 17-0.

HB 524, relative to outsourcing of jobs. **REFER FOR INTERIM STUDY**

Rep. Russell D. Bridle for Labor, Industrial and Rehabilitative Services: The committee would like to work on this bill over the next few months. An amendment is being worked on to narrow the scope of the bill. Vote 10-2.

HB 1109, establishing a committee to study the calculation of unemployment benefits. **INEXPEDIENT TO LEGISLATE**

Rep. William J. Infantine for Labor, Industrial and Rehabilitative Services: While the committee understood the sponsors' concerns and desires to study this issue, we believe this task is already performed periodically by the Department of Labor and through the Department Advisory Board. Vote 13-0.

HB 1139, relative to the time required between mandatory shifts or other work periods. **INEXPEDIENT TO LEGISLATE**

Rep. William J. Infantine for Labor, Industrial and Rehabilitative Services: The committee believes that appropriate rest between shifts is important and that each industry, occupation job, etc. should be dealt with individually. This bill would cover all employees and employees and the committee believes the bill is too broad and may have significant negative effects during emergencies. Vote 12-2.

HB 1543, relative to protections for temporary workers. **REFER FOR INTERIM STUDY**

Rep. Randolph N. S. Holden for Labor, Industrial and Rehabilitative Services: The committee unanimously realized the importance of this bill but had several unanswered questions. In an effort to pass responsible legislation the committee and the prime sponsor agreed Interim Study was the best option. Vote 13-0.

HB 1751, relative to penalties for failure to have workers' compensation coverage. **OUGHT TO PASS**

Rep. Sharon M. Carson for Labor, Industrial and Rehabilitative Services: Current law only allows the Department of Labor to levy fines when it is made aware that an employer does not have workers compensation coverage. This bill changes the law and allows the Department to levy fines back to a point where it can show when an employer had employees and did not have workers compensation coverage. Vote 12-1.

HB 1752, requiring notice regarding the classifications of employee and independent contractor. **OUGHT TO PASS**

Rep. Sharon M. Carson for Labor, Industrial and Rehabilitative Services: This bill requires that, in every workplace, information concerning the classifications of workers as employees or independent contractors be posted as part of the "Know Your Rights" notice. The committee believes it is important that all employees working in the State of New Hampshire be advised of their rights and strongly supported the bill. Vote 12-0.

CACR 42, relating to sessions of the legislature. Providing that the legislature meet biennially and only on weekday nights and weekends. **INEXPEDIENT TO LEGISLATE**

Rep. John B. Hunt for Legislative Administration: The sponsor's intent was to help more people to be able to serve in public office and to help the public to attend legislative sessions. Unfortunately it does not affect hearings and committee work and one of the reasons we now have annual sessions was because of the many special sessions that were occurring before the constitutional change. Vote 11-0.

HB 1207, establishing a committee to study the creation of a flag to honor all police departments in the state. **INEXPEDIENT TO LEGISLATE**

Rep. John B. Hunt for Legislative Administration: The sponsor requested that the bill not go forward since the efforts to create the flag are proceeding without the need for the committee. Vote 11-0.

HB 1326, relative to donation of compensation by members of the general court. **INEXPEDIENT TO LEGISLATE**

Rep. John B. Hunt for Legislative Administration: The committee did not see the need for this legislation since anyone can make a donation to help print copies of the constitution. Vote 11-0.

HB 1357, changing the name of the joint committee on legislative facilities and codifying the powers and duties of the committee. **OUGHT TO PASS WITH AMENDMENT**

Rep. John B. Hunt for Legislative Administration: This bill was an attempt to clarify the laws related to the Facilities Committee. The amendment replaces the bill with the same intent to delete obsolete laws and clarifying the committee responsibilities, but removed any new responsibilities. The only real change is that the minority and majority leaders can either serve or now appoint someone to serve for them. The name of the committee will not change. Vote 11-0.

Amendment (1052h)

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

AN ACT relative to the legislative facilities committee.

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

1 Legislative Facilities Committee; Membership. Amend RSA 17-E:2, III and IV to read as follows:

III. The majority leaders of each house, **or designees**;

IV. The minority leaders of each house, **or designees**;

2 Chairperson; Gender Neutral. Amend RSA 17-E:3 to read as follows:

17-E:3 ~~[Chairman]~~ **Chairperson**. The ~~[chairmanship of]~~ **chairperson** for the committee shall rotate biennially between the president of the senate or ~~[his]~~ designee and the speaker of the house or ~~[his]~~ designee, provided that the speaker shall serve as the first chairman. In the event that the presiding officer or ~~[his]~~ designee serving as ~~[chairman]~~ **chairperson** resigns or for any reason is unable to serve, the other presiding officer or ~~[his]~~ designee shall become ~~[chairman]~~ **chairperson**, provided that such substitution shall not change the rotation hereinabove provided for.

3 Subcommittees; Gender Neutral. Amend RSA 17-E:5 to read as follows:

17-E:5 House and Senate Subcommittees. The house members, with the speaker as ~~[chairman]~~ **chairperson**, shall be a subcommittee for legislative management for the house; and the senate members, with the president as ~~[chairman]~~ **chairperson**, shall be a subcommittee for legislative management of the senate. All transfers within the house or senate appropriations and all salaries of legislative attaches and other employees unless otherwise specifically provided by statute shall require the approval of the respective subcommittee. The salaries as determined hereunder shall be a charge upon the appropriation made for the legislature.

4 New Section; Powers and Duties. Amend RSA 17-E by inserting after section 5 the following new section:

17-E:5-a Powers and Duties. The committee shall have the following powers and duties:

I. To review and approve all joint legislative budgets.

II. To appoint the directors or heads of all joint legislative agencies, departments, or offices, and to establish the salary for such positions, except as otherwise provided.

III. To approve the appointment and compensation recommendations for the employees of the office of legislative services made by the director of that office, and the appointment and compensation recommendations made by the director or head of any other joint legislative agency, department, or office for the employees of those offices, except as otherwise provided.

IV. To establish a compensation and classification schedule for all employees of joint legislative service agencies, departments, and offices, except the legislative budget assistant and employees of that office. The house subcommittee shall establish salary schedules and benefits for all house employees. The senate subcommittee shall establish salary schedules and benefits for all senate employees.

V. To enter into contracts and hire consultants.

VI. To establish rules of procedure for the conduct of the business of the committee in accordance with rules of the house and the senate.

VII. To conduct its proceedings in compliance with the provisions of RSA 91-A.

VIII. To establish policies regarding the use of the facilities under control of the legislature in the state house, the legislative office building, the Upham Walker house, parking garages and lots, and any future facility that may come under legislative management.

IX. To perform all actions authorized by statute.

X. To study ways and means to improve legislative operation, facilities, and working conditions.

5 Committee Records. Amend RSA 17-E:6 to read as follows:

17-E:6 Committee Records. A record of the minutes of committee and subcommittee meetings shall be available to the public and shall be maintained in accordance with the provisions of RSA 91-A:2, II. ***The minutes shall include the names of members in***

attendance and of persons appearing before the committee, and a brief description of the subjects discussed, votes taken, and final dispositions of all actions. The minutes shall be available and open to public inspection within 144 hours of the meeting. The record of the minutes of the joint committee on legislative facilities ***and the house and senate subcommittees*** shall be available at the office of legislative accounting. ~~[The record of the minutes of the house and senate subcommittees shall be available at the office of the clerk of the appropriate chamber.]~~

6 Repeal. The following are repealed:

- I. 1973, 368, relative to establishing a legislative facilities committee.
- II. 1974, 38:23 and 24, relative to the legislative parking facility.
- III. 1975, 308, relative to legislative printing.
- IV. 1975, 430:2, relative to renovating the Old Post Office in Concord.
- V. 1975, 465:1, relative to duties of the legislative facilities committee.
- VI. 1975, 479:4, relative to a legislative parking facility.
- VII. 1975, 491:1 and 2, relative to state house renovations.
- VIII. 1981, 568:79, relative to legislative branch employee fringe benefits.
- IX. 1983, 469:110, relative to the office of legislative accounting.

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

AMENDED ANALYSIS

This bill states the powers and duties of the legislative facilities committee, allows for designees of the majority and minority leaders appointed to the legislative facilities committee, and clarifies the availability of committee records. The bill also repeals certain historical session laws related to the legislative facilities committee.

HB 1442, relative to identifying legislative enactments as public policy. **INEXPEDIENT TO LEGISLATE**

Rep. John B. Hunt for Legislative Administration: The committee was very concerned with the chaos that this law would create and questions its constitutionality. New Hampshire is well representative of the people with its 400 member House and does not need referendas. Vote 10-1.

HCR 20, a resolution commending the New Hampshire committee for Employer Support of the Guard and Reserve. **OUGHT TO PASS**

Rep. Michael S. Rollo for Legislative Administration: This resolution honors the committee that makes it possible for New Hampshire Guard and Reservists to serve our state and nation without fear of reprisal by their employers if they are away from their jobs for an extended period of time. The committee serves as an ombudsman if the need arises to protect both employee and employer. Vote 9-0.

HR 20, recognizing Mendon McDonald for his service as chairman of the state committee on aging. **INEXPEDIENT TO LEGISLATE**

Rep. John B. Hunt for Legislative Administration: The sponsor's needs were met with a Proclamation from the Speaker, so the resolution was not necessary. Vote 9-0.

HB 1124, relative to the wording of ballot questions and specifying that a simple majority is required to pass a ballot question, unless a supermajority vote is otherwise required. **INEXPEDIENT TO LEGISLATE**

Rep. Harry S. Gale for Municipal and County Government: This bill would require that any question seeking an appropriation be worded in a manner that requires a "yes" or a "no." This bill also sought to require only a simple majority vote to pass a ballot question unless the law required a super majority vote. The committee feels that this is a solution looking for a problem. The committee feels that the municipalities are wording their questions in an appropriate manner that allows understanding by their voters. Vote 16-0.

HB 1174, requiring that voters who request a secret ballot be present at the town meeting. **OUGHT TO PASS**

Rep. Andrew Renzullo for Municipal and County Government: This bill clarifies the RSA's to specify that those requesting a secret ballot at a town meeting must be present at that town meeting. The committee feels this is common sense. Presently the law is silent and could be construed to allow signatures requesting a secret ballot to be collected outside of the meeting. While this may be highly unlikely to occur, the law needs to be made specific to prevent unintended consequences and ambiguity. Vote 15-0.

HB 1196, relative to cost items submitted to the town meeting. **INEXPEDIENT TO LEGISLATE**

Rep. Laurie J. Boyce for Municipal and County Government: In the collective bargaining statute, RSA 273-A, cost items of a multi-year contract need to be addressed in a warrant article in the first year and then may be placed in the operating budget in subsequent years during the period of the contract. This bill mandates placing the cost items every year on the ballot as a special warrant article. Public employee labor relations' statutes require both parties to bargain in good faith. The placement of the cost items in a "special" warrant article may be construed as not bargaining in good faith. The bill also added to RSA 32:3, VI an additional definition of what constitutes a special warrant article. Vote 12-0.

HB 1206, relative to the assessing standards board. **OUGHT TO PASS WITH AMENDMENT**

Rep. Eric G. Stohl for Municipal and County Government: This bill deletes a requirement that the assessing standards board recommend the guidelines for the adequacy of tax maps since RSA 31:95-a already sets the requirements pertaining to tax maps, clarifies that a quorum of the assessing standards board is not required when holding public forums because no decisions are made during these public forums and changes the name of a job category for property assessor trainee to property assessor assistant. The bill, as amended, also requires the assessing standards board to recommend certain guidelines relative to revaluation and to adopt rules relative to the practices and procedures for mass appraisals. These guidelines will give documentation of the analysis of market data, assumptions and calculations used to set property values so that the governing bodies and the taxpayers of the State of New Hampshire will be able to understand the process by which their tax bill was generated. Vote 12-0.

Amendment (0777h)

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

1 Findings and Intent. The general court finds the assessing guidelines developed by the assessing standards board have been an effective tool in measuring the assessing practices throughout the state. In order to ensure fair and equitable assessing practices, the general court recommends that some requirements regarding documentation are necessary to explain how the values are calculated, what assumptions are used by the assessing community in developing value, and the effect of those assumptions. Documentation of the analysis of market data used to set values are needed by the governing body and the taxpayers in the state of New Hampshire. The general court also finds that documentation, assumptions, and calculations shall be transparent for our citizens and shall be guided by the 2005 Edition of the Uniform Standards of Professional Appraisal Practices, Standard 6. The general court's intent is that a written report of a revaluation or mass appraisal pursuant to Asb 301.10 must clearly communicate the elements, results, opinions, and value conclusions of the appraisal. This Standard 6 will be in effect until administrative rules are adopted by the assessing standards board using USPAP Standard 6. The general court does

not intend to affect any existing municipal assessing contracts on file with the department of revenue administration as of the effective date of this act.

2 Powers and Duties of the Assessing Standards Board. Amend 21-J:14-b to read as follows:

21-J:14-b Powers and Duties of the Board.

I. The assessing standards board shall recommend guidelines and appropriate legislation relative to:

(a) Guidelines to be followed by assessors, selectmen, and boards of assessors throughout the state, relating to the administration of the property tax and assessment of real property used in any state property tax system.

(b) The establishment of guidelines for monitoring of local assessment practices by the department of revenue administration~~[- guidelines for the adequacy of tax maps and other records,]~~ and guidelines for audit by the department of revenue administration of municipalities.

(c) The establishment of guidelines for revaluations by July 1, 2006 based on the 2005 edition of USPAP Standard 6. The department of revenue administration shall in its assessment review process incorporate these guidelines and report its findings to the assessing standards board and the municipality, in accordance with RSA 21-J:11-a, II. These guidelines shall be reported to the assessing standards board for all reviews conducted on or after the April 1, 2006 assessment year. These guidelines shall be incorporated in the assessment review process for all reviews conducted on or after the April 1, 2007 assessment year.

~~[(e)]~~ ***(d)*** The identification of practices which constitute sales-chasing and penalties to be adopted by the legislature regarding such practices.

~~[(d)]~~ ***(e)*** Any study conducted for the purpose of determining the status of assessing practices or the improvement of assessing in the state.

I-a. The assessing standards board shall adopt rules, pursuant to RSA 541-A, relative to:

(a) The establishment of certification, continuing education, and revocation and suspension standards for assessing officials. The department of revenue administration shall be responsible for the enforcement of those standards.

(b) The forms and procedures necessary to fulfill the duties of the board consistent with board recommendations and to assure a fair opportunity for public comment.

~~(c) [The annual update and publication of an assessing procedures manual for selectmen and boards of assessors]~~ ***The establishment of practices and procedures for mass appraisal which shall become standards for assessing officials.***

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 public forums 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.***

III. The board, on or before December 1 of each year, shall report its findings and recommendations for proposed legislation to the governor, the president of the senate, the speaker of the house of representatives, the senate clerk, the house clerk, and the state library.

3 Certification of Assessors; Functional Job Category. Amend RSA 21-J:14-f, II(b) to read as follows:

(b) Property assessor ~~[trainee]~~ ***assistant.***

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

AMENDED ANALYSIS

This bill requires the assessing standards board to recommend certain guidelines relative to revaluations and to adopt rules relative to practices and procedures for mass appraisals.

This bill also deletes a requirement that the assessing standards board recommend guidelines for the adequacy of tax maps and other records; clarifies that a quorum of the assessing standards board is not required when holding public forums throughout the state; and changes the name of a job category for which a person may be certified by the department of revenue administration pursuant to rules adopted by the board.

HB 1253, authorizing contracts and probationary periods for the hiring of appointed police chiefs. **INEXPEDIENT TO LEGISLATE**

Rep. Robert W. Brundige for Municipal and County Government: This bill authorizes a town or city to appoint a police chief pursuant to a contract specifying that employment be for a certain period of time and/or a probationary period. Currently, the governing body may appoint the police chief. This position may continue as long as the office holder maintains good behavior unless sooner removed for cause by the governing body after notice and hearing. This bill seeks to add a provision for the governing body to hire a police chief pursuant to a contract. This contract will need to be signed by the police chief and members of the governing body that specifies that employment be for a certain period of time or subject to a probationary period, or both. The committee heard testimony from several members of the law enforcement community who were opposed to the bill. Much of this testimony highlighted that hiring a police chief through contracts/probation manner could undermine the authority of the chiefs, placing their position subject to the whims of the governing body. Vote 15-0.

HB 1272, relative to the authority of elected police chiefs in towns with populations of more than 3,000. **INEXPEDIENT TO LEGISLATE**

Rep. Harry S. Gale for Municipal and County Government: This bill expands the authority of elected police chiefs in towns with populations of more than 3000. It sought to give exclusive authority to control all law enforcement services within the police department to the police chief. This included the terms and conditions of employment of subordinate officers and civilian employees. It further directed the selectmen to not interfere with the chief's direct provision of law enforcement duty. The committee feels that the police chief should have control of any and all law enforcement activities within his jurisdiction without interference from the governing body. Currently, selectmen in these municipalities implement general policies for all departments. The selectmen at this time are also responsible for terms and conditions of employment for police officers and all civilian employees. The committee feels that to take away this general authority of the governing bodies would be inappropriate. Vote 15-0.

HB 1282, establishing a committee to study the reasons why the economically disadvantaged are relocating to rural communities. **INEXPEDIENT TO LEGISLATE**

Rep. Stephen G. Prichard for Municipal and County Government: This bill asked for the establishment of a committee to study the reasons why the economically disadvantaged are re-locating to rural communities. The underlying reason seemed to be a way of discovering how to stop poor people from moving to the north country to find social services and low cost housing. While obtaining more information can be helpful, the committee felt enough is known about the problems (results of a current survey were presented to the committee). What is needed now are suggestions for solutions which the legislature can then consider. Vote 12-2.

HB 1301-L, relative to the purchase of conservation, preservation, and agricultural preservation restrictions. **REFER FOR INTERIM STUDY**

Rep. Nancy K. Johnson for Municipal and County Government: This bill applies to statutes in RSA 331-A:26 which are for governing the New Hampshire Real Estate Practice Act to the agent or agency using public funds for the purchase of conservation, preservation and

agricultural preservation restrictions. The reason the committee wants to put this in interim study is it is recognized that there may be ethical abuses surrounding the purchase of the easement restrictions. Vote 14-2.

HB 1320, relative to penalties for planning and zoning violations. **OUGHT TO PASS**

Rep. Paul R. Hopfgarten for Municipal and County Government: This bill sets a fixed dollar amount for the daily fine for the first planning/zoning ordinance violation. The committee agrees with the sponsor that this provides for a non-discretionary fee schedule, whereas the current statute allows a judge to set a civil penalty of his/her choosing for the first offense. This makes the statute more standardized with the second and subsequent offenses already having a fixed dollar amount in the current statute. Vote 16-0.

HB 1330, clarifying the laws relative to municipal enrollment in the National Flood Insurance Program and relative to adopting flood insurance rate map amendments.

OUGHT TO PASS

Rep. Eric G. Stohl for Municipal and County Government: The committee heard testimony that most municipalities in New Hampshire adopted flood plain ordinances when there was no statutory authority. This was not done irresponsibly; it was an oversight of the National Flood Insurance Program (NFIP) process. This bill ratifies these previously adopted municipal flood plain ordinances as well as enabling the adoption of flood insurance rate map amendments by a simple resolution of the local governing body. Vote 16-0.

HB 1339, relative to voting procedures for local land use boards. **INEXPEDIENT TO LEGISLATE**

Rep. Robert W. Brundige for Municipal and County Government: This bill would require any tie vote of a local land use board be declared a vote in favor of the motion. Implementation of this bill would reverse a time honored procedure that a tie vote fails. The applicant has the opportunity to appeal the decision. This bill could lead to mischief making of all sorts. Vote 12-2.

HB 1391, relative to the default budget in official ballot towns. **INEXPEDIENT TO LEGISLATE**

Rep. Stephen G. Prichard for Municipal and County Government: This bill requires a default budget to be reduced by unspent funds and defines certain items to be used in a default budget. Concern about default budgets that are no lower than the proposed budget are problematic for some. While sympathetic to that concern, the committee believes this particular bill tries to remedy the problem by swapping the local boards' responsibility for a solution and mandating what should be and what should not be in the default budget. It belies the principal of local control. Several administrators directly involved in the process of creating default budgets made it clear that such "micro-managing" of budget making in this way will make the problem worse, not better. What is expended in one year does not necessarily have anything to do with what you have to spend next year. For instance, towns often don't know what "unspent funds" in the warrant budget will be when they are preparing next year's budget. Because the language in this bill is unclear, it would make its application in the wide variety of circumstances now existing in towns and school districts difficult at best and impossible at worst. Vote 11-1.

HB 1392, relative to school budget committee membership. **INEXPEDIENT TO LEGISLATE**

Rep. Harry S. Gale for Municipal and County Government: This bill requires the additional member in a cooperative school district that has a budget committee to serve as a non-voting liaison between the cooperative school board and the budget committee. The intent of the bill was to remove the ability of the liaison from having two bites of the apple in respect to the

budget. Also, the bill increased the deadline for filling a vacancy on a cooperative school budget committee from 5 to 21 days. The committee was concerned that the action of making a non-voting member would create a possible situation that would affect other budget committees where governing bodies are part of the committee. In order to be fair and consistent it would be necessary to review all the different types of budget committees in their formation and composition. Vote 14-2.

HB 1405, relative to the schedule for the adoption, revision, and amendment of municipal charters. **REFER FOR INTERIM STUDY**

Rep. Robert W. Brundige for Municipal and County Government: Much work has been done pertaining to municipal charters but more needs to be done. An adhoc committee presented our committee with a recommended amendment. Due to time restrictions there was not sufficient time to do justice to the subject. Interim study will give the opportunity to study and present a bill that will improve the procedure for amending, revising and adoption of municipal charters. Vote 13-0.

HB 1430, allowing cities, towns, and counties to adopt an October 1 fiscal year.

INEXPEDIENT TO LEGISLATE

Rep. Laurie J. Boyce for Municipal and County Government: During last year's budget process, a timing issue revolving around when the local school districts were notified of the amount of education funding that would be received was noticed by the sponsors of HB 1430. When the education funding formula was first established, the amount each district would receive was set in the fall and provided to the school districts in time for their budget preparations and spring school district meetings. Since then, the legislature has changed the education funding formula after local school district's budgets had been determined. The sponsors of HB 1430 attempted to address this issue by allowing cities, towns and counties the ability to adopt an October 1 fiscal year. However, the bill does not give school districts the same authority. The bill also raised more questions than it answered. There could be unintended consequences for the counties because of the December 17th required date for the towns to pay the county portion of their taxes in accordance with RSA 29:11. The committee felt that at this time there is no need for another fiscal year. It would be too financially confusing in the cities, towns and counties and would not address the intent of the sponsors. Vote 14-0.

HB 1441, relative to the procedure for amending a municipal charter. **INEXPEDIENT TO LEGISLATE**

Rep. Nancy K. Johnson for Municipal and County Government: Under current law, charter amendments that are initiated by petitioners are approved by the state only after signatures are collected and verified. This bill requires the state to review the petitioner initiated amendment prior to the issuance of petitions, rather than after signatures are collected. The committee understands the merit of HB 1441. However, the committee also would like to take the subject matter of this bill and study it in relation to HB 1405, relative to the schedule for adoption, revision and amendment of Municipal Charters, which the committee is recommending to Interim Study. Vote 14-0.

HB 1449-FN-L, requiring a reduced property assessment when a building is damaged.

INEXPEDIENT TO LEGISLATE

Rep. Mary R. Cooney for Municipal and County Government: The premise that property loses value if it is damaged has merit. However, the selectmen or board of assessors can abate property tax if such damage occurs. Problems would occur with town assessment values for the following year. Property valuation is tied to April 1st. If this bill passed it would create a moving target for assessments and valuation which would increase the need for documentation and changing of the assessed values that would increase costs at the local

level. Vote 12-0.

HB 1451-FN, requiring a prorated assessment of new construction in the year completed.
INEXPEDIENT TO LEGISLATE

Rep. Jessie L. Osborne for Municipal and County Government: This bill requires that any new construction shall be assessed at its improved value when it is completed and not at the current assessing property tax year. Currently, property is assessed at its market value as of April 1 annually. This bill would require the local assessor to determine the value of the completed structure, then notify the tax collector within ten days of the new value. The tax collector then shall, within ten days, deliver a supplemental bill based upon the prorated amount. This procedure would add to the workload of the assessor and tax collector of the municipality which would constitute an unfunded mandate. Vote 12-0.

HB 1487, relative to marriage licenses. **OUGHT TO PASS WITH AMENDMENT**

Rep. Stephen G. Prichard for Municipal and County Government: The original bill removes the three day waiting requirement for a marriage license. When blood tests were required for a marriage license, sufficient time was needed to complete the tests and get the results. Blood tests now are no longer required. Secondly, the bill also makes terms gender neutral when referring to those officiating at weddings. Lastly the original bill required town clerks to determine the sobriety of both the applicants. The bill as amended removes the sobriety determination by the town clerks. Vote 15-2.

Amendment (0788h)

Amend the bill by replacing section 1 with the following:

1 Marriage License. Amend RSA 457:26 to read as follows:

457:26 Marriage License. The town clerk shall deliver to the parties a marriage license embodying the facts required in RSA 457:22, specifying the time when the application was entered, which license shall be delivered to the minister or magistrate who is to officiate, before the marriage is solemnized. The license shall be valid for ~~[a period of not less than 3 days and]~~ not more than 90 days from the date of filing.

Amend the bill by replacing section 6 with the following:

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

AMENDED ANALYSIS

This bill removes the 3-day waiting requirement for a marriage license. The bill also requires gender neutral references to clergy on marriage license forms.

HB 1508, relative to acceptance of applications by planning boards. **OUGHT TO PASS WITH AMENDMENT**

Rep. David L. Buhlman for Municipal and County Government: This bill sets the timeline for applications to planning boards to be vested at the point when the planning board notifies the abutters regarding a specific application. After that point the application will not be subject to proposed changes in building codes or zoning ordinances. At this time there is confusion as to when plats or applications are considered to be “formally accepted” by a planning board. This proposed point in time balances the needs of applicants and planning boards to permit a predictable process of arriving at a decision. Vote 14-0.

Amendment (0772h)

Amend the bill by replacing section 1 with the following:

1 Building Permits to be Withheld in Certain Cases; Plat or Application Subject of Notice. Amend RSA 676:12, VI to read as follows:

VI. The provisions of paragraph I shall not apply to any plat or application which has been ~~[formally accepted]~~ **the subject of notice** by the planning board pursuant to RSA 676:4, ~~[(b)]~~ **I(d)** prior to the first legal notice of a proposed change in a building code or

zoning ordinance or any amendment thereto. No proposed subdivision or site plan review or zoning ordinance or amendment thereto shall affect a plat or application ~~[formally accepted]~~ **which has been the subject of notice** by the planning board pursuant to RSA 676:4, ~~[1(b)]~~ **I(d)** so long as said plat or application was ~~[accepted]~~ **the subject of notice** prior to the first legal notice of said change or amendment.

AMENDED ANALYSIS

This bill exempts plats and applications which have been the subject of notice by the planning board from the moratorium on building permits when changes are proposed in the zoning ordinance or building code for consideration at a town or village district meeting.

HB 1520, requiring certain information in the financial reports of counties.

INEXPEDIENT TO LEGISLATE

Rep. Eric Stohl for Municipal and County Government: This bill requires financial reports of counties that are submitted to the department of revenue administration to include capital expenses, operating expenses, and revenues allocated by town. The required information that counties need to provide now is a summary of receipts and expenditures according to uniform classifications. A balance sheet showing assets and liabilities at the close of every year is also required at the present time. The committee feels that the additional requirement to list this information by municipality would require additional work for the counties. Some counties stated that they would have to hire additional personnel and purchase new software to accomplish the data that is required by the bill. The committee feels that this data is available now at the counties to anyone that wishes it. The committee does not believe that this bill is needed. Vote 13-1.

HB 1529, establishing a committee to study the implementation and use of growth management ordinances. **INEXPEDIENT TO LEGISLATE**

Rep. Robert W. Brundige for Municipal and County Government: The intent of this bill was to look at the requirements of growth management ordinances described in RSA 674 and to study the impact of the growth in all its aspects at the local and regional level. Some town growth ordinances seem to be forever while some towns are fulfilling the requirements to update and upgrade the town infrastructure to accommodate growth. At the present time, the Growth and Development Roundtable, consisting of a broad coalition of diverse interests concerning growth and its impact on our quality of life, our economy, our landscape and our ability to afford homes, is meeting to address some of the growth management issues. The sponsor is willing to attend these meetings and to listen to the concerns of the group that may result in another bill in the coming session that will suggest solid solutions. With this energy already being focused within the state, the committee felt that a less formal arrangement is a better solution than a study committee at this time. Vote 12-0.

HB 1614-FN-L, relative to bonding requirements for certain roads. **INEXPEDIENT TO LEGISLATE**

Rep. Jessie L. Osborne for Municipal and County Government: The committee believes that this bill should be voted inexpedient to legislate because it would allow builders to escape any responsibility by having the subcontractors pay for the bonds. The site review cost per square foot is arbitrary and might not cover the actual costs and there is no definition as to what constitutes a disturbed area. Vote 12-0.

HB 1627, relative to the assessment of open space land. **OUGHT TO PASS**

Rep. Eric G. Stohl for Municipal and County Government: This bill eliminates the requirement that the valuations of open space land be equalized for the purposes of assessing current use taxes. Equalization brings all property assessments to fair market value within the community, county and state. Current use values are assessed by the category of potential revenue that could be produced from the land. The amount of tax generated from

current use properties is significantly less than residential/commercial properties. The workload placed upon the municipalities to equalize current use values is not cost productive. Vote 12-0.

HB 1631-FN-L, relative to property taxation of certain property of the Appalachian Mountain Club. **OUGHT TO PASS WITH AMENDMENT**

Rep. Eric G. Stohl for Municipal and County Government: The Appalachian Mountain Club (AMC) is a major factor in promoting the protection, enjoyment and wise use of the natural resources of the State of New Hampshire. AMC assists in the search and rescue of hikers in the White Mountains and maintains hiking trails and hut systems within the forests and mountains of New Hampshire. The bill, as originally introduced, provided for taxation of the land and buildings of the Highland Center in the town of Carroll, the Pinkham Notch Center in the unincorporated place of Pinkham's Grant and the Cardigan Lodge in the town of Alexandria operated by the AMC because the bill sponsors believe that some of the facilities may create competition with local lodging and restaurant businesses. To address this concern, the committee recommends that the public policy should be to encourage payment in lieu of taxes. The final amendment that was submitted to the committee for consideration subjected these facilities to certain payments in lieu of taxes (PILOT) to their host municipalities. The committee feels that it is imperative that the AMC and the host municipalities enter into negotiations in good faith so that AMC does not compete with the local business and, if they do so, they should pay their appropriate share of property taxes in the form of a PILOT. The committee further feels that if the parties cannot agree on the amount of the PILOT that either party may file an appeal with the Board of Tax and Land Appeals (BTLA). Vote 14-0.

Amendment (1237h)

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

1 Findings and Intent.

I. The general court recognizes that the Appalachian Mountain Club (AMC) has and continues to be a major factor in promoting the protection, enjoyment, and wise use of the natural resources in the state of New Hampshire. The general court further recognizes that, in addition, the AMC has assisted in the search and rescue of hikers in the White Mountains, and annually undertaken work to maintain and improve hiking trails and hut systems within the forests and mountains of New Hampshire. These core missions of AMC are well recognized to be of significant benefit to the citizens of this state.

II. The general court finds that the AMC is considered an educational, public-service-oriented organization and therefore enjoys property tax-exempt status as a charitable organization pursuant to RSA 72. The general court finds that the AMC also maintains and operates other overnight facilities including the Highland Center in the town of Carroll, the Pinkham's Notch Visitor's Center in the unincorporated place of Pinkham's Grant, and the Cardigan Lodge in the town of Alexandria which serve the scientific, artistic, and educational purposes for which the corporation has been granted an exemption from property taxation. The general court finds that these mixed use activities may be construed to create competition with local businesses. Therefore the public policy is to encourage the payment in lieu of taxes to the host municipality.

2 Certain Property of the Appalachian Mountain Club; Payments in Lieu of Taxes. The Appalachian Mountain Club, regarding its ownership and operation of the Highland Center in the town of Carroll, the Pinkham's Notch Visitor's Center in the unincorporated place of Pinkham's Grant, and the Cardigan Lodge in the town of Alexandria, shall enter into negotiations for a payment in lieu of taxes with the respective governing bodies in which such facilities are located which shall be based on usage of the facility as determined by the parties. The department of revenue administration may assist in determining the usage at the Appalachian Mountain Club's Highland Center, Pinkham's Notch Visitor's Center, and

Cardigan Lodge. If the parties cannot agree on the amount of payment in lieu of taxes, either party may file an appeal with the board of tax and land appeals pursuant to RSA 71-B no later than April 15 of the tax year. The board of tax and land appeals shall render a decision on such appeals within 3 months of the date of filing. The decision of the board of tax and land appeals shall be appealable pursuant to RSA 541.

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

AMENDED ANALYSIS

This bill requires that the land and buildings of 3 facilities operated by the Appalachian Mountain Club be subject to certain payments in lieu of taxes.

HB 1637-FN-L, reducing the rate of the timber tax. **INEXPEDIENT TO LEGISLATE**
Rep. Harry S. Gale for Municipal and County Government: This bill reduces the rate of the timber tax from ten percent on the stumpage value at the time of cutting to seven percent. Many communities, especially in the North country, rely on this tax to supplement their budgets. The intent of the timber tax, also known as yield tax, is just that – a yield tax, due to the fact that property in the State of New Hampshire that has standing timber on it is only assessed for the value of the land itself and the value of the timber is never assessed until it is harvested. Therein lies the term “yield tax.” In a general sense this timber tax/yield tax is paid by the person doing the harvesting, not the landowner. The result of reducing the timber tax will be to increase the property tax rate. Vote 14-0.

HB 1755, establishing a statutory property tax relief commission, and relative to information on property tax bills. **INEXPEDIENT TO LEGISLATE**

Rep. John P. Dowd for Municipal and County Government: This bill establishes a statutory property tax relief commission to make recommendations on tax exemptions, reverse mortgages and other methods for tax relief. The bill also requires that a reference to a brochure and where to get the brochure is printed on the tax bill or inserted in the tax bill. Many municipalities still use “mailers” that do not allow for any inserts. Also if the municipalities are forced to add additional information, it will require supplements to be mailed, effectively doubling the cost of mailing tax bills, possible creating an unfunded mandate. The Department of Revenue Administration already has brochures available to explain any and all property tax exemptions that could be sent to the municipalities upon request. Therefore, there is no need for this bill. Vote 11-1.

HB 1215, relative to the winter maintenance of Diamond Pond Road in the towns of Colebrook and Stewartstown. **OUGHT TO PASS WITH AMENDMENT**

Rep. Franklin T. Tilton for Public Works and Highways: Since 1967, the Commissioner of Transportation has been authorized to reimburse the towns of Colebrook and Stewartstown for the winter maintenance of 4.33 miles of a class III highway, known as Diamond Pond Road, from January 1 until April 1 of each year. The last increase in the rate of payment was in 1985. This bill increases the rate from \$1500 to \$2500 per mile and the amendment provides for future payments to be 102 percent of the previous biennium’s payment. Vote 15-0.

Amendment (0903h)

Amend the bill by replacing section 3 with the following:

3 Future Winter Maintenance Payments by State. For the biennium beginning July 1, 2007 and every biennium thereafter, the Diamond Pond Road maintenance payment calculated for the previous biennium shall be multiplied by 102 percent. The product shall be the payment to the towns of Colebrook and Stewartstown for the next biennium.

AMENDED ANALYSIS

This bill increases the winter maintenance payment to the towns of Colebrook and Stewartstown for maintaining the state road to Diamond Pond from \$1,500 to \$2,500 per

mile and provides for future payments to be 102 percent of the previous biennium's payment. The payment was last increased in 1985.

HB 1223-FN, relative to the use of real estate brokers by the department of transportation.
OUGHT TO PASS WITH AMENDMENT

Rep. David B. Campbell for Public Works and Highways: The intent of this bill is to allow the Department of Transportation flexibility in the use of real estate professionals (brokers) in the disposition of excess industrial or commercial real estate owned by D.O.T. The current legislation as passed last session, according to the Attorney General's Office, can be interpreted to require that D.O.T. must use real estate professionals in disposition of all excess D.O.T. industrial and commercial property. This was not the intent of the Public Works Committee when it recommended passage of the original legislation last year. The amendment adds further flexibility and legislative accountability by giving the Long Range Capital Planning and Utilization Committee (which has oversight in the disposition of excess D.O.T. property) the power to require that D.O.T. use real estate professionals in the sale of any particular parcel or parcels. Vote 17-0.

Amendment (0753h)

Amend the bill by replacing section 1 with the following:

1 Intent. The intent of this act is to allow the department of transportation to contract with licensed real estate professionals to sell excess commercial and industrial property owned by the department.

Amend RSA 228:31-b, II as inserted by section 2 of the bill by replacing it with the following:

II. The general court hereby declares that ~~[it shall be the policy of]~~ the department of transportation ~~[to]~~ **may** negotiate contracts for professional real estate services on the basis of demonstrated competence and qualifications for the type of professional services required, and at fair and reasonable prices, to sell surplus commercial and industrial property obtained with funds derived from the highway fund or the turnpike fund; ***provided that the long range capital planning and utilization committee, established in RSA 17-M, may require the department of transportation to use professional real estate services for the sale of any parcel or parcels of excess commercial or industrial property.***

Amend the bill by inserting after section 2 the following and renumbering the original sections 3 and 4 to read as 4 and 5, respectively:

3 New Subparagraph; New Duty Added. Amend RSA 17-M:2, I(b) by inserting after subparagraph (3) the following new subparagraph:

(4) Have the authority to require that professional real estate services be used for the sale of a certain parcel or parcels of property in accordance with RSA 228:31-b, II.

AMENDED ANALYSIS

This bill allows the department of transportation to use licensed real estate professionals in the sale of certain real estate, and allows the long range capital planning and utilization committee to require that real estate professionals be used for the sale of certain parcels.

HB 1344, relative to a certain highway project in Merrimack. **REFER FOR INTERIM STUDY**

Rep. John A. Graham for Public Works and Highways: The bill as introduced would have dedicated the proceeds from the sale of certain parcels of land to be dedicated to the construction of portions of the Nashua "circumferential highway." The committee feels that any discussion regarding highway or bridge construction, including the sources of funding, should take place in the context of the state's Ten Year Transportation Plan. The prime sponsor of the bill was agreeable to this approach and the issue will be discussed during the public hearings on the Ten Year Highway Plan. Vote 14-0.

HB 1352, relative to the placement of regional electronic toll collection system transponder readers. **INEXPEDIENT TO LEGISLATE**

Rep. Franklin T. Tilton for Public Works and Highways: This bill would restrict the placement of transponder readers for the regional toll collection system to toll booths. The committee felt that this bill would have deprived the Department of Transportation of a useful tool that could be beneficial in traffic counting and traffic management. The committee strongly encouraged the Department of Transportation to establish a policy for any use of transponder readers at locations other than toll booths and the Department of Transportation agreed to do so. Vote 10-3.

HB 1360-FN-L, relative to law enforcement accounts in the regional electronic toll collection system. **INEXPEDIENT TO LEGISLATE**

Rep. James W. Danforth for Public Works and Highways: The committee felt that this bill, in allowing all unmarked municipal law enforcement vehicles to be exempt from tolls on the turnpike system, creates too many issues and problems. There is no limit on how many free transponders could be issued to each municipality for law enforcement vehicles. The issue of off duty use and the fact that the transponders are easily transferable makes accountability difficult. Presently, marked and/or unmarked vehicles may pass through the toll plaza free of charge by showing the proper identification. Additionally, the Department of Transportation has no method to renew accounts to insure proper on-going use. The Department of Transportation is constantly working on the evolving E-Z Pass program and as technology improves the department will be in a better position to accommodate these few municipal vehicles. Vote 16-1.

HB 1530, naming the road to the supreme court and the administrative office of the courts Charles Doe Drive and naming the campus of the supreme court and the administrative office of the courts Charles Doe Place. **OUGHT TO PASS**

Rep. Robert A. Foose for Public Works and Highways: This action, requested by the Supreme Court, honors the memory of Charles Doe (1830-1896), a native of Derry, who served with distinction for thirty-five years on the Supreme Court until his death in 1896. The committee feels that this is totally appropriate. Vote 16-1.

HB 1536, relative to bonds required from persons excavating or disturbing certain highways. **OUGHT TO PASS WITH AMENDMENT**

Rep. Mark E. McConkey for Public Works and Highways: Testimony from timberland owners stated that RSA 236:10 does not allow persons or entity's the right to offer cash as an acceptable form of security and they have had difficulty collecting their security after the excavation or disturbance was complete. House Bill 1536 amends RSA 236:10 adding the option of cash as an acceptable form of security and once work is completed, the authority that granted permission shall not arbitrarily withhold funds, but shall make a good faith effort to resolve any difference with the contractor. Timber owners additionally testified that they were having trouble with authorities requiring restoration that exceeded the condition of the roadway prior to their disturbance. RSA 236:11 requires the contractor to restore the highway to the satisfaction of the official empowered to give such written permission. House Bill 1536 amends RSA 236:11 to read that the highway shall be returned to a condition at least equal to the condition that was present before the excavation, or disturbance was initiated. Vote 12-1.

Amendment (1146h)

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

- 1 Regulations; Bond. Amend RSA 236:10 to read as follows:

236:10 Regulations; Bond. The person *or entity* giving such written permission may make rules and regulations to govern the excavation and restoration of such highway and may require that a bond satisfactory to him *or her* be furnished to the state, city, or town providing for the satisfactory restoration of the highway. ***The person or entity providing the bond shall determine the type of bond furnished and it may be in the form of cash, letter of credit from a bank or lending institution licensed in New Hampshire and acceptable to the person giving written permission, or a bond furnished by an insurance company. The person or entity granting permission shall not arbitrarily withhold funds from any cash bond or letter of credit, but shall first make a good faith effort to resolve any differences with the contractor doing the excavation or restoration.***

2 Restoration; Standard. Amend RSA 236:11 to read as follows:

236:11 Restoration. Any person, *entity*, or corporation who excavates or disturbs the shoulders, ditches, embankments, or the surface improved for travel of any ~~[such]~~ highway shall restore such highway to ~~[the satisfaction of the official empowered to give such written permission]~~ ***a condition at least equal to the condition that was present before the excavation or disturbance.***

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

AMENDED ANALYSIS

This bill requires persons who excavate or disturb the shoulders, ditches, embankments, or surface of highways to post a bond to return the highway to its prior condition.

HB 1655-FN-A, making rail system development a complement to the Interstate Route 93 highway expansion project. **INEXPEDIENT TO LEGISLATE**

Rep. Kevin K. Waterhouse for Public Works and Highways: The committee understands and respects the motives underlying this bill. We understand the desire for a multi-modal transportation system to serve the needs of one of the fastest growing states in the nation. However, this bill relies on bonding in excess of the states capacity for a project inferior in priority to the Lowell to Nashua to Manchester rail line. This bill, as submitted, does not answer questions as to what operating costs would be subsidized by the state's general fund. It has not been shown that a commuter rail line built with no plan for Massachusetts' cooperation would reduce the need for a four lane addition to I-93. Furthermore, the committee heard testimony that at this time commuter rail is not as flexible as the express bus service that could be provided by paving the "extra lane" in the DOT's plan. Vote 16-0.

HB 1259, relative to the classification of wetlands as contributing or noncontributing.

INEXPEDIENT TO LEGISLATE

Rep. Elisabeth N. Sanders for Resources, Recreation and Development: This bill would require the department of environmental services to develop criteria for classifying wetlands as contributing or noncontributing and makes noncontributing wetlands exempt from regulation. The majority of testimony opposed the bill for a variety of reasons, including severe costs to develop such a classification system especially as wetlands are not static; the current cooperative application system between the US Army Corps of Engineers and the State of New Hampshire is a streamlined and cost effective program that could be in jeopardy; and the need for SB 140 relative to wetland in-lieu fee program would be virtually eliminated. This bill would essentially allow small "noncontributing" wetlands to be filled without regulation, and there would be more of a negative impact to existing wetlands programs and regulations, than would be gained. Vote 18-0.

HB 1289, relative to Pennichuck Brook and its watershed. **OUGHT TO PASS WITH AMENDMENT**

Rep. Mary Ellen Martin for Resources, Recreation and Development: This provides a structure for protecting the water quality of the principal drinking water supply source for Nashua and

other municipalities of the region. The Department of Environmental Services (DES), US EPA, and the US water supply profession affirm that source protection is a key component of their preferred approach. Vote 18-0.

Amendment (0973h)

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

1 New Subdivision; Pennichuck Brook and Watershed. Amend RSA 485 by inserting after section 61 the following new subdivision:

Pennichuck Brook and Watershed

485:62 Purpose. The purpose of this subdivision is to protect the purity of water of the Pennichuck Brook pond system, which is the principal drinking water supply source for the city of Nashua and an important water supply source for other municipalities in the region receiving water from the Pennichuck Water Works system.

485:63 Affected Area. This subdivision shall be effective within the Pennichuck Brook watershed above the Supply Pond dam which is located at approximate latitude 42 degrees 47' 30", longitude 71 degrees 28' 29", in the towns of Amherst, Hollis, Merrimack, Milford, and the city of Nashua.

485:64 Definitions. In this subdivision:

I. "Pennichuck Brook ponds" means the series of ponds or impoundments and the connecting waters on Pennichuck Brook beginning with Pennichuck Pond and terminating at the Supply Pond dam.

II. "Pennichuck Water Works" means the owner of the public water system serving the city of Nashua and portions of other towns in the region;

III. "Protected area" means that portion of the area described in RSA 485:63 above which lies:

(a) Within 400 feet of the reference line of the Pennichuck Brook ponds;

(b) Within 200 feet of the reference line of any stream or other water body tributary to said ponds visible on the version of the U. S. Geological Survey 7 ½-minute topographic maps current in 2006, except for intermittent streams depicted with a broken line; or

(c) Within 100 feet of any intermittent tributary visible on the version of the U. S. Geological Survey 7 ½-minute topographic maps current in 2006, or any wetland adjacent to the Pennichuck Brook ponds or other water body tributary to said ponds.

IV. "Reference line" means "reference line" as defined in RSA 483-B:4, XVII.

V. "Restricted area" means that portion of the protected area which is a wetland or lies within 100 feet of the reference line of the Pennichuck Brook ponds or any stream or other water body tributary to said ponds.

VI. "Wetland" means "wetland" as defined in RSA 482-A:2, X.

485:65 Prohibited Activities. No person shall:

I. Alter the terrain, build, or expand any structure or pavement, or any septic system, cesspool, privy, or other device for the reception, storage, or discharge of domestic sewage, other than a structure necessary for the operation of the water works within the restricted area.

II. Allow any wastewater, sink drainage, excrement, or water that has been used for washing or cleansing materials, persons, or food, to run into any of the Pennichuck Brook ponds or their tributaries, or into any excavation or cesspool in the ground or onto the surface of any ground within the restricted area.

III. Deposit any substance which is subject to decay, including any dead animal or fish or parts thereof, food or food waste, or any waste, into the waters of or upon the ice of the Pennichuck Brook ponds or their tributaries or in the restricted area.

IV. Place or leave within the protected area any hazardous waste, as defined in RSA 147-A.

V. Place or leave within the protected area any solid waste as defined in RSA 149-M.

VI. Place or leave within the protected area any chemical waste or regulated contaminant as defined in RSA 485-C:2, XIII.

VII. Store on the ground any bulk fertilizer, compost, or manure within the protected area. This paragraph shall not prohibit outdoor storage of such items where protections approved by the department of agriculture, markets, and food to prevent leaching into the soil are used.

VIII. Place or use any boat, floating device, or recreational equipment on the Pennichuck Brook ponds below Holt Pond Dam, located at Thornton Road in the city of Nashua and the town of Merrimack.

IX. Bathe, swim, or wade in the Pennichuck Brook ponds.

X. Place or use a boat, floating device, or other equipment powered by petroleum products on the Pennichuck Brook ponds.

XI. Permit or take any action of any kind which may endanger the purity of the Pennichuck Brook ponds.

XII. Apply pesticides or herbicides as defined in RSA 430:29 within the area under RSA 485:63, other than in strict conformance with the rules of the New Hampshire pesticide control board.

XIII. Apply fertilizer, manure, or compost to the land in the affected area under RSA 485:63, other than in strict conformance with Manual of Best Management Practices for Agriculture in New Hampshire, reprinted May 2001, or any subsequent best management practices identified and published by the commissioner of agriculture, markets, and food under RSA 431:34.

485:66 Exemptions. RSA 485:65 shall not apply to:

I. Employees of Pennichuck Water Works or their designees engaged in the performance of necessary duties for studying, monitoring, protecting, and controlling said stream and ponds.

II. The establishment and maintenance of trails and other facilities for passive recreational uses.

III. The establishment and maintenance of facilities for the operation of the water works.

IV. Timber harvesting activities conducted in strict accordance with state of New Hampshire laws including RSA 227-J and the January 2001 edition of "Best Management Practices for Erosion Control on Timber Harvesting Operations in New Hampshire," by department of resources and economic development, division of forests and lands or any subsequent edition of the same manual or another manual adopted for the same purpose by the division of forests and lands.

V. Agricultural operations operating in compliance with the Manual of Best Management Practices for New Hampshire, reprinted May 2001, or any subsequent best management practices identified and published by the commissioner of agriculture, markets, and food, under RSA 431:34.

485:67 Development Restrictions.

I.(a) Development in the entire protected area shall be subject to the minimum shoreland protection standards that normally apply within the 250-foot protected shoreland and the natural woodland buffer requirement that normally applies within 150 feet of the reference line provided for in RSA 483-B:9.

(b) In determining whether a natural woodland buffer is "existing" in the sense of RSA 483-B:9, V(a)(1), the department shall determine whether said buffer existed as of the effective date of this subdivision.

II. The following shall apply to any activity requiring local subdivision approval or site plan approval that will result in impervious cover of more than 15 percent of the lots involved within the area described in RSA 485:63:

(a) Infiltration of stormwater from a 2-year, 24-hour storm event post-development shall equal or exceed infiltration from the 2-year, 24-hour storm event pre-development.

(b) A stormwater management system shall be designed to comply with rules adopted by the department and to remove 80 percent of the average annual load of total suspended solids, grease, oil, and floatables in the runoff leaving the site after the site is developed.

(c) A stormwater management system shall have an operation and maintenance plan to ensure that the system continues to function as designed.

(d) The owner of the land on which the stormwater management system is located shall operate and maintain the system according to the plan required in subparagraph (c).

(e) The owner of the land on which such activity is proposed to take place shall provide a copy of all submissions required by the local planning board to Pennichuck Water Works, Nashua Regional Planning Commission, Pennichuck Brook Watershed Council, and the planning boards of the municipalities named in RSA 485:63, at the same time such submissions are provided to the local planning board, to enable all parties to determine whether the proposed activity will comply with the standards in this paragraph.

485:68 Nonconforming Uses. An existing nonconforming land use within the protected area shall be governed by the following:

I. A nonconforming land use existing as of the effective date of this subdivision may be continued, subject to the following:

(a) On lawns or areas with grass, no fertilizers may be used except those used in accordance with the department of agriculture, markets, and food's best management practices under RSA 431:34.

(b) The department shall require the use of best management practices if the department determines they are needed to restore or protect water quality.

(c) Existing agricultural operations operating in compliance with the Manual of Best Management Practices for Agriculture in New Hampshire, reprinted May 2001, or any subsequent best management practices identified and published by the commissioner of agriculture, markets, and food pursuant to RSA 431:34, shall be exempt from the restrictions in subparagraph (a).

II. If a change in use, including a change from seasonal to year-round use or an increase in the intensity of a land use to such an extent that the nature or magnitude of its impact on water quality can be expected to increase, occurs or is proposed, all of the requirements of this subdivision shall apply.

III. If an existing nonconforming use is discontinued for 2 consecutive years, all the requirements of this subdivision shall apply.

485:69 Notice. The Pennichuck Water Works shall provide to the public a summary of the prohibitions listed below by:

I. Posting notice at all locations identified by the department where persons might reasonably be expected to access the Pennichuck Brook ponds or their tributaries.

II. Publishing notice annually in a newspaper of general circulation in the areas affected by said provisions.

III. Providing a copy of this section annually to the planning board and conservation commission of each municipality listed in RSA 485:63.

485:70 Enforcement. In accordance with the provisions of RSA 485:24, the department shall designate the health officers and the boards of health of the city of Nashua and the towns of Amherst, Hollis, Merrimack, and Milford and their duly authorized agents as agents of the department for the enforcement of this section in cooperation with the department.

485:71 Penalty. Any person violating this subdivision shall, in accordance with RSA 485:26, be guilty of a misdemeanor if a natural person or guilty of a felony if any other person.

485:72 Effect on Local Ordinances. Nothing in this chapter shall be deemed to preempt the authority of the municipalities in the affected area, under other statutes, to enact local ordinances or regulations protecting Pennichuck Brook and its watershed; provided, however, that requirements imposed under this subdivision shall be considered as minimum.

2 Effective Date. This act shall take effect January 1, 2007.
2006-0973h

AMENDED ANALYSIS

This bill codifies certain proposed rules of the department of environmental services to protect the purity of Pennichuck Brook and its watershed.

HB 1315, relative to the definition and classification of dams. **OUGHT TO PASS WITH AMENDMENT**

Rep. Mary Ellen Martin for Resources, Recreation and Development: This bill clarifies the definition and hazard classification of a dam. The current ABC designation does not tell you which is best or worst. We now classify each as low, significant or high level of hazard potential. It also exempts certain storm water detention areas from being defined as a dam. Vote 17-0.

Amendment (0935h)

Amend RSA 482:2, II(a) as inserted by section 2 of the bill by replacing it with the following:

II.(a) "Dam" means any artificial barrier, including appurtenant works, which impounds or diverts water, and which has a height of 4 feet or more, or a storage capacity of 2 acre-feet or more, or is located at the outlet of a great pond. A roadway culvert shall not be considered a dam if its invert is at the natural bed of the water course, it has adequate discharge capacity, and it does not impound water under normal circumstances. Artificial barriers which create surface impoundments for liquid industrial or liquid commercial wastes, **septage**, or ~~municipal~~ sewage, regardless of height or storage capacity, shall be considered dams.

HB 1317, relative to the eradication of exotic aquatic weeds. **OUGHT TO PASS WITH AMENDMENT**

Rep. Donald A. Brueggemann for Resources, Recreation and Development: This bill was initiated by the Exotic Aquatic Weeds Committee which was established as a clearing house and legislative focus for addressing invasive species in state waters. During the past couple of years, an integrated approach that includes hand-pulling, barriers, monitoring, mapping and targeted herbicide application has yielded significant success. The experience of a treatment for variable milfoil to Lower Suncook Lake two seasons ago has even raised the possibility of eradication. If this possibility is to be fulfilled, however, it was clear that a more flexible and straight-forward aquatic herbicide application process was necessary. The original bill changed primary oversight of aquatic herbicide application from the Department of Agriculture to the Department of Environmental Services. The amendment eliminates this change, but instead requires the four departments that have oversight (including Fish and Game and DRED) to prepare a report to be submitted to the Exotic Aquatic Weeds Committee that evaluates the current permitting process for aquatic herbicide applications and offers suggestions for improvements. Vote 17-0.

Amendment (0933h)

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

AN ACT relative to the control or eradication of exotic aquatic weeds and requiring a review by the department of agriculture, markets, and food, the department of

environmental services, the fish and game department, and the department of resources and economic development, evaluating the current permitting process for special permits for aquatic applications of pesticides to control or eradicate exotic aquatic weeds and making recommendations to improve the process.

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

1 Control of Exotic Aquatic Weeds. Amend RSA 487:17, II(b) to read as follows:

(b) Control ~~[small new]~~ infestations of exotic aquatic weeds, according to the following criteria:

(1) ~~[The waterbody had been free, within the previous 5 years, of the exotic aquatic weed to be treated.]~~

~~(2) The infestation is not widespread in the waterbody, and]~~ The department shall have determined that the exotic aquatic weed can in fact be controlled in the waterbody.

~~[(3)]~~ **(2)** The most environmentally sound treatment technique relative to the specific infestation will be used, which also meets the requirements of state rules, including rules adopted under RSA 430.

2 Report Required.

I. The department of agriculture, markets, and food, the department of environmental services, the fish and game department, and the department of resources and economic development shall prepare a report that evaluates the current permitting process for aquatic applications of pesticides to control or eradicate exotic aquatic weeds and makes recommendations to improve that permitting process. The report shall be prepared in consultation with appropriate stakeholders, including licensed aquatic applicators, lake associations, environmental protection groups, and others interested in critiquing and improving the current special permitting process for aquatic herbicide applications. The report shall include identification and analysis of potential improvements to the current permitting process that would support and enhance integrated pest management practices and not increase risk to public health or the environment or violate federal regulations including:

(a) Improvements related to creating a more flexible permitting process including consideration of changes to allow for the use of certain pesticides, weather-related delays, locational changes, and addressing the need for follow-up pesticide treatments while also providing appropriate notification and protection of water users;

(b) Changes that would allow for a reduction in the time it takes to obtain a special permit to apply pesticides to control or eradicate exotic aquatic weeds including but not limited to inter-agency communication and notification requirements;

(c) Changes that may be appropriate for new infestations or the use of integrated pest management approaches.

II. The department of agriculture, markets, and food, the department of environmental services, the fish and game department, and the department of resources and economic development shall report their findings and any recommendations for proposed rules changes or legislation, or both, to the exotic aquatic weeds and species committee, established under RSA 487:30, by September 30, 2006. Interim progress reports may be requested by the committee.

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

AMENDED ANALYSIS

This bill changes certain criteria for the control of exotic aquatic weeds and requires a report from the department of agriculture, markets, and food, the department of environmental services, the fish and game department, and the department of resources and economic development that evaluates the current permitting process for special permits for aquatic applications of pesticides to control or eradicate exotic aquatic weeds and makes recommendations to improve the process. These recommendations for rules change or legislation, or both, will be reported to the exotic weeds and species committee.

HB 1395, relative to public drinking water protection. **REFER FOR INTERIM STUDY**
Rep. Richard T. Cooney for Resources, Recreation and Development: This bill, and various proposed amendments, has the intent of protecting our drinking water. The committee agrees with intent but had several problems with the language of the bill and proposed amendments and felt more study was needed. Vote 17-0.

HB 1446, establishing requirements for the development of a regional all terrain vehicle (ATV) park in the city of Berlin. **OUGHT TO PASS WITH AMENDMENT**
Rep. Judith T. Spang for Resources, Recreation and Development: New Hampshire's newest and third largest park will be developed to accommodate New England wide ATV use. It will also include the current uses of Jericho Lake, snowmobiling cross country skiing and hiking. The committee felt that a management plan for the park should be developed and presented to the public and the legislature before the park is formally opened. This would include financial plans and memoranda of understanding for enforcement and emergency services. The Department of Resources and Economic Development (DRED) has agreed that the plan can be readily prepared and presented to the public by the time the park opens. The bill also calls for DRED to present a progress report to the legislature to pull together data gathered but not assembled in a comprehensive report. Vote 17-0.

Amendment (0022h)

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

AN ACT requiring the department of resources and economic development to prepare and submit a management and financial plan to the general court and the public prior to the opening of the Berlin regional ATV park.

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

1 New Subdivision; Off Highway Recreational Vehicles; State Park in Berlin. Amend RSA 215-A by inserting after section 44 the following new subdivision:

Park Management Plan

215-A:45 State Park in Berlin; Park Management and Financial Plan.

I. Prior to the formal opening of the park in the city of Berlin to ATV use, the commissioner of the department of resources and economic development shall develop a management and financial plan and shall present the plan to the public and the general court. The plan shall include, but not be limited to:

(a) Existing land uses, including acreage, park boundaries, trails, facilities, recreational areas, and natural areas.

(b) Proposed park land uses, including extent and location of trails by user type, facilities for visitors and park management, non-trail recreational resources, natural areas and their management, and buffer areas.

(c) Proposed improvements and estimated phasing schedule, including improvements to be made prior to opening of the park.

(d) Provisions for enforcement of OHRV regulations and for emergency response, including memoranda of understanding with state agencies, municipalities, and other groups.

(e) A financial plan, including proposed expenditures and sources of revenues.

II. In accordance with RSA 215-A:41, II(f), the plan shall be presented at a public hearing advertised in a newspaper of statewide circulation. Prior to this hearing, the plan shall be presented to appropriate legislative committees and to the governor.

III. An annual report shall be presented to the speaker of the house of representatives, the senate president, the house resources, recreation and development committee, the senate environment and wildlife committee, and the governor by January 15 of each year. The report shall include:

(a) Development completed within the park.

- (b) Projected development for the coming year.
- (c) A financial report on revenues and expenditures for the past year and projections for the next 5 years.
- (d) The number of visitors and report of enforcement and emergency activity in the park.
- (e) Marketing of the park.

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

AMENDED ANALYSIS

This bill requires the commissioner of the department of resources and economic development, prior to the formal opening of the park in the city of Berlin to ATV use, to develop a management and financial plan and to present the plan to the public and the general court.

HB 1462-FN-L, placing a temporary moratorium on the issue of certain water permits. **INEXPEDIENT TO LEGISLATE**

Rep. David H. Russell for Resources, Recreation and Development: This bill would have established a temporary moratorium on some groundwater withdrawals. At the Public Hearing, no testimony was given to indicate that our groundwater supply is in jeopardy. The Department of Environmental Services (DES) testified that there have been no issues indicating the need for a moratorium to date. A similar bill, SB 326, was unanimously voted ITL by the Senate last week. Finally, there is a groundwater commission established by SB 155, Chapter 305, Laws of 2003 which shall report its findings annually, with a final report due November 2008. The committee felt that this commission is better prepared to make the proper decision. Vote 17-0.

HB 1463-FN, relative to boating and water safety. **OUGHT TO PASS WITH AMENDMENT**

Rep. Donald A. Brueggemann for Resources, Recreation and Development: The sponsors of HB 1463-FN did an admirable job incorporating several suggestions for boating safety that were gleaned from last summer's hearings. The amendment removed a couple of impractical sections and reworked the section on safe boater education. In its amended form, the bill requires for the passage of a safe boater education course the completion of a proctored examination with a passing grade of 80% or more. This is a change from the on-line option with a passing grade of 70%. In addition, this bill: 1) requires kayaks, rowboats, canoes and similar vessels to carry a safety signaling device, such as a distress flag or whistle under most circumstances; 2) stipulates that a flag be displayed when a person towed on water skis, aquaplane or similar device has fallen; and 3) prohibits the display of any lights on shore visible from the water that resemble required navigation lights. Vote 16-0.

Amendment (1166h)

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

1 New Section; Operation of Boats; Safety Signaling Device Required. Amend RSA 270 by inserting after section 30-c the following new section:

270:30-d Safety Signaling Device Required. Except for those bodies of water where petroleum-powered vessels are prohibited, any person operating a kayak, rowboat, canoe, or any similar vessel not displaying sails more than 150 feet from shore shall carry, in a readily accessible place, a safety signaling device, such as a distress flag or whistle. This section shall not apply to a vessel operated in a water event permitted under RSA 270-D:4. Any person violating this section shall be guilty of a violation.

2 Motorboats Towing Water Skiers and Aquaplanes; Flag Required. Amend RSA 270-D:3, I to read as follows:

I. No person shall operate a motorboat while towing water skiers, aquaplanes, or similar devices unless another person is present in the motorboat who is physically able to

observe and assist the person or appurtenance being towed. The observer shall be 13 years of age or older. ***The observer shall display a flag when the person being towed has fallen.***

3 New Section; Boating and Water Safety; Shore Lights. Amend RSA 270-D by inserting after section 7 the following new section:

270-D:7-a Shore Lights. No person shall display, at any point on the shore visible from the water, any lights that resemble in color or configuration the required navigation lights of any vessel.

4 Safe Boater Education Course; Examination. Amend RSA 270-D:13, I(a) to read as follows:

(a) Passes a safe boater education course approved by the commissioner in accordance with the criteria of the National Association of State Boating Law Administration. ~~[The]~~ ***A classroom*** course shall provide a minimum of 8 hours of instruction. ***Passage of a safe boater education course shall require successful completion of a proctored examination administered by a person authorized by the commissioner in accordance with rules adopted by the commissioner.*** The minimum passing grade for the ~~[course]~~ ***examination*** shall be ~~[70]~~ ***80*** percent; or

5 Boat Safety Course. Amend RSA 270:46-a, II-III to read as follows:

II. Any person who pays such penalty and who, within 6 months of conviction, completes at such person's own expense a boat safety ***classroom*** course as specified in rules adopted, under RSA 541-A, by the director of safety services shall have his or her \$200 refunded to him or her from the navigation safety fund by the director.

III. In addition to any other penalty imposed, any person who is convicted of violating any of the following boating laws or rules of the division of safety services, and who has not already successfully completed an approved boating safety course shall complete a boat safety ***classroom*** course, at that person's own expense, within 6 months of conviction. Any person who fails to complete the boat safety ***classroom*** course within 6 months may be prevented from reregistering the boat:

(a) Laws or rules relative to speed limit, safe passage, or personal flotation devices.

(b) RSA 270:37, decibel limits on noise.

6 Effective Date. This act shall take effect January 1, 2007.
2006-1166h

AMENDED ANALYSIS

This bill:

- I. Establishes safety display requirements for certain vessels.
- II. Prohibits the display of shore lights that resemble navigation lights.
- III. Establishes examination requirements for safe boater education courses.

HB 1491, establishing a committee to study the publicly owned treatment plant needs of New Hampshire. **OUGHT TO PASS WITH AMENDMENT**

Rep. Donald A. Brueggemann for Resources, Recreation and Development: This bill establishes a commission to study the publicly owned wastewater treatment plant needs of New Hampshire. This study is particularly timely since many of these facilities will be encountering their own limitations due to age and capacity even as population increases and more stringent environmental standards will demand more. The amendment adds two representatives appointed by the New Hampshire Water Pollution Control Association and changes the report date to November 30, 2007. Vote 17-0.

Amendment (1154h)

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

(g) Two representatives from publicly owned treatment facilities/works, appointed by the New Hampshire Water Pollution Control Association. Amend the bill by replacing section 5 with the following:

5 Report. The commission shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before November 30, 2007.

HB 1493, declaring that groundwater is part of the public trust. **REFER FOR INTERIM STUDY**

Rep. Mary Ellen Martin for Resources, Recreation and Development: This one-line bill will put squarely in statute a principle that has run through numerous passages of RSA's and rules: that the state has the right and obligation to protect groundwater for the public interest. This does not interfere with the reasonable use by private land owners of water under their land. It would duplicate provisions in the statutes that state that New Hampshire surface waters are part of the public trust. The committee wanted to retain the bill to study its legal intricacies. Vote 17-1.

HB 1686-FN, relative to the allocation of certain off highway recreational vehicle fees. **INEXPEDIENT TO LEGISLATE**

Rep. Harry C. Merrow for Resources, Recreation and Development: This would increase fees for ATV registration and rearrange the appropriations to give Fish and Game more money for enforcement. Fish and Game was asked several times to present a plan to the committee on how the money would be spent. None came forth so the committee is recommending that the bill be voted ITL. Vote 16-0.

HB 1568, establishing a committee to study the siting and construction of industrial wind energy facilities. **OUGHT TO PASS WITH AMENDMENT**

Rep. Sam A. Cataldo for Science, Technology and Energy: This bill establishes a committee to study the siting and construction of industrial wind energy facilities (windmills). The committee learned that several siting proposals are now under consideration for large electric energy windmill projects in the state. Although we amended the bill to reflect the existing energy facility evaluations (RSA 162-H: 1), we agreed with the sponsors that it was in the state's interests to study the unique aspects and options for these new wind projects. Vote 15-0.

Amendment (0948h)

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

ACT establishing a committee to study the siting and construction of commercial wind energy facilities.

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

1 Committee Established. There is established a committee to study the siting and construction of commercial wind energy facilities.

2 Membership and Compensation.

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

(a) Four members of the house of representatives, 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:

I. The federal, state, and local regulatory processes for the siting and construction of commercial wind energy facilities, including the applicability of the site evaluation

committee certificate process under RSA 162-H, consistent with the findings and purposes set forth in RSA 162-H:1.

II. The economic, environmental, and visual effects that such facilities would have.

III. The effect such facilities would have on the provision of electricity to New Hampshire customers.

4 Chairperson; Quorum. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named house member. The first meeting of the committee shall be held within 45 days of the effective date of this section. 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 December 1, 2006.

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

AMENDED ANALYSIS

This bill establishes a committee to study the siting and construction of commercial wind energy facilities.

HB 1758, classifying biodeisel as a renewable energy source. OUGHT TO PASS WITH AMENDMENT

Rep. Robert L. Theberge for Science, Technology and Energy: This bill, as amended, clarifies the definition of biodeisel fuel as a renewable energy source for the use as a substitute for petroleum based diesel fuel. The bill further amends the following affected Revised Statutes Annotated: RSA 362-A:1-a,X; RSA 374-F:3,V (f)(3); RSA 362-A:1-a, I; and RSA 374-D:1,IV. The bill in addition requires that biodeisel fuel meet the requirements of the American Society for Testing and Materials (ASTM) specification D 6751. Vote 15-0.

Amendment (0733h)

Amend RSA 362-A:1-a, I as inserted by section 1 of the bill by replacing it with the following:

I. ***“Biodiesel” means a renewable diesel fuel substitute that is composed of mono-alkyl esters of long chain fatty acids, is derived from vegetable oils or animal fats, meets the requirements of the American Society for Testing and Materials (ASTM) specification D6751, and is commonly blended with petroleum-based diesel fuel.***

Amend the bill by replacing section 3 with the following:

3 Renewable Energy; Biodiesel Added. Amend RSA 374-F:3, V(f)((3) to read as follows:

(3) For purposes of subparagraph (f), “renewable energy” means geothermal energy, tidal or wave energy, wind energy, solar thermal energy, photovoltaic energy, landfill gas energy, hydro energy, biomass energy, ***energy derived from biodiesel as defined in RSA 362-A:1-a, I, excluding any petroleum diesel component of the fuel***, or combusted municipal waste energy where mercury emissions are reduced to an emission rate of 0.028 milligrams per dry standard cubic meter or less corrected to 7 percent oxygen by volume on a dry basis, or at least 85 percent control efficiency.

Amend the bill by inserting after section 4 the following and renumbering the original section 5 to read as 8:

5 Multiple Pollutant Reduction Program; Renewable Energy. Amend RSA 125-O:2, VIII to read as follows:

VIII. “Renewable energy” means energy derived from hydro, geothermal, wind, solar thermal, photovoltaic, biomass, ***biodiesel as defined in RSA 362-A:1-a, I, excluding any petroleum diesel component of the fuel***, methane waste, tidal, or other source approved by the department.

6 Business Finance Authority Revenue Bonds; Small Scale Power Facility. Amend RSA 162-I:2, X-a to read as follows:

X-a. "Small scale power facility" shall be an eligible facility and means any facility which is suitable for producing electric energy from biomass, ***biodiesel as defined in RSA 362-A:1-a, I, excluding any petroleum diesel component of the fuel***, waste, geothermal energy, or renewable resources including, but not limited to, the flow of water, and which has a rated capacity of not more than 80 megawatts, or any facility that is used to produce, collect, generate, transmit, store, distribute, or convey electric energy or gas and is part of a system providing service to the general populace of one or more communities or municipalities, but in no event more than 2 contiguous counties.

7 Municipal Small Scale Power Facility Bonds; Facility. Amend RSA 374-D:1, IV to read as follows:

IV. "Small scale power facility" or "facility" means a facility which produces electrical energy solely by the use, as a primary energy source, of biomass, ***biodiesel as defined in RSA 362-A:1-a, I, excluding any petroleum diesel component of the fuel***, waste, geothermal energy, renewable resources including but not limited to the flow of water, or any combination thereof and which has a rated capacity of not more than 80 megawatts. Such facility shall include all other equipment and structures designed to generate, distribute, and transmit electrical energy either to or from such facility.

HJR-26, urging Congress to reevaluate Title IX. INEXPEDIENT TO LEGISLATE

Rep. Russell A. Albert for State-Federal Relations and Veterans Affairs: The committee felt that it is just good governance to have a in-depth review of all legislation such as special education and Title IX every 10 to 15 years to insure the original intent is being accomplished and to enhance the positive effect with removing or correcting negative parts. However, this bill only addresses the impact on male sports, thus overlooking Title IX legislation as a whole. Overall, Title IX has had a positive impact on the education experiences of women in general. Today we have women participating in sports that were closed to them. More women graduate from college than men, more women take part in the political process, more women are now in business and community leaders. Much of the credit goes to Title IX. Vote 10-0.

HB 1260, relative to informing first-time driver's license applicants of the controlled drug laws, and prohibiting the issuance of a youth operator's license to controlled drug violators. OUGHT TO PASS WITH AMENDMENT

Rep. Brenda L. Ferland for Transportation: This bill, upon passage, will inform first time driver license applicants of controlled drug laws along with the driving while intoxicated laws. The law will say it is unlawful for any person to manufacture, possess, have under his or her control, sell, purchase, prescribe, administer or transport or possess with intent to sell, dispense, or compound any controlled substance, except as authorized by law. The prime sponsor wanted the bill to read the director shall not issue a license to any applicant 16 years of age or older and under 21 years of age who has been convicted of any offense involving a controlled substance during the one year preceding the application. The committee felt the punishment part should be the same as driving under the influence. This bill and two other bills dealing with the same issue were considered and therefore the bill was amended to read the same as driving while under the influence. Vote 10-0.

Amendment (0733h)

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

AN ACT relative to informing first-time driver's license applicants of the controlled drug laws.

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

AMENDED ANALYSIS

This bill requires the department of safety to inform first-time driver's license applicants of the controlled drug laws.

HB 1353, relative to addresses on motor vehicle registrations. **REFER FOR INTERIM STUDY**

Rep. Brenda L. Ferland for Transportation: This bill would establish requirements for vehicle registration by persons without a permanent street address. The committee agreed that there is a problem with people who sell their homes and live in a motor home. They do not have a permanent street address. The language of the bill was objected to by the Town Clerks' Association and therefore the committee would like the chance to come up with language that will solve the problems. Vote 12-0.

HB 1356, relative to on-board diagnostic system inspections. **OUGHT TO PASS WITH AMENDMENT**

Rep. Sherman A Packard for Transportation: This bill, as introduced, had three sections. The first would require all inspection stations to post the price that they charge for safety inspections and the price for OBD II testing. The committee agrees with this section. The second section would eliminate three counties from having to do OBD II testing. If this section were to pass, it would violate our agreement with EPA. The committee felt that it was unfair to single out only three counties for elimination. The third part would continue to allow inspection stations that do less than 200 inspections a year not to participate in the Gordon Darby Program. This is an issue that the Advisory Committee will address. The committee amendment eliminates the second and third sections of the bill. Vote 12-0.

Amendment (0734h)

Amend the bill by deleting sections 2 and 3 and renumbering the original section 4 to read as 2.

AMENDED ANALYSIS

This bill requires that OBD II fees be charged separately from vehicle inspection fees.

HB 1448, relative to the applicability of drivers' license revocations for drugs or alcohol involvement. **OUGHT TO PASS WITH AMENDMENT**

Rep. Brenda L. Ferland for Transportation: Any person under 21 years of age who is involved in the sale, possession, use, or abuse of alcohol or controlled drugs may at the discretion of the court be subject to revocation or denial of a drivers' license. The amended language adds for not less than 90 days but not more than one year on the first finding or conviction. The director, upon receipt of notification from the court, shall issue a formal order of suspension or denial of an application. Nothing in this amendment prevents the court from requiring any person to successfully complete any abuse education. Vote 10-0.

Amendment (0735h)

Amend the bill by replacing section 1 with the following:

1 Revocation or Denial for Drugs or Alcohol Involvement. Amend RSA 263:56-b to read as follows:

263:56-b Revocation or Denial for Drugs or Alcohol Involvement.

I. Any person who is not yet 21 years of age on the date of the incident, who is convicted, found to be delinquent under RSA 169-B, or found to be in need of services under RSA 169-D, for any offense involving the sale, possession, use, or abuse of alcohol or of controlled drugs as defined in RSA 318-B:1, VI, or of a controlled drug analog as defined under RSA 318-B:1, VI-a, may at the discretion of the court be subject to the revocation or denial of a driver's license or privilege to drive ~~[as provided in this section.]~~ **for not less than 90 days but not more than one year on the first finding or conviction under this paragraph, and not less than 6 months but not more than 2 years for a subsequent finding or conviction. Nothing in this section shall prevent the court from requiring any person subject to its provisions from successfully completing any**

alcohol or substance abuse education program in lieu of a loss or denial of driving license or privilege. The director, upon receipt of a notification from the court that the court has ordered the suspension of a person's license or driving privilege pursuant to this paragraph, shall forthwith issue a formal order of suspension and, in the case of denial of an application for a license, the period imposed shall begin on the date the person is eligible by age for the issuance of a license. Notwithstanding RSA 169-B:35 or any other law regarding confidentiality, any court which convicts or makes a finding that an offense described in this section has occurred involving a person who meets the age limits specified in this section shall forward a notice of such conviction or finding to the director. The director shall maintain the confidentiality of notices received.

II. The director shall, *unless otherwise ordered by the court*, revoke the driver's license or privilege to drive or deny an application for a license for not less than 90 days but not more than one year on the first finding or conviction under paragraph I, and not less than 6 months but not more than 2 years for a subsequent finding or conviction; provided, however, that the director shall not revoke or deny a license or privilege to drive under this paragraph without first giving the person an opportunity for a hearing *to determine that the person is the individual who was convicted of the offense and against whom the court order applies*. In the case of denial of an application for a license, the period imposed shall begin on the date the person is eligible by age for the issuance of a license.

III. Any person who is ~~[15 years of age or older and]~~ not yet 18 years of age on the date of the incident, and who is convicted, found to be delinquent under RSA 169-B, or found to be in need of services under RSA 169-D, for the offense of *sale or* possession with intent to sell controlled drugs as defined in RSA 318-B:1, VI or a controlled drug analog as defined under RSA 318-B:1, VI-a, shall be subject to revocation or denial of a driver's license or privilege to drive for a mandatory period of at least one year and a maximum period of up to 5 years. In the case of denial of an application for a license under this section, the period imposed shall begin on the date the person is eligible by age for the issuance of a license.

IV. The driver's license ~~[or privilege to drive]~~ of any person who is 18 years of age or older on the date of the incident, and who is convicted of the offense of *sale or* possession with intent to sell controlled drugs as defined in RSA 318-B:1, VI or a controlled drug analog as defined under RSA 318-B:1, VI-a, may be revoked, at the discretion of the court, for any period of time, including for life. ~~[Any person convicted of such offense may be denied a driver's license or privilege to drive at the discretion of the court, for any period of time, including for life.]~~ The court of relevant jurisdiction shall have the discretion to determine when the revocation shall begin.

HB 1466-FN, relative to registration of slow-moving vehicles. **REFER FOR INTERIM STUDY**

Rep. Brenda L. Ferland for Transportation: This bill will be looked at along with other bills the committee held. The use of farm, tractor, and agricultural plates has been expanded to include other types of vehicles and their usage. The time has come to study what these plates were meant for, different types of vehicles being used today on the farms and highways, and how do we register and inspect them. Vote 13-0.

HB 1587, establishing a committee to study the use of electronic traffic monitoring systems. **INEXPEDIENT TO LEGISLATE**

Rep. Brenda L. Ferland for Transportation: This bill would have set up a study committee to explore the use of traffic monitor systems. During the 2005 session, there was a bill that would have allowed traffic cameras at intersections to catch red light violations. This bill was soundly defeated by the House. The committee saw no reason to study this again. Vote 12-1.

HB 1238-FN, relative to centralized voter registration database information. **OUGHT TO**

PASS

Rep. Sharon M. Carson for Ways and Means: This bill allows the Secretary of State to sell to any political committee of a political party as defined by RSA 664:2 or a candidate who has filed for or who has been nominated for any office in a general election a statewide public voter checklist of more than 2,500 names for a fee of \$25 plus \$0.0005 per name in excess of 2,500, plus any shipping costs. This will not interfere with a town selling its local public voter checklist which will charge the same fee as the state. Fees collected at the state level are to be deposited in an election fund established by RSA 5:6-d. Fees collected at the local level will remain at the municipality. The Secretary of State will provide the public voter checklist to the administrative office of the courts and to the clerks of the District Court of the United States to prepare master jury lists. The bill also establishes penalties for the use of the public voter checklist for commercial purposes. Vote 18-0.

HB 1278, increasing the fine for violating certain laws relative to labor. **OUGHT TO PASS**

Rep. Peyton B. Hinkle for Ways and Means: This bill came to Ways and Means from the House after being considered by the Labor, Industrial and Rehabilitative Services Committee. It increases the fine paid by employers who violate any provision of RSA 275-A from \$1,000 to \$2,500 per day per employee. This would apply to employers who hire professional strikebreakers, or professional pickets, or an alien that is not in possession of any of the appropriate documents authorizing him to work in the U.S.A. Thus, this would increase the penalty for employers who hire illegal aliens. Vote 18-0.

HB 1407-FN-A, relative to funding exotic aquatic weeds eradication and control. **OUGHT TO PASS**

Rep. Jim Ryan for Ways and Means: This bill passed the House in a recent session and was referred to Ways and Means on the issue of making permanent the use of boat registration fees to fund the successful Milfoil and Exotic Aquatic Plant Prevention Program. The committee agrees the registration fee should remain permanent. Vote 13-1.

HB 1478, relative to penalties for employers who give false or incomplete required information about employees to the department of employment security and establishing an amnesty period for certain unpaid contributions. **OUGHT TO PASS**

Rep. Jim Ryan for Ways and Means: This bill offers an amnesty period to encourage good reporting by employers and develops a discretionary fine schedule for use by the Department of Employment Security with regard to employers who misclassify employees. We recommend, consistent with the work of a prior House committee, the bill ought to pass. Vote 18-0.

HB 1715-FN, relative to funding of the professional assistance program of dentists. **OUGHT TO PASS**

Rep. Jim Ryan for Ways and Means: This bill was referred to Ways and Means after passage by a House policy committee. The bill authorizes the board to augment licensing fees in a sum of not more than \$30 to be utilized exclusively to fund programs designed to aid dentists who encounter professional difficulties and are ordered to take certain steps as required by the Board of Dentistry. Vote 17-0.

SPECIAL ORDERS- REGULAR CALENDAR

HB 1335, relative to the authority of law enforcement officers during a state of emergency. **OUGHT TO PASS WITH AMENDMENT**

Rep. John E. Tholl for Criminal Justice and Public Safety: This bill as amended, addresses the possibility that during a declared State of Emergency, additional uniformed law enforcement assistance may be needed from outside the state. The bill provides for an avenue to obtain the assistance. The responding uniformed officers will have the necessary

authority during the declared State of Emergency. Supervision of the responding officers will be by N. H. Law Enforcement, thus retaining local control. Vote 19-1.

Amendment (0880h)

Amend RSA 106-I:2 as inserted by section 1 of the act by replacing it with the following:

106-I:2 Emergency Declared by Governor; Authority of Officers.

I. For the duration of any state of emergency declared by the governor because of a natural disaster, riot, or act of terrorism, notwithstanding any law to the contrary:

(a) The governor, the commissioner of safety, or the commissioner's designee, may request assistance from a duly trained and certified state, county, or local law enforcement officer from New Hampshire or from any other state, county, or local law enforcement agency;

(b) A uniformed law enforcement officer who responds to the request for assistance shall have the authority to make arrests and shall have full police powers, under the supervision, direction, and control of New Hampshire state, county, or local law enforcement officers; and

(c) The authority of a law enforcement officer who responds to the request for assistance shall continue until terminated by New Hampshire law enforcement authorities or by law enforcement authorities in the jurisdiction of the responding officer.

II. A law enforcement officer who responds to the request for assistance, and who is acting under the supervision, direction, and control of New Hampshire law enforcement authorities, shall have the same privileges and immunities as an officer in the jurisdiction of the state of emergency.

Amendment adopted.

Rep. Phinizy spoke against.

Rep. Tholl spoke in favor.

Rep. James Wheeler requested a roll call; sufficiently seconded.

The question being adoption of the committee report.

YEAS 264 NAYS 46			
YEAS 264			
BELKNAP			
Allen, Janet	Boyce, Laurie	Fitzgerald, James	Heald, Bruce
Millham, Alida	Nedeau, Stephen	Russell, David	Thomas, John
Tilton, Franklin	Tobin, William	Veazey, John	Wendelboe, Fran
Whalley, Michael			
CARROLL			
Ahlgren, Christopher	Brown, Carolyn	Buco, Thomas	Chandler, Gene
Dickinson, Howard	Knox, J David	Martin, James	McConkey, Mark
Merrow, Harry	Olimpio, J Lisbeth	Patten, Betsey	Philbrick, Donald
Stevens, Stanley			
CHESHIRE			
Allen, Peter	Butcher, Suzanne	Butynski, William	Chase, William
Dunn, J Timothy	Emerson, Susan	Espieffs, Peter	Foote, Sheila
Hogancamp, Deborah	Mitchell, Bonnie	Parkhurst, Henry	Plifka, Stanley Jr
Pratt, John	Richardson, Barbara	Roberts, Kris	Weed, Charles

COOS			
Buzzell, Bernard	King, Frederick	Mears, Edgar	Merrick, Scott
Remick, William	Richardson, Herbert	Stohl, Eric	Tholl, John Jr
GRAFTON			
Almy, Susan	Benn, Bernard	Bleyler, Ruth	Cooney, Mary
Dorsett, Andrew	Eaton, Stephanie	Gionet, Edmond	Giuda, Robert
Hammond, Lee	Harding, A Laurie	Ingbretson, Paul	Maybeck, Margie
McLeod, Martha	Mulholland, Catherine	Nordgren, Sharon	Sokol, Hilda
Solomon, Peter	Sorg, Gregory	Ward, John	Williams, Burton
HILLSBOROUGH			
Baroody, Benjamin	Barry, J Gail	Batula, Peter	Beaulieu, Jane
Bergeron, Jean-Guy	Bergin, Peter	Boehm, Ralph	Brassard, Paul
Brundige, Robert	Calawa, Leon Jr	Carew, James	Carter, Mark
Christensen, D L Chris	Cote, David	Cote, Peter	Coughlin, Pamela
Craig, James	Crane, Elenore Casey	DeVries, Betsi	Dokmo, Cynthia
Dyer, Donald	Egbers, Fran	Elliott, Nancy	Essex, David
Foster, Linda	Gargasz, Carolyn	Gibson, John	Golding, William
Goley, Jeffrey	Gorman, Mary	Graham, John	Hall, Betty
Harvey, Suzanne	Hawkins, Ken	Irwin, Anne-Marie	Jasper, Shawn
Jean, Claudette	Jeudy, Jean	Johnson, Paula	Kopka, Angeline
Kurk, Neal	L'Heureux, Robert	Lasky, Bette	Lawrence, James
Manney, Pamela	McRae, Karen	Messier, Irene	Michon, Stephen
Mooney, Maureen	Movsesian, Lori	O'Connell, Timothy	Pappas, Christopher
Pepino, Leo	Pilotte, Maurice	Price, Pamela	Renzullo, Andrew
Rowe, Robert	Ryder, Donald	Schulze, Joan	Shaw, Barbara
Shaw, Kimberly	Slocum, Lee	Smith, David	Stepanek, Stephen
Sullivan, Francis	Sullivan, Peter	Tahir, Saghir	Velez, Hector
Villeneuve, Maurice	Wheeler, Robert		
MERRIMACK			
Anderson, Eric	Blanchard, Elizabeth	Bouchard, Candace	Brueggemann, Donald
Clarke, Claire	Currier, David	Danforth, James	DeJoie, John
DeStefano, Stephen	Field, William	Kennedy, Richard	Kidder, David
Klose, John	L'Heureux, Stephen	Langlais, Thomas	MacKay, James
Maxfield, Roy	McMahon, Patricia	Osborne, Jessie	Potter, Frances
Reed, Dennis	Rush, Deanna	Ryan, Jim	Shurtleff, Stephen
Tilton, Joy	Tupper, Frank	Wallner, Mary Jane	Whiting, Herbert
Williams, Robert	Yeaton, Charles		
ROCKINGHAM			
Allen, Mary	Belanger, Ronald	Bettencourt, David	Bicknell, Elbert
Bridle, Russell	Brown, C.	Buxton, Donald	Cali-Pitts, Jacqueline
Camm, Kevin	Carson, Sharon	Casey, Kimberley	Charron, Gene
Coburn, James	Cooney, Richard	Dalrymple, Janeen	DiFruscia, Anthony
Donahue, Richard Ken	Dowd, John	Dowling, Patricia	Dumaine, Dudley

Fesh, Bob	Flanders, John Sr	Flockhart, Eileen	Forsing, Robert
Francoeur, Sheila	Garrity, James	Gilbert, Karl	Gould, Kenneth
Griffin, Mary	Headd, James	Ingram, Russell	Introne, Robert
Johnson, Robert	Katsakiores, George	Katsakiores, Phyllis	Langley, Jane
Lund, Howie	Major, Norman	Mason, April	McKinney, Betsy
McMahon, Charles	Morris, Richard	Norelli, Terie	Nowe, Ronald
Packard, Sherman	Palazzo, Frank	Parker, Benjamin	Powers, James
Priestley, Anne	Rausch, James	Robertson, Carl	Robinson, John
Rolston, James	Scamman, Stella	Stiles, Nancy	Stone, Joseph
Waterhouse, Kevin	Weare, E Albert	Welch, David	Weldy, Norman
Weyler, Kenneth	Winchell, George	Zolla, William	
STRAFFORD			
Albert, Russell	Berube, Roger	Campbell, W Packy	Cataldo, Sam
Chaplin, Duncan	Cilley, Jacalyn	Domingo, Baldwin	Dunlap, Patricia
Grassie, Anne	Heon, Richard	Hofemann, Roland	Johnson, Nancy
Keans, Sandra	Knowles, William	Miller, Joseph	Newton, Clifford
Rollo, Michael	Rous, Emma	Schmidt, Peter	Smith, Marjorie
Spang, Judith	Taylor, Kathleen	Wall, Janet	
SULLIVAN			
Cloutier, John	Donovan, Thomas	Franklin, Peter	Gale, Harry
Houde-Quimby, Charlotte	Jillette, Arthur Jr	Osgood, Philip Sr	Rodeschin, Beverly
NAYS 46			
BELKNAP			
Pilliod, James			
CARROLL			
Babson, David Jr			
CHESHIRE			
Hunt, John	Robertson, Timothy	Sawyer, Sheldon	Tilton, Anna
COOS			
Theberge, Robert			
GRAFTON			
Andersen, Gene			
HILLSBOROUGH			
Balboni, Michael	Biundo, Michael	Buhlman, David	Christiansen, Lars
Clemons, Jane	Goyette, Peter Jr	Hagan, Barbara	Hinkle, Peyton
Martin, Mary Ellen	Mead, Robert	O'Brien, William	Ober, Lynne
Shattuck, Gilman	Vaillancourt, Steve	Wheeler, James	

MERRIMACK			
Marple, Richard			
ROCKINGHAM			
Bishop, Franklin	Cady, Harriet	Hopfgarten, Paul	Hughes, Daniel
Itse, Daniel	Moody, Marcia	Quandt, Marshall Lee	Quandt, Matthew
Sanders, Elisabeth	Splaine, James		
STRAFFORD			
Brown, Jennifer	Brown, Julie	Brown, Lawrence	Creteau, Irene
Easson, Timothy	Hollinger, Jeffrey	Kaen, Naida	
SULLIVAN			
Converse, Larry	Ferland, Brenda	Irish, Christopher	Phinizy, James
Prichard, Stephen			

and the committee report adopted.

Ordered to third reading.

HB 1639-FN, prohibiting the confiscation of lawfully owned and lawfully carried firearms during a state of emergency. **INEXPEDIENT TO LEGISLATE**

Rep. John E. Tholl for Criminal Justice and Public Safety: While the committee understands the concerns of the sponsors, there has never been an instance in New Hampshire where the concerns addressed by the bill have ever even remotely arisen. The committee felt that although it may be an emotional issue for some, the bill is not needed. The genesis for this bill are the incidents that took place in Louisiana. New Hampshire is not Louisiana. Vote 13-5.

Rep. Hopfgarten spoke against.

Rep. Tholl spoke in favor.

Rep. Dickinson requested a roll call; sufficiently seconded.

The question being adoption of the committee report.

YEAS 183 NAYS 129			
YEAS 183			
BELKNAP			
Millham, Alida	Nedeau, Stephen	Russell, David	Tilton, Franklin
Tobin, William			
CARROLL			
Ahlgren, Christopher	Brown, Carolyn	Chandler, Gene	Martin, James
Olimpio, J Lisbeth	Patten, Betsey	Philbrick, Donald	Stevens, Stanley
CHESHIRE			
Allen, Peter	Butcher, Suzanne	Butynski, William	Chase, William
Dunn, J Timothy	Espieffs, Peter	Foote, Sheila	Hogancamp, Deborah
Hunt, John	Mitchell, Bonnie	Parkhurst, Henry	Plifka, Stanley Jr
Pratt, John	Richardson, Barbara	Roberts, Kris	Robertson, Timothy
Tilton, Anna	Weed, Charles		

COOS			
King, Frederick	Mears, Edgar	Stohl, Eric	Theberge, Robert
Tholl, John Jr			
GRAFTON			
Almy, Susan	Benn, Bernard	Bleyler, Ruth	Cooney, Mary
Eaton, Stephanie	Hammond, Lee	Harding, A Laurie	McLeod, Martha
Mulholland, Catherine	Nordgren, Sharon	Sokol, Hilda	Solomon, Peter
Ward, John			
HILLSBOROUGH			
Barry, J Gail	Beaulieu, Jane	Bergin, Peter	Brundige, Robert
Calawa, Leon Jr	Clemons, Jane	Cote, David	Cote, Peter
Craig, James	Desmarais, Vivian	DeVries, Betsi	Dokmo, Cynthia
Dyer, Donald	Egbers, Fran	Foster, Linda	Gargas, Carolyn
Golding, William	Gorman, Mary	Graham, John	Hall, Betty
Harvey, Suzanne	Hawkins, Ken	Irwin, Anne-Marie	Jasper, Shawn
Jean, Claudette	Kopka, Angeline	L'Heureux, Robert	Lasky, Bette
Michon, Stephen	Movsesian, Lori	O'Connell, Timothy	Pappas, Christopher
Pilotte, Maurice	Price, Pamela	Ryder, Donald	Schulze, Joan
Shattuck, Gilman	Shaw, Kimberly	Smith, David	Sullivan, Francis
Velez, Hector	Wheeler, Robert		
MERRIMACK			
Anderson, Eric	Blanchard, Elizabeth	Bouchard, Candace	Brueggemann, Donald
Clarke, Claire	Danforth, James	DeStefano, Stephen	Foose, Robert
Kidder, David	Klose, John	MacKay, James	McMahon, Patricia
Osborne, Jessie	Potter, Frances	Reed, Dennis	Rush, Deanna
Ryan, Jim	Shurtleff, Stephen	Tilton, Joy	Wallner, Mary Jane
Williams, Robert	Yeaton, Charles		
ROCKINGHAM			
Allen, Mary	Bishop, Franklin	Bridle, Russell	Brown, C.
Buxton, Donald	Cali-Pitts, Jacqueline	Casey, Kimberley	Charron, Gene
Cooney, Richard	Dalrymple, Janeen	Dowling, Patricia	Flanders, John Sr
Flockhart, Eileen	Francoeur, Sheila	Gilbert, Karl	Gould, Kenneth
Griffin, Mary	Ingram, Russell	Johnson, Robert	Katsakiores, George
Katsakiores, Phyllis	Langley, Jane	Mason, April	McKinney, Betsy
Moody, Marcia	Norelli, Terie	Parker, Benjamin	Powers, James
Priestley, Anne	Rausch, James	Robertson, Carl	Robinson, John
Sanders, Elisabeth	Scamman, Stella	Splaine, James	Stiles, Nancy
Stone, Joseph	Waterhouse, Kevin	Weare, E Albert	Welch, David
Winchell, George			
STRAFFORD			
Berube, Roger	Brown, Jennifer	Brown, Julie	Cilley, Jacalyn
Creteau, Irene	Domingo, Baldwin	Dunlap, Patricia	Grassie, Anne
Heon, Richard	Johnson, Nancy	Kaen, Naida	Keans, Sandra

Knowles, William	Miller, Joseph	Rollo, Michael	Rous, Emma
Schmidt, Peter	Smith, Marjorie	Spang, Judith	Wall, Janet
SULLIVAN			
Cloutier, John	Donovan, Thomas	Ferland, Brenda	Franklin, Peter
Gale, Harry	Houde-Quimby, Charlotte	Jillette, Arthur Jr	Prichard, Stephen
Rodeschin, Beverly			
NAYS 129			
BELKNAP			
Allen, Janet	Boyce, Laurie	Fitzgerald, James	Heald, Bruce
Pilliod, James	Thomas, John	Veazey, John	Wendelboe, Fran
Whalley, Michael			
CARROLL			
Babson, David Jr	Buco, Thomas	Dickinson, Howard	Knox, J David
McConkey, Mark	Merrow, Harry		
CHESHIRE			
Emerson, Susan	Sawyer, Sheldon		
COOS			
Buzzell, Bernard	Merrick, Scott	Remick, William	Richardson, Herbert
GRAFTON			
Andersen, Gene	Dorsett, Andrew	Gionet, Edmond	Giuda, Robert
Ingbretson, Paul	Maybeck, Margie	Sorg, Gregory	Williams, Burton
HILLSBOROUGH			
Balboni, Michael	Baroody, Benjamin	Batula, Peter	Bergeron, Jean-Guy
Biundo, Michael	Boehm, Ralph	Brassard, Paul	Buhlman, David
Carew, James	Carter, Mark	Christensen, D L Chris	Christiansen, Lars
Coughlin, Pamela	Crane, Elenore Casey	Elliott, Nancy	Gibson, John
Goley, Jeffrey	Goyette, Peter Jr	Hagan, Barbara	Hansen, Ryan
Hinkle, Peyton	Holden, Randolph	Jeudy, Jean	Johnson, Paula
Kurk, Neal	Lawrence, James	Manney, Pamela	Martin, Mary Ellen
McRae, Karen	Mead, Robert	Messier, Irene	Mooney, Maureen
O'Brien, William	Ober, Lynne	Pepino, Leo	Renzullo, Andrew
Rowe, Robert	Shaw, Barbara	Slocum, Lee	Stepanek, Stephen
Sullivan, Peter	Tahir, Saghir	Vaillancourt, Steve	Villeneuve, Maurice
Wheeler, James			
MERRIMACK			
Currier, David	Field, William	Kennedy, Richard	L'Heureux, Stephen
Langlais, Thomas	Marple, Richard	Maxfield, Roy	Tupper, Frank

Whiting, Herbert			
ROCKINGHAM			
Belanger, Ronald	Bettencourt, David	Bicknell, Elbert	Cady, Harriet
Camm, Kevin	Carson, Sharon	Coburn, James	DiFruscia, Anthony
Donahue, Richard Ken	Dowd, John	Dumaine, Dudley	Fesh, Bob
Forsing, Robert	Garrity, James	Headd, James	Hopfgarten, Paul
Hughes, Daniel	Introne, Robert	Itse, Daniel	Lund, Howie
Major, Norman	McMahon, Charles	Morris, Richard	Nowe, Ronald
Packard, Sherman	Palazzo, Frank	Quandt, Marshall Lee	Quandt, Matthew
Rolston, James	Weldy, Norman	Weyler, Kenneth	Zolla, William
STRAFFORD			
Albert, Russell	Brown, Lawrence	Campbell, W Packy	Cataldo, Sam
Chaplin, Duncan	Easson, Timothy	Hofemann, Roland	Hollinger, Jeffrey
Newton, Clifford	Taylor, Kathleen		
SULLIVAN			
Converse, Larry	Irish, Christopher	Osgood, Philip Sr	Phinizy, James

and the committee report was adopted.

Rep. Ulery did not vote and notified the Clerk that he/she wished to be recorded in favor/against.

Reps. Reed and Stiles voted Yea and intended to vote Nay.

HB 1193-FN, directing the secretary of state to remove certain language from the text of Part II, Article 73-a of the New Hampshire constitution. **INEXPEDIENT TO LEGISLATE**
Rep. John B. Hunt for Judiciary: This bill is attempting to address the same problem in CACR 39, related to the last sentence in article 72A in the constitution. The bill directs the Secretary of State to remove the sentence “the rules so promulgated shall have the force and effect of law.” The sponsor brought in extensive research from the constitutional convention to demonstrate the last sentence was deleted at the convention. The Secretary of State, however, brought in a single copy from the convention with the last sentence included. Finally the committee felt the only constitutional way to change the constitution is with another constitutional amendment. Vote 15-4.

Rep. Marple spoke against.

Rep. Lasky spoke in favor.

Rep. Vaillancourt moved Recommit.

Rep. Dokmo spoke against.

Motion failed.

The question now being adoption of the committee report.

On a division vote, 234 members having voted in the affirmative and 66 in the negative, the committee report was adopted.

HB 1266, relative to acceptance of consular identification documents. **INEXPEDIENT TO LEGISLATE**

Rep. John B. Hunt for Judiciary: A consular identification is an identification card issued by a foreign embassy for its expatriates. The bill would require that state agencies and law enforcement accept the card as proof of citizenship and that financial institutions may accept the card as a form of identification. The majority of the committee felt that since the federal government may include regulation of these cards in the real ID legislation, it is premature

and unnecessary for N.H. to pass anything. The committee, also, was concerned that state agencies must accept an ID that is not a passport but issued by a foreign country. Vote 13-5.

Rep. Velez spoke against.

Rep. Hunt spoke in favor.

Rep. Renzullo requested a roll call; sufficiently seconded.

The question being adoption of the committee report.

YEAS 241 NAYS 73			
YEAS 241			
BELKNAP			
Allen, Janet	Boyce, Laurie	Fitzgerald, James	Heald, Bruce
Millham, Alida	Nedeau, Stephen	Pilliod, James	Russell, David
Thomas, John	Tilton, Franklin	Tobin, William	Veazey, John
Wendelboe, Fran	Whalley, Michael		
CARROLL			
Ahlgren, Christopher	Babson, David Jr	Brown, Carolyn	Buco, Thomas
Chandler, Gene	Dickinson, Howard	Knox, J David	Martin, James
McConkey, Mark	Merrow, Harry	Olimpio, J Lisbeth	Patten, Betsey
Philbrick, Donald	Stevens, Stanley		
CHESHIRE			
Allen, Peter	Butynski, William	Chase, William	Emerson, Susan
Espiefs, Peter	Foote, Sheila	Hogancamp, Deborah	Hunt, John
Plifka, Stanley Jr	Robertson, Timothy	Sawyer, Sheldon	Tilton, Anna
COOS			
Buzzell, Bernard	King, Frederick	Merrick, Scott	Remick, William
Richardson, Herbert	Stohl, Eric	Theberge, Robert	Tholl, John Jr
GRAFTON			
Bleyler, Ruth	Dorsett, Andrew	Eaton, Stephanie	Gionet, Edmond
Giuda, Robert	Ingbretson, Paul	Maybeck, Margie	Sokol, Hilda
Solomon, Peter	Sorg, Gregory	Ward, John	Williams, Burton
HILLSBOROUGH			
Balboni, Michael	Barry, J Gail	Batula, Peter	Bergeron, Jean-Guy
Bergin, Peter	Biundo, Michael	Boehm, Ralph	Brassard, Paul
Brundige, Robert	Buhlman, David	Calawa, Leon Jr	Carew, James
Carter, Mark	Christensen, D L Chris	Christiansen, Lars	Cote, David
Coughlin, Pamela	Crane, Elenore Casey	Desmarais, Vivian	DeVries, Betsi
Dokmo, Cynthia	Dyer, Donald	Elliott, Nancy	Foster, Linda
Francoeur, Bea	Gargasz, Carolyn	Gibson, John	Golding, William
Goley, Jeffrey	Goyette, Peter Jr	Graham, John	Hagan, Barbara
Hall, Betty	Hansen, Ryan	Harvey, Suzanne	Hawkins, Ken

Hellwig, Steve	Holden, Randolph	Jasper, Shawn	Jean, Claudette
Jeudy, Jean	Johnson, Paula	Kopka, Angeline	Kurk, Neal
L'Heureux, Robert	Lawrence, James	Manney, Pamela	Martin, Mary Ellen
McRae, Karen	Mead, Robert	Messier, Irene	Michon, Stephen
Mooney, Maureen	Movsesian, Lori	O'Brien, William	O'Connell, Timothy
Ober, Lynne	Pepino, Leo	Pilotte, Maurice	Price, Pamela
Renzullo, Andrew	Rosenwald, Cindy	Rowe, Robert	Ryder, Donald
Scanlon, Michael	Shattuck, Gilman	Shaw, Kimberly	Slocum, Lee
Smith, David	Stepanek, Stephen	Tahir, Saghir	Ulery, Jordan
Vaillancourt, Steve	Villeneuve, Maurice	Wheeler, James	Wheeler, Robert
MERRIMACK			
Anderson, Eric	Blanchard, Elizabeth	Brueggemann, Donald	Currier, David
Danforth, James	DeStefano, Stephen	Field, William	Kennedy, Richard
Klose, John	L'Heureux, Stephen	Langlais, Thomas	MacKay, James
Marple, Richard	Maxfield, Roy	Reed, Dennis	Tupper, Frank
Whiting, Herbert	Williams, Robert		
ROCKINGHAM			
Allen, Mary	Belanger, Ronald	Bettencourt, David	Bicknell, Elbert
Bishop, Franklin	Bridle, Russell	Brown, C.	Buxton, Donald
Cali-Pitts, Jacqueline	Camm, Kevin	Carson, Sharon	Charron, Gene
Cooney, Richard	Dalrymple, Janeen	DiFruscia, Anthony	Donahue, Richard Ken
Dowd, John	Dumaine, Dudley	Fesh, Bob	Flanders, John Sr
Francoeur, Sheila	Garrity, James	Gilbert, Karl	Gould, Kenneth
Griffin, Mary	Headd, James	Hopfgarten, Paul	Hughes, Daniel
Ingram, Russell	Introne, Robert	Itse, Daniel	Johnson, Robert
Katsakiores, George	Katsakiores, Phyllis	Langley, Jane	Lund, Howie
Major, Norman	Mason, April	McMahon, Charles	Morris, Richard
Nowe, Ronald	Packard, Sherman	Palazzo, Frank	Parker, Benjamin
Priestley, Anne	Quandt, Marshall Lee	Quandt, Matthew	Rausch, James
Robertson, Carl	Rolston, James	Sanders, Elisabeth	Scamman, Stella
Stiles, Nancy	Stone, Joseph	Waterhouse, Kevin	Weare, E Albert
Welch, David	Weldy, Norman	Weyler, Kenneth	Winchell, George
Zolla, William			
STRAFFORD			
Albert, Russell	Berube, Roger	Brown, Julie	Brown, Lawrence
Campbell, W Packy	Cataldo, Sam	Chaplin, Duncan	Dunlap, Patricia
Easson, Timothy	Heon, Richard	Hollinger, Jeffrey	Johnson, Nancy
Kaen, Naida	Keans, Sandra	Knowles, William	Miller, Joseph
Newton, Clifford	Smith, Marjorie	Wall, Janet	
SULLIVAN			
Ferland, Brenda	Gale, Harry	Houde-Quimby, Charlotte	Irish, Christopher
Jillette, Arthur Jr	Osgood, Philip Sr	Rodeschin, Beverly	
NAYS 73			

BELKNAP			
None			
CARROLL			
None			
CHESHIRE			
Butcher, Suzanne	Dunn, J Timothy	Mitchell, Bonnie	Parkhurst, Henry
Pratt, John	Richardson, Barbara	Roberts, Kris	Weed, Charles
COOS			
Mears, Edgar			
GRAFTON			
Almy, Susan	Andersen, Gene	Benn, Bernard	Cooney, Mary
Hammond, Lee	Harding, A Laurie	McLeod, Martha	Mulholland, Catherine
Nordgren, Sharon			
HILLSBOROUGH			
Baroody, Benjamin	Beaulieu, Jane	Clemons, Jane	Cote, Peter
Craig, James	Egbers, Fran	Gonzalez, Carlos	Gorman, Mary
Hinkle, Peyton	Irwin, Anne-Marie	Lasky, Bette	Pappas, Christopher
Schulze, Joan	Shaw, Barbara	Sullivan, Francis	Sullivan, Peter
Velez, Hector			
MERRIMACK			
Bouchard, Candace	Clarke, Claire	Foose, Robert	McMahon, Patricia
Osborne, Jessie	Potter, Frances	Rush, Deanna	Ryan, Jim
Shurtleff, Stephen	Tilton, Joy	Wallner, Mary Jane	Yeaton, Charles
ROCKINGHAM			
Casey, Kimberley	Coburn, James	Dowling, Patricia	Flockhart, Eileen
McKinney, Betsy	Moody, Marcia	Norelli, Terie	Powers, James
Robinson, John	Splaine, James		
STRAFFORD			
Brown, Jennifer	Cilley, Jacalyn	Creteau, Irene	Domingo, Baldwin
Grassie, Anne	Hofemann, Roland	Rollo, Michael	Schmidt, Peter
Spang, Judith	Taylor, Kathleen		
SULLIVAN			
Cloutier, John	Converse, Larry	Donovan, Thomas	Franklin, Peter
Phinizy, James	Prichard, Stephen		

and the committee report was adopted.

HB 1322, relative to the establishment of allodial rights. **INEXPEDIENT TO LEGISLATE**

Rep. Stephen J. Shurtleff for Judiciary: This law makes reference to NH colonial laws and methodology by which property was transferred. The bill would require that property could only be “acquired” by the use of “lawful” money. The term “lawful” money was defined as being gold or silver coin. It was the feeling of the committee that this would cause a tremendous burden to the citizens of New Hampshire, and be extraordinarily disruptive to commerce. Furthermore, it is the responsibility of the federal government to define what is “lawful money,” not the State of N.H. Vote 13-0.
Rep. Marple spoke against.
Rep. Sorg spoke in favor.
Committee report was adopted.

HB 1641-FN, establishing a common law court. INEXPEDIENT TO LEGISLATE

Rep. Stephen J. Shurtleff for Judiciary: This bill would set up a court of “Common Law.” The committee felt that this was unnecessary, unwarranted and an added expensive for our citizens. N.H. has a workable court system that relies on common law when no applicable law exists. This new court would be unmanageable and duplicative. Vote 13-0.
Rep. Marple spoke against.
On a division vote, 295 members having voted in the affirmative and 14 in the negative, the committee report was adopted.

HCR 25, urging the United States to withdraw funding for the United Nations if the United Nations adopts a resolution in violation of the United States Constitution. OUGHT TO PASS

Rep. Lars T. Christiansen for State-Federal Relations and Veterans Affairs: The committee agrees that the General Court should request that the United States withdraw funding for the United Nations if it adopts a resolution to forbid private ownership of firearms and any other constitutionally guaranteed rights which would be in violation of the United States Constitution and the New Hampshire Constitution. Vote 9-1.
Rep. Dumaine requested a roll call; sufficiently seconded.
The question being adoption of the committee report.

YEAS 184 NAYS 134			
YEAS 184			
BELKNAP			
Allen, Janet	Boyce, Laurie	Heald, Bruce	Nedeau, Stephen
Russell, David	Thomas, John	Tilton, Franklin	Tobin, William
Veazey, John	Wendelboe, Fran	Whalley, Michael	
CARROLL			
Ahlgren, Christopher	Babson, David Jr	Brown, Carolyn	Buco, Thomas
Chandler, Gene	McConkey, Mark	Morrow, Harry	Patten, Betsey
Philbrick, Donald			
CHESHIRE			
Emerson, Susan	Foote, Sheila	Hunt, John	Plifka, Stanley Jr
Sawyer, Sheldon			
COOS			
Buzzell, Bernard	King, Frederick	Remick, William	Richardson, Herbert

Stohl, Eric	Tholl, John Jr		
GRAFTON			
Dorsett, Andrew	Gionet, Edmond	Giuda, Robert	Ingbretson, Paul
Maybeck, Margie	Sorg, Gregory	Ward, John	Williams, Burton
HILLSBOROUGH			
Balboni, Michael	Barry, J Gail	Batula, Peter	Bergeron, Jean-Guy
Biundo, Michael	Boehm, Ralph	Brassard, Paul	Brundige, Robert
Calawa, Leon Jr	Carew, James	Carter, Mark	Christiansen, Lars
Cote, David	Coughlin, Pamela	Crane, Elenore Casey	Desmarais, Vivian
Dokmo, Cynthia	Dyer, Donald	Elliott, Nancy	Francoeur, Bea
Gargas, Carolyn	Gibson, John	Golding, William	Goley, Jeffrey
Gonzalez, Carlos	Goyette, Peter Jr	Hagan, Barbara	Hawkins, Ken
Hellwig, Steve	Hinkle, Peyton	Hirschmann, Keith	Jasper, Shawn
Johnson, Paula	L'Heureux, Robert	Lawrence, James	Manney, Pamela
Martin, Mary Ellen	McRae, Karen	Mead, Robert	Messier, Irene
Mooney, Maureen	O'Brien, William	O'Connell, Timothy	Ober, Lynne
Pepino, Leo	Price, Pamela	Renzullo, Andrew	Rowe, Robert
Ryder, Donald	Scanlon, Michael	Slocum, Lee	Smith, David
Stepanek, Stephen	Sullivan, Francis	Tahir, Saghir	Ulery, Jordan
Villeneuve, Maurice	Wheeler, James	Wheeler, Robert	
MERRIMACK			
Anderson, Eric	Blanchard, Elizabeth	Currier, David	Field, William
Kennedy, Richard	Klose, John	L'Heureux, Stephen	Langlais, Thomas
Marple, Richard	Maxfield, Roy	Reed, Dennis	Soltani, Tony
Whiting, Herbert			
ROCKINGHAM			
Allen, Mary	Belanger, Ronald	Bettencourt, David	Bicknell, Elbert
Bishop, Franklin	Bridle, Russell	Buxton, Donald	Camm, Kevin
Carson, Sharon	Coburn, James	Dalrymple, Janeen	Donahue, Richard Ken
Dowd, John	Dowling, Patricia	Dumaine, Dudley	Fesh, Bob
Flanders, John Sr	Forsing, Robert	Francoeur, Sheila	Garrity, James
Gilbert, Karl	Griffin, Mary	Headd, James	Hopfgarten, Paul
Hughes, Daniel	Ingram, Russell	Introne, Robert	Itse, Daniel
Johnson, Robert	Katsakiores, George	Katsakiores, Phyllis	Langley, Jane
Lund, Howie	Major, Norman	Mason, April	McKinney, Betsy
McMahon, Charles	Morris, Richard	Nowe, Ronald	Packard, Sherman
Palazzo, Frank	Priestley, Anne	Quandt, Marshall Lee	Quandt, Matthew
Rausch, James	Rolston, James	Sanders, Elisabeth	Scamman, Stella
Stiles, Nancy	Stone, Joseph	Weare, E Albert	Welch, David
Weldy, Norman	Weyler, Kenneth	Winchell, George	Zolla, William
STRAFFORD			
Albert, Russell	Berube, Roger	Bickford, David	Brown, Julie
Campbell, W Packy	Cataldo, Sam	Chaplin, Duncan	Easson, Timothy
Hollinger, Jeffrey	Keans, Sandra	Knowles, William	Newton, Clifford

SULLIVAN			
Ferland, Brenda	Gale, Harry	Irish, Christopher	Osgood, Philip Sr
Rodeschin, Beverly			
NAYS 134			
BELKNAP			
Millham, Alida	Pilliod, James		
CARROLL			
Knox, J David	Martin, James	Olimpio, J Lisbeth	Stevens, Stanley
CHESHIRE			
Allen, Peter	Butcher, Suzanne	Butynski, William	Chase, William
Coates, Christopher	Dunn, J Timothy	Espiefs, Peter	Hogancamp, Deborah
Mitchell, Bonnie	Parkhurst, Henry	Pratt, John	Richardson, Barbara
Roberts, Kris	Robertson, Timothy	Tilton, Anna	
COOS			
Mears, Edgar	Merrick, Scott	Theberge, Robert	
GRAFTON			
Almy, Susan	Andersen, Gene	Benn, Bernard	Bleyler, Ruth
Cooney, Mary	Eaton, Stephanie	Hammond, Lee	Harding, A Laurie
McLeod, Martha	Mulholland, Catherine	Nordgren, Sharon	Sokol, Hilda
Solomon, Peter			
HILLSBOROUGH			
Baroody, Benjamin	Beaulieu, Jane	Bergin, Peter	Campbell, David
Christensen, D L Chris	Clemons, Jane	Cote, Peter	Craig, James
DeVries, Betsi	Egbers, Fran	Essex, David	Foster, Linda
Gorman, Mary	Graham, John	Hall, Betty	Hansen, Ryan
Harvey, Suzanne	Holden, Randolph	Irwin, Anne-Marie	Jean, Claudette
Jeudy, Jean	Kopka, Angeline	Kurk, Neal	Lasky, Bette
Michon, Stephen	Movsesian, Lori	Pappas, Christopher	Pilotte, Maurice
Rosenwald, Cindy	Schulze, Joan	Shattuck, Gilman	Shaw, Barbara
Shaw, Kimberly	Sullivan, Peter	Vaillancourt, Steve	Velez, Hector
MERRIMACK			
Bouchard, Candace	Brueggemann, Donald	Clarke, Claire	Danforth, James
DeStefano, Stephen	Foose, Robert	French, Barbara	MacKay, James
McMahon, Patricia	Osborne, Jessie	Potter, Frances	Rush, Deanna
Ryan, Jim	Shurtleff, Stephen	Tilton, Joy	Tupper, Frank
Wallner, Mary Jane	Williams, Robert	Yeaton, Charles	

ROCKINGHAM			
Brown, C.	Cali-Pitts, Jacqueline	Casey, Kimberley	Charron, Gene
Cooney, Richard	DiFruscia, Anthony	Flockhart, Eileen	Gould, Kenneth
Moody, Marcia	Norelli, Terie	Parker, Benjamin	Powers, James
Robertson, Carl	Robinson, John	Splaine, James	Waterhouse, Kevin
STRAFFORD			
Brown, Jennifer	Brown, Lawrence	Cilley, Jacalyn	Creteau, Irene
Domingo, Baldwin	Dunlap, Patricia	Grassie, Anne	Heon, Richard
Hofemann, Roland	Johnson, Nancy	Kaen, Naida	Miller, Joseph
Rollo, Michael	Schmidt, Peter	Smith, Marjorie	Spang, Judith
Taylor, Kathleen	Wall, Janet		
SULLIVAN			
Cloutier, John	Converse, Larry	Donovan, Thomas	Franklin, Peter
Houde-Quimby, Charlotte	Jillette, Arthur Jr	Phinizy, James	Prichard, Stephen

and the committee report was adopted.

Rep. Hansen voted Nay and intended to vote Aye.

HB 1628, relative to expenses of operating bingo games. **INEXPEDIENT TO LEGISLATE**
Rep. Shawn N. Jasper for Ways and Means: This bill would allow charitable organizations to opt out of retaining the seven percent collected from bingo players in a winner take all game. This seven percent take was only just authorized this past session. While some charities have seen a drop in attendance, given a number of factors such as rising fuel prices and hurricane relief, it is unlikely that the drop in attendance in the past few months has much if anything to do with the seven percent retention. Having a situation where organizations have a different payout percentage for the same game will no doubt lead to confusion and even angry players, when they receive less than they were expecting. It will also create a situation where the operators of games, who run bingo on different nights for different charities, will be subject to a different percentage according to the dictates of the various charities. This could easily lead to incorrect payouts. Vote 20-0.

Committee report adopted by the necessary

Reps. Vaillancourt and Palazzo spoke against.

Reps. Boyce and Jasper spoke in favor.

On a division vote, 218 members having voted in the affirmative and 88 in the negative, the motion was adopted (failed).

HB 1638-FN-A, reducing the rate of the communications services tax. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Shawn N. Jasper for the Majority of Ways and Means: Reducing the communications services tax will reduce general fund revenue by \$15 million per year beginning in FY 2007 without an offsetting reduction in spending or an increase in another revenue source. The bill's sponsor felt this bill would have a revenue neutral effect due to the people who continue to use land lines. The committee felt it is unlikely that the proposed reduction in the communication services tax would be the area which would enhance our overall tax climate, dollar for dollar. Vote 17-2.

Rep. Steve Vaillancourt for the Minority of Ways and Means: This bill would reduce the communications service tax from 7 to 5.5 percent. More commonly, that's known as the tax on telephones, and it generates approximately \$70 million a year. This 1.5 percent reduction would mean \$15 million a year less for state coffers, a fact the minority readily acknowledges. How are you going to make up for such a loss? That's the first question those

of us on Ways and Means ask when considering tax reductions, and without an answer a bill is virtually dead on arrival. The same day the committee exceed this bill, we began the process of revenue estimates and learned that business taxes could well run \$35-50 million ahead of schedule this year and at least \$10 million ahead for next year. Other taxes, except rooms and meals taxes and the real estate transfer taxes, are mostly on target, so there is ample evidence that the state, even after resupplying the rainy day fund, can afford this tax reduction. The minority believes this bill can stand as a proxy for lower taxes. The minority believes we should view it as a good faith down payment to our citizenry which has been hit with numerous tax and fee increases this biennium, everything from the 28 cent per pack cigarette tax increase to an increase on motor vehicle violation fines (which went into effect without even as much as a public hearing) to an increase in filing fees in district courts. We could not afford to temporarily reduce the gasoline tax as proposed by the sponsor of HB 1473. That would have cost the state approximately \$60 million in total. We could not afford to eliminate the BET and reduce the BPT (HB 1599) as proposed by the sponsor of this bill. That would have cost the state approximately \$144 million a year. We could not afford HB 1319 which would have reduced the cigarette tax by 28 cents a pack and would have cost the state more than \$47million this year. The same argument cannot be made for this bill. Quite simply, we can afford to do this. What we cannot afford to do is continually tell the public that we favor lower taxes and then not reduce them when provided the opportunity to do so. This tax was enacted in 1990 at a rate of three percent with a surcharge of 66 2/3 percent, making the effective rate five percent. A year later, we kept the rate at three percent but increased the surcharge to 100 percent, making the effective rate six percent. Through the years, we kept saying this was going to be a temporary tax until in 2003 we made it a permanent tax at the rate of seven percent. Since this tax has such a muddled history, we should do everything we can to roll it back and live up to past promises. Since virtually everyone has a telephone, the decrease would be spread to virtually everyone in the state, at least to those who pay the tax. (The exemption on the first \$12 per month of a phone bill would remain in effect). To say no to this reduction when we can afford it is to acknowledge the sad truth that our top priority here is to increase spending rather than to reduce taxes.

Rep. Hagan spoke against.

Rep. Jasper spoke in favor and yielded to questions.

Rep. Boyce requested a roll call; sufficiently seconded.

The question being adoption of the majority committee report.

YEAS 223 NAYS 91			
YEAS 223			
BELKNAP			
Fitzgerald, James	Millham, Alida	Morrison, Gail	Nedeau, Stephen
Pilliod, James	Russell, David	Thomas, John	Tilton, Franklin
Tobin, William	Veazey, John	Wendelboe, Fran	Whalley, Michael
CARROLL			
Ahlgren, Christopher	Babson, David Jr	Brown, Carolyn	Buco, Thomas
Chandler, Gene	Dickinson, Howard	Knox, J David	McConkey, Mark
Morrow, Harry	Olimpio, J Lisbeth	Patten, Betsey	Philbrick, Donald
Stevens, Stanley			
CHESHIRE			
Allen, Peter	Butcher, Suzanne	Butynski, William	Chase, William

Coates, Christopher	Foote, Sheila	Hogancamp, Deborah	Hunt, John
Mitchell, Bonnie	Parkhurst, Henry	Plifka, Stanley Jr	Pratt, John
Richardson, Barbara	Roberts, Kris	Robertson, Timothy	Tilton, Anna
COOS			
Buzzell, Bernard	King, Frederick	Mears, Edgar	Merrick, Scott
Remick, William	Richardson, Herbert	Stohl, Eric	Tholl, John Jr
GRAFTON			
Almy, Susan	Andersen, Gene	Benn, Bernard	Bleyler, Ruth
Cooney, Mary	Eaton, Stephanie	Hammond, Lee	Harding, A Laurie
McLeod, Martha	Mulholland, Catherine	Nordgren, Sharon	Sokol, Hilda
Solomon, Peter	Ward, John	Williams, Burton	
HILLSBOROUGH			
Batula, Peter	Beaulieu, Jane	Bergin, Peter	Brassard, Paul
Brundige, Robert	Calawa, Leon Jr	Campbell, David	Christensen, D L Chris
Christiansen, Lars	Cote, David	Cote, Peter	Coughlin, Pamela
Desmarais, Vivian	DeVries, Betsi	Dyer, Donald	Egbers, Fran
Essex, David	Foster, Linda	Gargas, Carolyn	Golding, William
Goley, Jeffrey	Gorman, Mary	Graham, John	Hall, Betty
Harvey, Suzanne	Holden, Randolph	Irwin, Anne-Marie	Jasper, Shawn
Jean, Claudette	Jeudy, Jean	Johnson, Paula	Kopka, Angeline
Kurk, Neal	L'Heureux, Robert	Lasky, Bette	Michon, Stephen
Movsesian, Lori	O'Connell, Timothy	Pappas, Christopher	Pilotte, Maurice
Price, Pamela	Rosenwald, Cindy	Ryder, Donald	Scanlon, Michael
Schulze, Joan	Shattuck, Gilman	Shaw, Kimberly	Slocum, Lee
Smith, David	Sullivan, Francis	Velez, Hector	Wheeler, Robert
MERRIMACK			
Anderson, Eric	Blanchard, Elizabeth	Bouchard, Candace	Brueggemann, Donald
Clarke, Claire	Danforth, James	Foose, Robert	French, Barbara
Hess, David	Klose, John	L'Heureux, Stephen	Langlais, Thomas
MacKay, James	Maxfield, Roy	McMahon, Patricia	Osborne, Jessie
Potter, Frances	Reed, Dennis	Rush, Deanna	Ryan, Jim
Shurtleff, Stephen	Tilton, Joy	Tupper, Frank	Wallner, Mary Jane
Whiting, Herbert	Williams, Robert	Yeaton, Charles	
ROCKINGHAM			
Bridle, Russell	Brown, C.	Buxton, Donald	Cali-Pitts, Jacqueline
Camm, Kevin	Carson, Sharon	Casey, Kimberley	Charron, Gene
Cooney, Richard	DiFruscia, Anthony	Donahue, Richard Ken	Dowd, John
Fesh, Bob	Flanders, John Sr	Flockhart, Eileen	Forsing, Robert
Francoeur, Sheila	Gould, Kenneth	Griffin, Mary	Hughes, Daniel
Ingram, Russell	Johnson, Robert	Katsakiores, George	Katsakiores, Phyllis
Langley, Jane	Major, Norman	Mason, April	McMahon, Charles
Moody, Marcia	Norelli, Terie	Packard, Sherman	Powers, James

Priestley, Anne	Rausch, James	Robertson, Carl	Robinson, John
Rolston, James	Sanders, Elisabeth	Scamman, Stella	Splaine, James
Stone, Joseph	Waterhouse, Kevin	Weare, E Albert	Welch, David
Weldy, Norman	Weyler, Kenneth	Winchell, George	Zolla, William
STRAFFORD			
Berube, Roger	Brown, Jennifer	Brown, Julie	Brown, Lawrence
Chaplin, Duncan	Cilley, Jacalyn	Creteau, Irene	Domingo, Baldwin
Dunlap, Patricia	Heon, Richard	Johnson, Nancy	Kaen, Naida
Keans, Sandra	Knowles, William	Miller, Joseph	Rollo, Michael
Schmidt, Peter	Smith, Marjorie	Spang, Judith	Taylor, Kathleen
Wall, Janet			
SULLIVAN			
Cloutier, John	Converse, Larry	Donovan, Thomas	Ferland, Brenda
Franklin, Peter	Gale, Harry	Houde-Quimby, Charlotte	Jillette, Arthur Jr
Osgood, Philip Sr	Prichard, Stephen	Rodeschin, Beverly	
NAYS 91			
BELKNAP			
Allen, Janet	Boyce, Laurie	Heald, Bruce	
CARROLL			
Martin, James			
CHESHIRE			
Emerson, Susan	Espieffs, Peter	Sawyer, Sheldon	
COOS			
None			
GRAFTON			
Dorsett, Andrew	Gionet, Edmond	Giuda, Robert	Ingbretson, Paul
Maybeck, Margie	Sorg, Gregory		
HILLSBOROUGH			
Balboni, Michael	Baroody, Benjamin	Barry, J Gail	Bergeron, Jean-Guy
Biundo, Michael	Boehm, Ralph	Buhlman, David	Carew, James
Carter, Mark	Clemons, Jane	Craig, James	Crane, Elenore Casey
Dokmo, Cynthia	Elliott, Nancy	Francoeur, Bea	Gibson, John
Gonzalez, Carlos	Goyette, Peter Jr	Hagan, Barbara	Hansen, Ryan
Hawkins, Ken	Hellwig, Steve	Hinkle, Peyton	Hirschmann, Keith
Lawrence, James	Manney, Pamela	Martin, Mary Ellen	McRae, Karen
Mead, Robert	Messier, Irene	Mooney, Maureen	O'Brien, William
Ober, Lynne	Renzullo, Andrew	Rowe, Robert	Shaw, Barbara
Stepanek, Stephen	Sullivan, Peter	Tahir, Saghir	Ulery, Jordan
Vaillancourt, Steve	Villeneuve, Maurice	Wheeler, James	

MERRIMACK			
DeJoie, John	DeStefano, Stephen	Field, William	Kennedy, Richard
Marple, Richard	Soltani, Tony		
ROCKINGHAM			
Allen, Mary	Belanger, Ronald	Bettencourt, David	Bicknell, Elbert
Coburn, James	Dumaine, Dudley	Garrity, James	Gilbert, Karl
Headd, James	Hopfgarten, Paul	Introne, Robert	Itse, Daniel
Lund, Howie	McKinney, Betsy	Morris, Richard	Nowe, Ronald
Palazzo, Frank	Quandt, Marshall Lee	Quandt, Matthew	Stiles, Nancy
STRAFFORD			
Albert, Russell	Bickford, David	Cataldo, Sam	Easson, Timothy
Hofemann, Roland	Hollinger, Jeffrey	Newton, Clifford	
SULLIVAN			
Irish, Christopher	Phinizy, James		

and the majority committee report was adopted.

HB 1699-FN-A-L, establishing a tax on fees charged by railroad companies for transiting of cargo over, under, or across railroad rights-of-way. **INEXPEDIENT TO LEGISLATE**
Rep. John H. Thomas for Ways and Means: This bill is really a disclosure bill rather than a tax bill. There is a lot of related historical information that has an affect on the issue of disclosure and many in the committee feel the bill should be re-crafted with the appropriate amount of study given to those issues. Vote 18-1.

Rep. Danforth spoke against and yielded to questions.

Rep. Thomas spoke in favor.

On a division vote, 173 members having voted in the affirmative and 135 in the negative, the committee report was adopted.

REGULAR CALENDAR

HB 1229-FN, prohibiting the use of false documentation for employment, government services, or permits. **INEXPEDIENT TO LEGISLATE**

Rep. Stanley E. Stevens for Criminal Justice and Public Safety: At the deadline for reporting this bill to the House, the committee did not see a purpose for the bill. We have learned, however, that more information may be available very soon. If this happens, the committee will provide the information to the House when the bill is before the body for debate. Vote 12-2.

Rep. Welch spoke against.

Rep. Newton requested a roll call; sufficiently seconded.

The question being adoption of the committee report.

YEAS 74 NAYS 240			
YEAS 74			
BELKNAP			
Morrison, Gail			

CARROLL			
Buco, Thomas			
CHESHIRE			
Espiefs, Peter	Mitchell, Bonnie	Parkhurst, Henry	Pratt, John
Richardson, Barbara	Sawyer, Sheldon		
COOS			
Remick, William			
GRAFTON			
Almy, Susan	Bleyler, Ruth	Ham, Bonnie	Hammond, Lee
McLeod, Martha	Mulholland, Catherine	Nordgren, Sharon	Sokol, Hilda
Solomon, Peter			
HILLSBOROUGH			
Baroody, Benjamin	Beaulieu, Jane	Calawa, Leon Jr	Clemons, Jane
Cote, David	DeVries, Betsi	Goley, Jeffrey	Harvey, Suzanne
Irwin, Anne-Marie	Jean, Claudette	Jeudy, Jean	Kopka, Angeline
Lasky, Bette	Michon, Stephen	Movsesian, Lori	Pappas, Christopher
Pilotte, Maurice	Rosenwald, Cindy	Schulze, Joan	Smith, David
Sullivan, Francis	Velez, Hector		
MERRIMACK			
Clarke, Claire	DeJoie, John	Maxfield, Roy	McMahon, Patricia
Osborne, Jessie	Potter, Frances	Ryan, Jim	Shurtleff, Stephen
Wallner, Mary Jane	Walz, Mary Beth		
ROCKINGHAM			
Allen, Mary	Brown, C.	Casey, Kimberley	Flockhart, Eileen
Gilbert, Karl	Hughes, Daniel	Norelli, Terie	Powers, James
Sanders, Elisabeth			
STRAFFORD			
Berube, Roger	Brown, Julie	Brown, Lawrence	Hilliard, Dana
Johnson, Nancy	Knowles, William	Miller, Joseph	Schmidt, Peter
Smith, Marjorie	Spang, Judith	Taylor, Kathleen	Wall, Janet
SULLIVAN			
Donovan, Thomas	Franklin, Peter	Phinizy, James	
NAYS 240			
BELKNAP			
Allen, Janet	Boyce, Laurie	Fitzgerald, James	Heald, Bruce
Millham, Alida	Nedeau, Stephen	Pilliod, James	Russell, David
Thomas, John	Tilton, Franklin	Tobin, William	Veazey, John

Wendelboe, Fran	Whalley, Michael		
CARROLL			
Ahlgren, Christopher	Babson, David Jr	Brown, Carolyn	Chandler, Gene
Dickinson, Howard	Knox, J David	Martin, James	McConkey, Mark
Merrow, Harry	Olimpio, J Lisbeth	Patten, Betsey	Philbrick, Donald
Stevens, Stanley			
CHESHIRE			
Allen, Peter	Butcher, Suzanne	Butynski, William	Chase, William
Coates, Christopher	Dunn, J Timothy	Emerson, Susan	Foote, Sheila
Hogancamp, Deborah	Hunt, John	Plifka, Stanley Jr	Roberts, Kris
Robertson, Timothy	Tilton, Anna		
COOS			
Buzzell, Bernard	King, Frederick	Mears, Edgar	Merrick, Scott
Richardson, Herbert	Stohl, Eric	Tholl, John Jr	
GRAFTON			
Andersen, Gene	Benn, Bernard	Cooney, Mary	Dorsett, Andrew
Eaton, Stephanie	Gionet, Edmond	Giuda, Robert	Harding, A Laurie
Maybeck, Margie	Sorg, Gregory	Ward, John	Williams, Burton
HILLSBOROUGH			
Balboni, Michael	Batula, Peter	Bergeron, Jean-Guy	Bergin, Peter
Biundo, Michael	Boehm, Ralph	Brassard, Paul	Brundige, Robert
Buhlman, David	Campbell, David	Carew, James	Carter, Mark
Christensen, D L Chris	Christiansen, Lars	Cote, Peter	Coughlin, Pamela
Crane, Elenore Casey	Desmarais, Vivian	Dokmo, Cynthia	Dyer, Donald
Egbers, Fran	Elliott, Nancy	Essex, David	Foster, Linda
Francoeur, Bea	Gargas, Carolyn	Gibson, John	Golding, William
Gonzalez, Carlos	Gorman, Mary	Goyette, Peter Jr	Graham, John
Hagan, Barbara	Hall, Betty	Hansen, Ryan	Hawkins, Ken
Hellwig, Steve	Hirschmann, Keith	Holden, Randolph	Johnson, Paula
Kurk, Neal	L'Heureux, Robert	Lawrence, James	Manney, Pamela
Martin, Mary Ellen	McRae, Karen	Mead, Robert	Messier, Irene
Mooney, Maureen	O'Brien, William	O'Connell, Timothy	Ober, Lynne
Pepino, Leo	Price, Pamela	Renzullo, Andrew	Rowe, Robert
Ryder, Donald	Scanlon, Michael	Shattuck, Gilman	Shaw, Barbara
Shaw, Kimberly	Slocum, Lee	Stepanek, Stephen	Sullivan, Peter
Tahir, Saghir	Ulery, Jordan	Vaillancourt, Steve	Villeneuve, Maurice
Wheeler, James	Wheeler, Robert		
MERRIMACK			
Anderson, Eric	Blanchard, Elizabeth	Bouchard, Candace	Brueggemann, Donald
Danforth, James	DeStefano, Stephen	Field, William	Foose, Robert
French, Barbara	Hess, David	Kennedy, Richard	Klose, John

L'Heureux, Stephen	Langlais, Thomas	MacKay, James	Marple, Richard
Reed, Dennis	Rush, Deanna	Soltani, Tony	Tilton, Joy
Tupper, Frank	Whiting, Herbert	Williams, Robert	Yeaton, Charles
ROCKINGHAM			
Asselin, Michael	Belanger, Ronald	Bettencourt, David	Bicknell, Elbert
Bishop, Franklin	Bridle, Russell	Buxton, Donald	Cali-Pitts, Jacqueline
Camm, Kevin	Carson, Sharon	Charron, Gene	Coburn, James
Cooney, Richard	DiFruscia, Anthony	Donahue, Richard Ken	Dowd, John
Dumaine, Dudley	Fesh, Bob	Flanders, John Sr	Forsing, Robert
Francoeur, Sheila	Garrity, James	Gould, Kenneth	Griffin, Mary
Headd, James	Hopfgarten, Paul	Ingram, Russell	Introne, Robert
Itse, Daniel	Johnson, Robert	Katsakiores, George	Katsakiores, Phyllis
Langley, Jane	Lund, Howie	Major, Norman	Mason, April
McKinney, Betsy	McMahon, Charles	Moody, Marcia	Morris, Richard
Nowe, Ronald	Packard, Sherman	Palazzo, Frank	Priestley, Anne
Quandt, Marshall Lee	Quandt, Matthew	Robertson, Carl	Robinson, John
Rolston, James	Scamman, Stella	Splaine, James	Stiles, Nancy
Stone, Joseph	Waterhouse, Kevin	Weare, E Albert	Welch, David
Weldy, Norman	Weyler, Kenneth	Winchell, George	
STRAFFORD			
Albert, Russell	Bickford, David	Brown, Jennifer	Campbell, W Packy
Cataldo, Sam	Chaplin, Duncan	Creteau, Irene	Domingo, Baldwin
Dunlap, Patricia	Easson, Timothy	Heon, Richard	Hofemann, Roland
Hollinger, Jeffrey	Kaen, Naida	Keans, Sandra	Newton, Clifford
Rollo, Michael			
SULLIVAN			
Cloutier, John	Converse, Larry	Ferland, Brenda	Gale, Harry
Houde-Quimby, Charlotte	Irish, Christopher	Jillette, Arthur Jr	Osgood, Philip Sr
Prichard, Stephen	Rodeschin, Beverly		

and the committee report failed.

Rep. Stevens moved Ought to Pass, spoke in favor and yielded to questions.

Rep. Almy moved Recommit.

LAID ON THE TABLE

Rep. Phinizy moved that ***HB 1229-FN***, prohibiting the use of false documentation for employment, government services, or permits. be laid on the table.

Rep. Hebert requested a roll call; sufficiently seconded.

The question being adoption of the motion Lay on the Table.

YEAS 164 NAYS 151			
YEAS 164			
BELKNAP			
Morrison, Gail	Nedeau, Stephen	Thomas, John	Tobin, William
Veazey, John			

CARROLL			
Buco, Thomas	Merrow, Harry	Olimpio, J Lisbeth	Patten, Betsey
CHESHIRE			
Allen, Peter	Butcher, Suzanne	Butynski, William	Chase, William
Coates, Christopher	Dunn, J Timothy	Espiefs, Peter	Mitchell, Bonnie
Parkhurst, Henry	Plifka, Stanley Jr	Pratt, John	Richardson, Barbara
Roberts, Kris	Robertson, Timothy	Sawyer, Sheldon	Tilton, Anna
COOS			
Buzzell, Bernard	Mears, Edgar	Remick, William	Tholl, John Jr
GRAFTON			
Almy, Susan	Andersen, Gene	Benn, Bernard	Cooney, Mary
Ham, Bonnie	Hammond, Lee	Harding, A Laurie	McLeod, Martha
Mulholland, Catherine	Nordgren, Sharon	Sokol, Hilda	Williams, Burton
HILLSBOROUGH			
Baroody, Benjamin	Beaulieu, Jane	Brassard, Paul	Brundige, Robert
Calawa, Leon Jr	Carter, Mark	Clemons, Jane	Cote, David
Cote, Peter	DeVries, Betsi	Egbers, Fran	Essex, David
Foster, Linda	Goley, Jeffrey	Gorman, Mary	Goyette, Peter Jr
Hall, Betty	Hansen, Ryan	Holden, Randolph	Irwin, Anne-Marie
Jasper, Shawn	Jean, Claudette	Jeudy, Jean	Johnson, Paula
Kopka, Angeline	Lasky, Bette	Martin, Mary Ellen	Messier, Irene
Michon, Stephen	Movsesian, Lori	O'Brien, William	O'Connell, Timothy
Pappas, Christopher	Pepino, Leo	Pilotte, Maurice	Rosenwald, Cindy
Scanlon, Michael	Schulze, Joan	Shattuck, Gilman	Shaw, Kimberly
Slocum, Lee	Smith, David	Sullivan, Francis	Sullivan, Peter
Velez, Hector	Villeneuve, Maurice		
MERRIMACK			
Anderson, Eric	Bouchard, Candace	Brueggemann, Donald	Clarke, Claire
Danforth, James	DeJoie, John	DeStefano, Stephen	Foose, Robert
French, Barbara	L'Heureux, Stephen	Maxfield, Roy	McMahon, Patricia
Osborne, Jessie	Potter, Frances	Rush, Deanna	Ryan, Jim
Shurtleff, Stephen	Tilton, Joy	Wallner, Mary Jane	Walz, Mary Beth
Whiting, Herbert	Williams, Robert	Yeaton, Charles	
ROCKINGHAM			
Bishop, Franklin	Brown, C.	Cali-Pitts, Jacqueline	Camm, Kevin
Casey, Kimberley	Cooney, Richard	DiFruscia, Anthony	Fesh, Bob
Flanders, John Sr	Flockhart, Eileen	Forsing, Robert	Francoeur, Sheila
Headd, James	Hughes, Daniel	Johnson, Robert	Langley, Jane
Major, Norman	McKinney, Betsy	Moody, Marcia	Morris, Richard
Powers, James	Priestley, Anne	Splaine, James	Welch, David
STRAFFORD			

Berube, Roger	Brown, Jennifer	Brown, Julie	Brown, Lawrence
Cataldo, Sam	Chaplin, Duncan	Creteau, Irene	Domingo, Baldwin
Heon, Richard	Hilliard, Dana	Johnson, Nancy	Kaen, Naida
Keans, Sandra	Knowles, William	Miller, Joseph	Rollo, Michael
Schmidt, Peter	Smith, Marjorie	Spang, Judith	Taylor, Kathleen
Wall, Janet			
SULLIVAN			
Cloutier, John	Converse, Larry	Donovan, Thomas	Franklin, Peter
Gale, Harry	Houde-Quimby, Charlotte	Jillette, Arthur Jr	Phinizy, James
Rodeschin, Beverly			
NAYS 151			
BELKNAP			
Allen, Janet	Boyce, Laurie	Fitzgerald, James	Millham, Alida
Pilliod, James	Russell, David	Tilton, Franklin	Wendelboe, Fran
Whalley, Michael			
CARROLL			
Ahlgren, Christopher	Babson, David Jr	Brown, Carolyn	Chandler, Gene
Dickinson, Howard	Knox, J David	Martin, James	McConkey, Mark
Philbrick, Donald	Stevens, Stanley		
CHESHIRE			
Emerson, Susan	Foote, Sheila	Hogancamp, Deborah	Hunt, John
COOS			
King, Frederick	Merrick, Scott	Richardson, Herbert	Stohl, Eric
GRAFTON			
Bleyler, Ruth	Dorsett, Andrew	Eaton, Stephanie	Gionet, Edmond
Giuda, Robert	Maybeck, Margie	Solomon, Peter	Sorg, Gregory
Ward, John			
HILLSBOROUGH			
Balboni, Michael	Batula, Peter	Bergeron, Jean-Guy	Bergin, Peter
Biundo, Michael	Boehm, Ralph	Buhlman, David	Campbell, David
Carew, James	Christensen, D L Chris	Christiansen, Lars	Coughlin, Pamela
Crane, Elenore Casey	Desmarais, Vivian	Dokmo, Cynthia	Dyer, Donald
Elliott, Nancy	Francoeur, Bea	Gargasz, Carolyn	Gibson, John
Golding, William	Gonzalez, Carlos	Graham, John	Hagan, Barbara
Hawkins, Ken	Hellwig, Steve	Hinkle, Peyton	Hirschmann, Keith
Kurk, Neal	L'Heureux, Robert	Lawrence, James	Manney, Pamela
McRae, Karen	Mead, Robert	Mooney, Maureen	Ober, Lynne
Price, Pamela	Renzullo, Andrew	Rowe, Robert	Ryder, Donald

Shaw, Barbara	Stepanek, Stephen	Tahir, Saghir	Ulery, Jordan
Vaillancourt, Steve	Wheeler, James	Wheeler, Robert	
MERRIMACK			
Blanchard, Elizabeth	Field, William	Hess, David	Kennedy, Richard
Klose, John	Langlais, Thomas	MacKay, James	Marple, Richard
Reed, Dennis	Soltani, Tony	Tupper, Frank	
ROCKINGHAM			
Allen, Mary	Asselin, Michael	Belanger, Ronald	Bettencourt, David
Bicknell, Elbert	Bridle, Russell	Buxton, Donald	Carson, Sharon
Charron, Gene	Coburn, James	Donahue, Richard Ken	Dowd, John
Dumaine, Dudley	Garrity, James	Gilbert, Karl	Gould, Kenneth
Griffin, Mary	Hopfgarten, Paul	Ingram, Russell	Introne, Robert
Itse, Daniel	Katsakiores, George	Katsakiores, Phyllis	Lund, Howie
Mason, April	McMahon, Charles	Norelli, Terie	Nowe, Ronald
Packard, Sherman	Palazzo, Frank	Quandt, Marshall Lee	Quandt, Matthew
Rausch, James	Robertson, Carl	Robinson, John	Rolston, James
Sanders, Elisabeth	Scamman, Stella	Stiles, Nancy	Stone, Joseph
Waterhouse, Kevin	Weare, E Albert	Weldy, Norman	Weyler, Kenneth
Winchell, George			
STRAFFORD			
Albert, Russell	Bickford, David	Campbell, W Packy	Dunlap, Patricia
Easson, Timothy	Hofemann, Roland	Hollinger, Jeffrey	Newton, Clifford
SULLIVAN			
Ferland, Brenda	Irish, Christopher	Osgood, Philip Sr	Prichard, Stephen

and the motion to lay HB 1229 on the table was adopted.

(Deputy Speaker in the Chair)

HB 1525, relative to the safety of school bus stops. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Nancy F. Stiles for the Majority of Education: This bill was brought forward to address a single situation and to outline a process of recourse. Two amendments were offered and defeated. Since this particular situation had already been resolved locally, the majority of the committee felt this bill would micro manage local school boards. Vote 11-4.

Rep. Deanna P. Rush for the Minority of Education: A subcommittee came up with an amendment that would have laid out the process for a parent or guardian to request the local school board to evaluate the safety problem. It also allowed for a review by the State Board of Education if the problem was not resolved. The minority believes in the amendment however, the amendment was defeated.

Majority committee report was adopted.

HJR 21, urging the university of New Hampshire to restore intercollegiate baseball and softball. **OUGHT TO PASS**

Rep. Timothy E. Easson for Education: In 1997, the University of New Hampshire discontinued the baseball program citing budget cuts and obstacles brought on by Title IX. Since that time, private groups comprised of UNH alumni, New Hampshire business owners, and citizens have worked to raise money to try to reinstate the baseball program and to

implement a softball program. Despite this private effort, UNH has refused to reinstate baseball and implement softball, even though many students and alumni desire to see these programs at the school. UNH is the only state university in New England to not have baseball or softball as part of a Division 1 athletics program. If UNH alum and Hall of Fame catcher Carleton Fisk were a student today he would not be able to play baseball for his school. Statistical analysis shows that baseball is one of the top three sports offered at the high school level across the state. This resolution has no financial obligation and makes it clear the legislature has not forgotten the issue and that a re-evaluation is appropriate and overdue. Vote 9-3.

Rep. Jasper spoke against.

Rep. Giuda spoke in favor.

Rep. Bettencourt spoke in favor and yielded to questions.

Rep. Rollo requested a roll call; sufficiently seconded.

The question being adoption of the committee report.

YEAS 187 NAYS 117			
YEAS 187			
BELKNAP			
Allen, Janet	Boyce, Laurie	Fitzgerald, James	Millham, Alida
Pilliod, James	Russell, David	Thomas, John	Tilton, Franklin
Tobin, William	Veazey, John	Wendelboe, Fran	Whalley, Michael
CARROLL			
Ahlgren, Christopher	Babson, David Jr	Buco, Thomas	Chandler, Gene
Dickinson, Howard	Knox, J David	Martin, James	McConkey, Mark
Merrow, Harry	Philbrick, Donald	Stevens, Stanley	
CHESHIRE			
Coates, Christopher	Emerson, Susan	Foote, Sheila	Hogancamp, Deborah
COOS			
Buzzell, Bernard	King, Frederick	Mears, Edgar	Merrick, Scott
Remick, William	Richardson, Herbert		
GRAFTON			
Andersen, Gene	Dorsett, Andrew	Eaton, Stephanie	Gionet, Edmond
Giuda, Robert	Ham, Bonnie	Maybeck, Margie	Solomon, Peter
Sorg, Gregory	Ward, John	Williams, Burton	
HILLSBOROUGH			
Balboni, Michael	Baroody, Benjamin	Batula, Peter	Beaulieu, Jane
Bergeron, Jean-Guy	Bergin, Peter	Biundo, Michael	Boehm, Ralph
Brassard, Paul	Brundige, Robert	Calawa, Leon Jr	Campbell, David
Carew, James	Carter, Mark	Christensen, D L Chris	Christiansen, Lars
Cote, David	Coughlin, Pamela	Crane, Elenore Casey	Desmarais, Vivian
Dokmo, Cynthia	Egbers, Fran	Elliott, Nancy	Essex, David

Foster, Linda	Gargas, Carolyn	Gibson, John	Golding, William
Goley, Jeffrey	Goyette, Peter Jr	Graham, John	Hagan, Barbara
Hansen, Ryan	Harvey, Suzanne	Hawkins, Ken	Hellwig, Steve
Hirschmann, Keith	Holden, Randolph	Jeudy, Jean	L'Heureux, Robert
Lawrence, James	Manney, Pamela	McRae, Karen	Mead, Robert
Messier, Irene	Mooney, Maureen	O'Brien, William	O'Connell, Timothy
Ober, Lynne	Price, Pamela	Renzullo, Andrew	Rowe, Robert
Ryder, Donald	Scanlon, Michael	Stepanek, Stephen	Sullivan, Peter
Tahir, Saghir	Villeneuve, Maurice	Wheeler, Robert	
MERRIMACK			
Clarke, Claire	Currier, David	Field, William	Foose, Robert
French, Barbara	Hess, David	Langlais, Thomas	Marple, Richard
Osborne, Jessie	Reed, Dennis	Rush, Deanna	Ryan, Jim
Shurtleff, Stephen	Soltani, Tony	Walz, Mary Beth	Whiting, Herbert
ROCKINGHAM			
Allen, Mary	Asselin, Michael	Belanger, Ronald	Bettencourt, David
Bicknell, Elbert	Brown, C.	Buxton, Donald	Camm, Kevin
Carson, Sharon	Charron, Gene	Coburn, James	Dowd, John
Dumaine, Dudley	Fesh, Bob	Flanders, John Sr	Forsing, Robert
Garrity, James	Gilbert, Karl	Griffin, Mary	Headd, James
Hopfgarten, Paul	Hughes, Daniel	Ingram, Russell	Introne, Robert
Itse, Daniel	Johnson, Robert	Katsakiores, George	Katsakiores, Phyllis
Langley, Jane	Lund, Howie	Mason, April	McMahon, Charles
Morris, Richard	Packard, Sherman	Palazzo, Frank	Powers, James
Priestley, Anne	Quandt, Marshall Lee	Quandt, Matthew	Rausch, James
Robertson, Carl	Rolston, James	Sanders, Elisabeth	Scamman, Stella
Splaine, James	Stiles, Nancy	Stone, Joseph	Waterhouse, Kevin
Weare, E Albert	Welch, David	Weldy, Norman	Winchell, George
STRAFFORD			
Albert, Russell	Bickford, David	Brown, Julie	Cataldo, Sam
Chaplin, Duncan	Dunlap, Patricia	Easson, Timothy	Heon, Richard
Hofemann, Roland	Hollinger, Jeffrey	Johnson, Nancy	Newton, Clifford
SULLIVAN			
Gale, Harry	Jillette, Arthur Jr	Osgood, Philip Sr	Rodeschin, Beverly
NAYS 117			
BELKNAP			
Morrison, Gail	Nedeau, Stephen		
CARROLL			
Brown, Carolyn	Olimpio, J Lisbeth	Patten, Betsey	
CHESHIRE			

Allen, Peter	Butcher, Suzanne	Butynski, William	Chase, William
Dunn, J Timothy	Espiefs, Peter	Hunt, John	Mitchell, Bonnie
Parkhurst, Henry	Plifka, Stanley Jr	Richardson, Barbara	Roberts, Kris
Robertson, Timothy	Sawyer, Sheldon	Tilton, Anna	
COOS			
Stohl, Eric			
GRAFTON			
Almy, Susan	Benn, Bernard	Bleyler, Ruth	Cooney, Mary
Hammond, Lee	Harding, A Laurie	McLeod, Martha	Mulholland, Catherine
Nordgren, Sharon	Sokol, Hilda		
HILLSBOROUGH			
Buhlman, David	Cote, Peter	DeVries, Betsi	Dyer, Donald
Francoeur, Bea	Gorman, Mary	Hall, Betty	Hinkle, Peyton
Irwin, Anne-Marie	Jasper, Shawn	Jean, Claudette	Johnson, Paula
Kopka, Angeline	Kurk, Neal	Lasky, Bette	Martin, Mary Ellen
Michon, Stephen	Movsesian, Lori	Pappas, Christopher	Pilotte, Maurice
Rosenwald, Cindy	Schulze, Joan	Shattuck, Gilman	Shaw, Barbara
Shaw, Kimberly	Slocum, Lee	Smith, David	Sullivan, Francis
Vaillancourt, Steve	Wheeler, James		
MERRIMACK			
Anderson, Eric	Blanchard, Elizabeth	Bouchard, Candace	Brueggemann, Donald
Danforth, James	DeJoie, John	DeStefano, Stephen	Kennedy, Richard
Klose, John	L'Heureux, Stephen	MacKay, James	Maxfield, Roy
McMahon, Patricia	Potter, Frances	Tilton, Joy	Wallner, Mary Jane
Williams, Robert	Yeaton, Charles		
ROCKINGHAM			
Bridle, Russell	Casey, Kimberley	Cooney, Richard	Donahue, Richard Ken
Flockhart, Eileen	Francoeur, Sheila	Gould, Kenneth	Major, Norman
McKinney, Betsy	Moody, Marcia	Norelli, Terie	Nowe, Ronald
Robinson, John			
STRAFFORD			
Berube, Roger	Brown, Jennifer	Brown, Lawrence	Campbell, W Packy
Cilley, Jacalyn	Creteau, Irene	Domingo, Baldwin	Hilliard, Dana
Kaen, Naida	Keans, Sandra	Knowles, William	Miller, Joseph
Rollo, Michael	Schmidt, Peter	Smith, Marjorie	Taylor, Kathleen
Wall, Janet			
SULLIVAN			
Cloutier, John	Converse, Larry	Donovan, Thomas	Ferland, Brenda
Franklin, Peter	Houde-Quimby, Charlotte	Phinizy, James	Prichard, Stephen

and the committee report was adopted.
Ordered to third reading.

HB 1403, relative to explanations of proposed constitutional amendments appearing on the ballot. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Thomas J. Langlais for the Majority of Election Law: The majority of the committee feels that this legislation would simplify in laymen's language the wording of any future constitutional amendments that may be voted on by our citizens. This would further eliminate any bias either way and pose the question in a simple voter friendly, yes or no context. This bill would have the General Court approve the language beforehand so as to avoid future litigation in the Supreme Court. Vote 11-3.

Rep. James R. Splaine for the Minority of Election Law: While the intent of the sponsors is good, this legislation gives much greater power and political voice to the majority by allowing their selected persuasive words to be written on the ballot. Editorializing does not belong on the ballot. The integrity of democracy and the credibility of the election process requires unbiased ballots and full balanced public discussion. The solution is to write ballot questions that are clear and make sense, not allowing advocacy writing printed on the ballot to get the voter to say "yes".

Rep. Splaine spoke against.

Reps. Itse and Langlais spoke in favor.

Rep. Whalley requested a roll call; sufficiently seconded.

The question being adoption of the majority committee report.

YEAS 166 NAYS 132			
YEAS 166			
BELKNAP			
Allen, Janet	Boyce, Laurie	Fitzgerald, James	Millham, Alida
Nedeau, Stephen	Pilliod, James	Russell, David	Thomas, John
Tilton, Franklin	Tobin, William	Veazey, John	Wendelboe, Fran
Whalley, Michael			
CARROLL			
Ahlgren, Christopher	Babson, David Jr	Brown, Carolyn	Chandler, Gene
Dickinson, Howard	Knox, J David	McConkey, Mark	Merrow, Harry
Olimpio, J Lisbeth	Patten, Betsey	Philbrick, Donald	
CHESHIRE			
Emerson, Susan	Foote, Sheila	Hogancamp, Deborah	Sawyer, Sheldon
COOS			
King, Frederick	Richardson, Herbert	Stohl, Eric	Tholl, John Jr
GRAFTON			
Dorsett, Andrew	Eaton, Stephanie	Gionet, Edmond	Giuda, Robert
Maybeck, Margie	Sorg, Gregory	Williams, Burton	
HILLSBOROUGH			
Balboni, Michael	Batula, Peter	Bergin, Peter	Biundo, Michael
Boehm, Ralph	Brassard, Paul	Brundige, Robert	Buhlman, David

Calawa, Leon Jr	Carew, James	Carter, Mark	Christensen, D L Chris
Christiansen, Lars	Coughlin, Pamela	Crane, Elenore Casey	Desmarais, Vivian
Dyer, Donald	Elliott, Nancy	Francoeur, Bea	Gargasz, Carolyn
Golding, William	Graham, John	Hansen, Ryan	Hawkins, Ken
Hellwig, Steve	Hirschmann, Keith	Irwin, Anne-Marie	Jasper, Shawn
Kurk, Neal	L'Heureux, Robert	Lawrence, James	Manney, Pamela
McRae, Karen	Mead, Robert	O'Brien, William	O'Connell, Timothy
Price, Pamela	Renzullo, Andrew	Rowe, Robert	Ryder, Donald
Scanlon, Michael	Slocum, Lee	Stepanek, Stephen	Villeneuve, Maurice
Wheeler, James	Wheeler, Robert		
MERRIMACK			
Anderson, Eric	Currier, David	Danforth, James	Field, William
Hess, David	Kennedy, Richard	Klose, John	L'Heureux, Stephen
Langlais, Thomas	MacKay, James	Marple, Richard	Maxfield, Roy
Reed, Dennis	Soltani, Tony	Whiting, Herbert	
ROCKINGHAM			
Allen, Mary	Asselin, Michael	Belanger, Ronald	Bettencourt, David
Bicknell, Elbert	Bishop, Franklin	Bridle, Russell	Buxton, Donald
Camm, Kevin	Charron, Gene	Coburn, James	Donahue, Richard Ken
Dowd, John	Dumaine, Dudley	Fesh, Bob	Flanders, John Sr
Forsing, Robert	Francoeur, Sheila	Garrity, James	Gilbert, Karl
Griffin, Mary	Headd, James	Hopfgarten, Paul	Ingram, Russell
Introne, Robert	Itse, Daniel	Johnson, Robert	Katsakiores, George
Katsakiores, Phyllis	Lund, Howie	Major, Norman	Mason, April
McKinney, Betsy	McMahon, Charles	Morris, Richard	Nowe, Ronald
Packard, Sherman	Palazzo, Frank	Quandt, Matthew	Rausch, James
Robertson, Carl	Rolston, James	Sanders, Elisabeth	Scamman, Stella
Stiles, Nancy	Stone, Joseph	Waterhouse, Kevin	Weare, E Albert
Welch, David	Winchell, George		
STRAFFORD			
Albert, Russell	Berube, Roger	Bickford, David	Brown, Julie
Campbell, W Packy	Cataldo, Sam	Chaplin, Duncan	Dunlap, Patricia
Easson, Timothy	Hollinger, Jeffrey	Knowles, William	Newton, Clifford
SULLIVAN			
Donovan, Thomas	Gale, Harry	Osgood, Philip Sr	Rodeschin, Beverly
NAYS 132			
BELKNAP			
Morrison, Gail			
CARROLL			
Buco, Thomas	Martin, James		

CHESHIRE			
Allen, Peter	Butcher, Suzanne	Butynski, William	Chase, William
Coates, Christopher	Dunn, J Timothy	Espieffs, Peter	Mitchell, Bonnie
Parkhurst, Henry	Plifka, Stanley Jr	Richardson, Barbara	Roberts, Kris
Robertson, Timothy	Tilton, Anna		
COOS			
Buzzell, Bernard	Mears, Edgar	Merrick, Scott	Remick, William
GRAFTON			
Almy, Susan	Andersen, Gene	Benn, Bernard	Bleyler, Ruth
Cooney, Mary	Ham, Bonnie	Hammond, Lee	Harding, A Laurie
McLeod, Martha	Mulholland, Catherine	Nordgren, Sharon	Sokol, Hilda
Solomon, Peter			
HILLSBOROUGH			
Baroody, Benjamin	Beaulieu, Jane	Campbell, David	Clemons, Jane
Cote, David	Cote, Peter	Craig, James	DeVries, Betsi
Dokmo, Cynthia	Egbers, Fran	Essex, David	Foster, Linda
Goley, Jeffrey	Gorman, Mary	Hall, Betty	Harvey, Suzanne
Hinkle, Peyton	Holden, Randolph	Jean, Claudette	Jeudy, Jean
Johnson, Paula	Kopka, Angeline	Martin, Mary Ellen	Messier, Irene
Michon, Stephen	Mooney, Maureen	Movsesian, Lori	Ober, Lynne
Pappas, Christopher	Pilotte, Maurice	Rosenwald, Cindy	Schulze, Joan
Shattuck, Gilman	Shaw, Barbara	Shaw, Kimberly	Smith, David
Sullivan, Francis	Sullivan, Peter	Vaillancourt, Steve	
MERRIMACK			
Blanchard, Elizabeth	Bouchard, Candace	Brueggemann, Donald	Clarke, Claire
DeJoie, John	DeStefano, Stephen	Foose, Robert	French, Barbara
McMahon, Patricia	Osborne, Jessie	Potter, Frances	Rush, Deanna
Ryan, Jim	Shurtleff, Stephen	Tilton, Joy	Wallner, Mary Jane
Walz, Mary Beth	Williams, Robert	Yeaton, Charles	
ROCKINGHAM			
Brown, C.	Cali-Pitts, Jacqueline	Casey, Kimberley	Cooney, Richard
DiFruscia, Anthony	Flockhart, Eileen	Gould, Kenneth	Hughes, Daniel
Langley, Jane	Moody, Marcia	Norelli, Terie	Powers, James
Priestley, Anne	Quandt, Marshall Lee	Robinson, John	Splaine, James
STRAFFORD			
Brown, Jennifer	Brown, Lawrence	Cilley, Jacalyn	Creteau, Irene
Domingo, Baldwin	Heon, Richard	Hilliard, Dana	Hofemann, Roland
Johnson, Nancy	Kaen, Naida	Keans, Sandra	Miller, Joseph
Rollo, Michael	Schmidt, Peter	Smith, Marjorie	Taylor, Kathleen
Wall, Janet			
SULLIVAN			

Cloutier, John	Converse, Larry	Ferland, Brenda	Franklin, Peter
Jillette, Arthur Jr	Phinizy, James	Prichard, Stephen	

and the majority committee report was adopted.

Ordered to third reading.

HB 1123, requiring equestrian helmets for first-time riders. **INEXPEDIENT TO LEGISLATE**

Rep. Burton W. Williams for Environment and Agriculture: The majority of the committee members felt that the use of equestrian helmets is a matter of personal responsibility rather than a legislation issue. Vote 9-3.

Committee report adopted.

HB 1130, relative to the definition of necessary shelter for dogs. **INEXPEDIENT TO LEGISLATE**

Rep. James G. Phinizy for Environment and Agriculture: The majority of the committee felt the problem this bill tried to address would best be dealt with by better enforcement of current statute. At present, dogs are required to be sheltered from inclement weather and sun, have fresh water, be properly fed, and provided shelter that will retain the dog's natural body heat. Anything less subjects the owner to a misdemeanor fine of up to \$2000 and a class B felony for the second offence. Current statute is worded in such a manner with such latitude to allow the arresting officer or animal control officer to seize the dog immediately on probable cause, if that officer feels that the dogs is in danger or ". . . left without supervision or adequate provision for its care." This bill, while its intention is to be helpful, creates more problems than it solves. For example, its one-size- fits-all definition of shelter for dogs would have made illegal some of the better quality, commercially sold doghouses. Whether a shelter has 3, 4 or 5 sides or is square, rectangular, obtuse or igloo-style should not be the issue. What is important is that it protects the dog from injury, mistreatment, unnecessary suffering or the clear and imminent threat thereof. Current law provides those protections, if enforced. Vote 12-5.

Committee report adopted.

HB 1265, establishing the council on the relationship between public health and the environment. **OUGHT TO PASS WITH AMENDMENT**

Rep. Betty B. Hall for Environment and Agriculture: This bill extends the Council on the Relationships between Public Health and the Environment. It released a comprehensive report for the years 2003-2005 and would like to continue its work. The amendment increases public membership by two individuals. Vote 8-3.

Amendment (0330h)

Amend RSA 125-P:1, I(o) as inserted by section 2 of the bill by replacing it with the following:

(o) Additional public members not to exceed 7, representing advocacy, academia, philanthropy, and other professional organizations, all appointed by the governor.

Amendment adopted.

Committee report adopted and ordered to third reading.

HB 1333, relative to solid waste reduction goals. **OUGHT TO PASS WITH AMENDMENT**

Rep. Timothy D. O'Connell for Environment and Agriculture: The committee amendment replaced the bill. In regards to the solid waste diversion goal of 40%, neither imported tonnage nor byproducts of imported solid waste will figure in the calculation. To reduce unnecessary reliance on incineration and landfilling, the hierarchy of disposal solutions is revised to only include source reduction, recycling and reuse, composting and deconstruction, as equally preferred options. Vote 11-2.

Amendment (1232h)

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

1 Solid Waste Management Districts; Powers; References Deleted. Amend the introductory paragraph RSA 53-B:7, XX to read as follows:

XX. To contract with any person who owns or operates any facility for the provision of solid waste management services. Such contract shall be consistent with the ~~[hierarchy and]~~ goals of solid waste management under RSA 149-M:2 and RSA 149-M:3. A contract for facility use may call for delivery of guaranteed minimum tonnage, provided that said contract is in keeping with the policy set forth in RSA 149-M:2 and RSA 149-M:3. In the event that a district's delivered tonnage falls below the level stipulated in contract, the district may procure tonnage from sources outside the district, in compliance with the public benefit requirements of RSA 149-M:11 and as provided in the contract. A contract may contain such other terms and conditions as the district may determine to be in its best interest.

2 Solid Waste Management; Waste Reduction Goal. Amend RSA 149-M:2 to read as follows:

149-M:2 Waste Reduction Goal.

I. The general court declares its concern that there are environmental and economic issues pertaining to the disposal of solid waste in landfills and incinerators. It is important to reserve landfill and incinerator capacity for solid wastes which cannot be reduced, reused, recycled or composted. The general court declares that the goal of the state~~[, by the year 2000,]~~ is to achieve a 40 percent minimum weight diversion of solid waste landfilled or incinerated on a per capita basis. Diversion shall be measured with respect to changes in waste generated **and originated** and subsequently landfilled or incinerated in New Hampshire. ***In order to apply towards the 40 percent waste reduction goal, only solid wastes generated within New Hampshire shall apply and shall not include any solid wastes generated as a byproduct from solid wastes imported into New Hampshire.*** The goal of weight diversion may be achieved through source reduction, recycling, reuse, and composting, or any combination of such methods. The general court discourages the disposal of recyclable materials in landfills or processing of recyclable materials in incinerators ***and encourages the use of deconstruction techniques wherever possible.***

II. In exercising any and all powers conferred upon the department under this chapter, the department shall use and consider criteria relevant to the waste reduction goal ~~[and disposal hierarchy established]~~ in RSA 149-M:2 ~~[and 149-M:3]~~. The department shall not take any action relative to the 40 percent weight reduction goal which causes the municipalities organized under RSA 53-A and 1986, 139 or RSA 53-B to violate or incur penalties under legal obligations existing on June 26, 1990.

3 Solid Waste Management; Achieving Goals. Amend RSA 149-M:3 to read as follows:

149-M:3 Achieving Goals~~[- Hierarchy]~~. ***To reduce the unnecessary reliance on incineration and landfilling,*** the general court supports integrated solid waste disposal solutions which are environmentally safe and economically sound. The general court endorses~~[, in order of preference,]~~ ***equally*** the following waste management methods:

I. Source reduction.

II. Recycling and reuse.

III. Composting.

~~IV. Waste to energy technologies (including incineration).~~

~~V. Incineration without resource recovery.~~

~~VI. Landfilling.]~~

IV. Deconstruction.

4 Solid Waste Management; Public Benefit Requirement; References Deleted. Amend RSA 149-M:11, III(b) to read as follows:

(b) The ability of the proposed facility to assist the state in achieving the implementation of the [hierarchy and] goals under RSA 149-M:2 and RSA 149-M:3.

5 New Paragraph; Definitions. Amend RSA 149-M:4 by inserting after paragraph IV the following new paragraph:

IV-a. “Deconstruction” means the process of taking apart a structure with the primary goal of preserving the value of all useful building materials, so that they may be recycled or reused.

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

AMENDED ANALYSIS

This bill modifies the goals declared by the general court for the reduction of solid waste. This bill also defines “deconstruction.”

Amendment adopted.

Rep. Maxfield spoke against and yielded to questions.

Rep. O’Connell spoke in favor.

Rep. Cataldo requested a roll call; sufficiently seconded.

The question being adoption of the committee report.

YEAS 215 NAYS 89			
YEAS 215			
BELKNAP			
Boyce, Laurie	Millham, Alida	Morrison, Gail	Nedeau, Stephen
Pilliod, James	Russell, David	Tobin, William	
CARROLL			
Ahlgren, Christopher	Babson, David Jr	Buco, Thomas	Chandler, Gene
Dickinson, Howard	Knox, J David	Martin, James	Olimpio, J Lisbeth
Philbrick, Donald			
CHESHIRE			
Allen, Peter	Butcher, Suzanne	Butynski, William	Chase, William
Coates, Christopher	Dunn, J Timothy	Emerson, Susan	Espieffs, Peter
Foote, Sheila	Hogancamp, Deborah	Hunt, John	Mitchell, Bonnie
Parkhurst, Henry	Plifka, Stanley Jr	Richardson, Barbara	Roberts, Kris
Robertson, Timothy	Tilton, Anna		
COOS			
Buzzell, Bernard	King, Frederick	Mears, Edgar	Merrick, Scott
Remick, William			
GRAFTON			
Almy, Susan	Andersen, Gene	Benn, Bernard	Bleyler, Ruth
Cooney, Mary	Eaton, Stephanie	Hammond, Lee	Harding, A Laurie
McLeod, Martha	Mulholland, Catherine	Nordgren, Sharon	Sokol, Hilda
Solomon, Peter	Sorg, Gregory	Williams, Burton	
HILLSBOROUGH			

Baroody, Benjamin	Batula, Peter	Beaulieu, Jane	Bergin, Peter
Brassard, Paul	Brundige, Robert	Campbell, David	Carew, James
Christensen, D L Chris	Clemons, Jane	Cote, David	Cote, Peter
Coughlin, Pamela	Craig, James	Desmarais, Vivian	DeVries, Betsi
Dokmo, Cynthia	Dyer, Donald	Egbers, Fran	Essex, David
Foster, Linda	Gargas, Carolyn	Gibson, John	Goley, Jeffrey
Gorman, Mary	Graham, John	Hall, Betty	Hansen, Ryan
Harvey, Suzanne	Hawkins, Ken	Hirschmann, Keith	Holden, Randolph
Irwin, Anne-Marie	Jasper, Shawn	Jean, Claudette	Judy, Jean
Johnson, Paula	Kopka, Angeline	Kurk, Neal	L'Heureux, Robert
Lasky, Bette	Martin, Mary Ellen	Messier, Irene	Michon, Stephen
Mooney, Maureen	Movsesian, Lori	O'Connell, Timothy	Pappas, Christopher
Pepino, Leo	Pilotte, Maurice	Price, Pamela	Rosenwald, Cindy
Rowe, Robert	Ryder, Donald	Scanlon, Michael	Schulze, Joan
Shattuck, Gilman	Shaw, Barbara	Shaw, Kimberly	Smith, David
Sullivan, Francis	Sullivan, Peter	Vaillancourt, Steve	Villeneuve, Maurice
Wheeler, Robert			
MERRIMACK			
Blanchard, Elizabeth	Bouchard, Candace	Brueggemann, Donald	Clarke, Claire
Currier, David	DeJoie, John	DeStefano, Stephen	Foose, Robert
French, Barbara	Kennedy, Richard	Klose, John	Marple, Richard
McMahon, Patricia	Osborne, Jessie	Potter, Frances	Rush, Deanna
Ryan, Jim	Shurtleff, Stephen	Tilton, Joy	Wallner, Mary Jane
Walz, Mary Beth	Whiting, Herbert	Williams, Robert	Yeaton, Charles
ROCKINGHAM			
Asselin, Michael	Bridle, Russell	Brown, C.	Buxton, Donald
Cali-Pitts, Jacqueline	Casey, Kimberley	Charron, Gene	Cooney, Richard
DiFruscia, Anthony	Fesh, Bob	Flanders, John Sr	Flockhart, Eileen
Forsing, Robert	Francoeur, Sheila	Gould, Kenneth	Ingram, Russell
Johnson, Robert	Katsakiores, George	Katsakiores, Phyllis	Langley, Jane
Mason, April	McKinney, Betsy	Moody, Marcia	Morris, Richard
Norelli, Terie	Packard, Sherman	Palazzo, Frank	Powers, James
Priestley, Anne	Rausch, James	Robertson, Carl	Robinson, John
Rolston, James	Sanders, Elisabeth	Scamman, Stella	Scamman, W Douglas
Splaine, James	Stiles, Nancy	Stone, Joseph	Waterhouse, Kevin
Welch, David			
STRAFFORD			
Berube, Roger	Brown, Jennifer	Brown, Lawrence	Cilley, Jacalyn
Creteau, Irene	Domingo, Baldwin	Dunlap, Patricia	Heon, Richard
Hilliard, Dana	Hofemann, Roland	Hollinger, Jeffrey	Johnson, Nancy
Kaen, Naida	Keans, Sandra	Knowles, William	Miller, Joseph
Rollo, Michael	Schmidt, Peter	Smith, Marjorie	Spang, Judith
Taylor, Kathleen	Wall, Janet		
SULLIVAN			
Cloutier, John	Converse, Larry	Donovan, Thomas	Ferland, Brenda

Franklin, Peter	Gale, Harry	Jillette, Arthur Jr	Phinizy, James
Prichard, Stephen			
NAYS 89			
BELKNAP			
Allen, Janet	Fitzgerald, James	Thomas, John	Tilton, Franklin
Veazey, John	Wendelboe, Fran	Whalley, Michael	
CARROLL			
Brown, Carolyn	McConkey, Mark	Merrow, Harry	Patten, Betsey
Stevens, Stanley			
CHESHIRE			
Sawyer, Sheldon			
COOS			
Richardson, Herbert	Stohl, Eric	Tholl, John Jr	
GRAFTON			
Dorsett, Andrew	Gionet, Edmond	Ham, Bonnie	Maybeck, Margie
HILLSBOROUGH			
Balboni, Michael	Bergeron, Jean-Guy	Biundo, Michael	Boehm, Ralph
Buhlman, David	Calawa, Leon Jr	Carter, Mark	Christiansen, Lars
Crane, Elenore Casey	Elliott, Nancy	Francoeur, Bea	Golding, William
Goyette, Peter Jr	Hellwig, Steve	Lawrence, James	Manney, Pamela
McRae, Karen	Mead, Robert	O'Brien, William	Ober, Lynne
Renzullo, Andrew	Slocum, Lee	Stepanek, Stephen	Wheeler, James
MERRIMACK			
Anderson, Eric	Danforth, James	Field, William	Hess, David
L'Heureux, Stephen	Langlais, Thomas	MacKay, James	Maxfield, Roy
Reed, Dennis	Soltani, Tony		
ROCKINGHAM			
Allen, Mary	Belanger, Ronald	Bettencourt, David	Camm, Kevin
Carson, Sharon	Coburn, James	Donahue, Richard Ken	Dowd, John
Dumaine, Dudley	Garrity, James	Gilbert, Karl	Griffin, Mary
Headd, James	Hopfgarten, Paul	Hughes, Daniel	Introne, Robert
Itse, Daniel	Lund, Howie	Major, Norman	McMahon, Charles
Nowe, Ronald	Quandt, Marshall Lee	Quandt, Matthew	Weare, E Albert
Winchell, George			
STRAFFORD			
Albert, Russell	Bickford, David	Brown, Julie	Campbell, W Packy

Cataldo, Sam	Chaplin, Duncan	Easson, Timothy	Newton, Clifford
SULLIVAN			
Osgood, Philip Sr	Rodeschin, Beverly		

and committee report was adopted.

Ordered to third reading.

(Speaker Scamman in the Chair)

HB 1373, establishing a commission to study ways to encourage the proper recycling and disposal of grease trap wastes and to determine ways to develop additional disposal capacity.

OUGHT TO PASS WITH AMENDMENT

Rep. Burton W. Williams for Environment and Agriculture: This bill addresses a problem with the handling and disposal of grease in our municipal sewers and wastewater treatment facilities. Also, it will study ways to handle and recycle the grease that develops. Vote 13-1.

Amendment (1158h)

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

1 Commission Established. There is established a commission to study ways to encourage the proper recycling and disposal of grease trap wastes and to determine ways to develop additional disposal capacity.

2 Membership and Compensation.

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

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

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

(c) Two representatives of the department of environmental services, appointed by the commissioner of the department of environmental services.

(d) Two members appointed by the New Hampshire Association of Septage Haulers.

(e) Two members of the hospitality industry, appointed by the New Hampshire Lodging and Restaurant Association.

(f) Two members of the wastewater treatment industry, appointed by the New Hampshire Water Pollution Control Association.

(g) Two members with expertise in biodiesel research from the university of New Hampshire, appointed by the university president.

II. Legislative members of the commission shall receive mileage at the legislative rate when attending to the duties of the commission.

3 Duties. The commission shall study:

I. Ways to ensure the proper recycling and disposal of grease trap wastes.

II. Systems for managing grease trap wastes currently used in the United States and Canada.

III. The status of the in-state and regional markets available for handling grease trap wastes and methods for future development of in-state disposal capacity.

IV. The ability of the department of environmental services to assist municipalities in regard to rules, regulations, penalties, and best management practices for grease trap sizes, cleaning cycles, standards, and pumping.

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

5 Report. The commission 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, 2007.

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

Amendment adopted.

Committee report adopted and ordered to third reading.

HB 1433, establishing a committee to study secured landfills. **OUGHT TO PASS WITH AMENDMENT**

Rep. James F. Powers for Environment and Agriculture: This bill is to study the need to establish secured landfills for solid wastes which are high in concentrations of toxic pollutants, including materials from recycling or separation of construction and demolition waste (C & D) and ash from incineration of solid waste. The landfill study is particularly important because some portion of the materials from construction and demolition waste will have to be placed into these landfills despite efforts to recycle, reuse or find other uses for C & D debris. It is especially necessary since Massachusetts has banned the landfilling of C & D with the result that New Hampshire is becoming an importer of that state's debris. In 2004, New Hampshire disposed of 643,652 tons of C & D debris of which nearly 200,000 tons came from outside New Hampshire. Consistent with planning for the state's future needs in a sensible and logical manner, the majority of the committee also felt it important to extend the moratorium on burning C & D until the study committee established by HB 517, Chapter 205, Laws of 2005, produces its report, which will have an impact on the state's landfill needs. The Governor's office and the Commissioner of the Department of Environmental Services testified before the committee strongly in support of this extension of the moratorium so that it would coincide with the recommendations of both the HB 517 study and this study. Vote 14-3.

Amendment (1079h)

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

AN ACT establishing a committee to study secured landfills and establishing a moratorium on the incineration of construction and demolition waste.

Amend the bill by replacing all after section 5 with the following:

6 Incineration Moratorium. Notwithstanding any provision of law to the contrary, there is hereby established a moratorium on the disposal of construction and demolition waste by incineration until December 31, 2007. This moratorium shall not apply to any municipal waste combustor subject to RSA 149-M or to any municipal incinerator as defined in RSA 149-M, that is permitted by the department of environmental services and was in operation on January 1, 2005.

7 Effective Date.

I. Section 6 of this act shall take effect June 30, 2006.

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

AMENDED ANALYSIS

This bill establishes a committee to study secured landfills and establishes a moratorium on the incineration of construction and demolition waste.

Amendment adopted.

Rep. Maxfield spoke against and yielded to questions.

On a division vote, 209 members having voted in the affirmative and 79 in the negative, the committee report was adopted.

Ordered to third reading.

HB 1551, establishing a committee to study incentives for reducing consumer solid waste for disposal in landfills and incinerators. **REFER FOR INTERIM STUDY**

Rep. Betty B. Hall for Environment and Agriculture: Realizing that "pay as you throw" programs result in significant solid waste reduction in landfills and incinerators, exploring

innovative incentives for “pay as you throw” is warranted. Vote 9-4.
Committee report adopted.

HB 1594-FN, relative to eligibility of an owner of a dog or cat to participate in the animal population control program. **OUGHT TO PASS WITH AMENDMENT**

Rep. James G. Phinizy for Environment and Agriculture: The state spay neuter fund was started over ten years ago. It has been highly successful; however, the funds, which come solely from dog licensing, are depleted usually within the first three quarters of the year due to the demand. There are two parts to this popular program. Vouchers for spaying or neutering dogs and cats are given out through shelters and humane societies when dogs and cats are adopted. These vouchers are dispensed regardless of income. The other part of the program consists of participation directly through veterinarians. Individuals who pass a means test receive a voucher and have their animals altered. The majority of the committee feels that it is important to direct the funds where they can do the most good, towards providing low cost spaying and neutering for individuals on limited means. This bill, as amended, not only brings the program completely in line with other state assistance programs by applying means testing uniformly and across the board, it will concentrate the funds where they are needed most regardless of whether the dog or cat is adopted from a shelter, humane society or the neighbor down the road. Every other aspect of this successful program will remain the same. For example, veterinarians will still be compensated for the animal’s first visit and initial inoculations. Vote 14-3.

Amendment (1107h)

Amend the bill by inserting after section 1 the following and renumbering the original sections 2-3 to read as 3-4, respectively:

2 New Paragraph; Advertisement for Spay and Neuter Program. Amend RSA 437-A:3 by inserting after paragraph II the following new paragraph:

III. Any animal shelter facility, pet store, breeder, or other facility that sells cats or dogs may display the criteria listed in RSA 437-A:3 in a prominent place and advise purchasers or adopters of cats or dogs of the criteria at the time of sale or adoption.

AMENDED ANALYSIS

This bill repeals the provision of law allowing a person who has adopted a dog or cat from an animal shelter to participate in the animal population control program for sterilization. This bill also allows shelters and other dog and cat sellers to advertise the criteria for eligibility in the animal population control program for sterilization.

Amendment adopted.

Rep. Phinizy spoke in favor.

On a division vote, 141 members having voted in the affirmative and 144 in the negative, the and the committee report failed.

Rep. Bicknell moved Inexpedient to Legislate.

Adopted.

HCR 24, a resolution supporting the increased production of renewable energy by the agricultural community. **INEXPEDIENT TO LEGISLATE**

Rep. David L. Babson for Environment and Agriculture: Unfortunately, this bill was not acted upon in a timely fashion which now requires an ITL recommendation. The resolution is part of a nation wide campaign to promote alternative fuel sources. The committee may propose another action on the House floor. Vote 14-0.
Committee report adopted.

HB 1741-FN, relative to reporting requirements concerning infections in hospitals.

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

Rep. Charles E. McMahon for the Majority of Health, Human Services and Elderly Affairs: The intent of the bill is to require hospitals to provide data on the incidence of hospital acquired infections (HAI), their incidence rates and to make them available for public review. This is an important part of ensuring confidence in the level of quality care provided at health care facilities utilized by all of us in New Hampshire. When New Hampshire citizens make a decision as to where to go for a medical procedure, they deserve timely and accurate information as to a facilities' quality of care which is critical in making an informed decision. Testimony heard in committee highlighted the need for identifying the incidence of hospital acquired infections, possible methods to reduce the causes and finally, procedures in how this data is provided to the public. It is imperative that the information be validated and risk adjusted by hospital and by procedure performed. This is the work that would be performed through the Department of Health and Human Services working with the Foundation for Healthy Communities, New Hampshire's hospitals and surgical centers and health care professionals in the state. This information would be made available via a web site for public review, respecting the individual's confidentiality while fostering cooperation between the state and all health facilities. The committee agreed that the bill, upon completion of this important work, provided the citizens of New Hampshire the information required to evaluate an institution as to rates of infection and quality of care. The confidence in the information would be supported by the Health and Human Services Department and the state through the directive of this bill by the legislature to establish protocols for data validation and risk adjustment. With existing resources to assist the department such as the New Hampshire Health Care Quality Assurance Committee authorized in 2005 via HB 514 and the Foundation for Healthy Communities, a non-profit partnership of hospitals, doctors and health plans, the state's commitment to achieving the goal of reducing HAI's, improving health care quality and saving lives can and will be met. We resolve, with the passage of this bill, to provide the opportunity to improve the lives of New Hampshire citizens by setting a higher standard of care. Vote 13-4.

Rep. Joseph M. Miller for the Minority of Health, Human Services and Elderly Affairs: While hospital acquired infections have been a well recognized dilemma for infectious disease experts working to improve care and reduce hospital morbidity, New Hampshire had already taken steps to address this problem. HB 514, sponsored by a bipartisan group of legislators from both House and Senate, and signed into law in June 2005, had already established a commission to study medical errors and other adverse events. The Foundation for Healthy Communities, a non-profit New Hampshire health consortium, became the commission's administrator and quickly identified healthcare associated infections as its first priority. With help from the federally designated Quality Improvement Organization, the commission established a liaison with all twenty-six New Hampshire acute care hospitals and existing ambulatory surgical units to make public evidence-based information of validated hospital infections. The first report of these data is scheduled for release on June 1, 2006. HB 1741 will now vitiate the good work of that commission and assign these functions to personnel at the Department of Health and Human Services, whose expertise and epidemiologic-trained personnel appear to have limited experience in this area of research. Also, the budget for re-starting this endeavor will require substantially large state funding.

Majority Amendment (1043h)

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

1 New Subdivision; Reporting of Hospital Infections. Amend RSA 151 by inserting after section 31 the following new subdivision:

Reporting of Hospital Infections

151:32 Definitions. In this subdivision:

I. "Commissioner" means the commissioner of the department of health and human services.

II. "Department" means the department of health and humans services.

III. "Infection" means any localized or systemic patient condition that resulted from the presence of an infectious agent or agents, or its toxin or toxins as determined by clinical examination.

151:33 Hospitals Required to Report.

I. Any hospital licensed pursuant to this chapter shall maintain a program capable of identifying and tracking infections for the purpose of reporting under this section. Such program shall have the capacity to identify the following elements:

- (a) The specific infectious agents or toxins and site of each infection;
- (b) The clinical department or unit within the facility where the patient first became infected or is first diagnosed; and
- (c) The patient's diagnoses at time of admission and any relevant specific surgical, medical, or diagnostic procedure performed during the current admission.

II.(a) Hospitals shall initially identify, track, and report infections to include:

- (1) Central line related bloodstream infections;
- (2) Ventilator associated pneumonia; and
- (3) Surgical wound infections.

(b) Hospitals shall also initially identify, track, and report process measures including:

- (1) Adherence rates of central line insertion practices;
- (2) Surgical antimicrobial prophylaxis; and
- (3) Coverage rates of influenza vaccination for health care personnel and

patients/residents.

III. Subsequent to the initial requirements identified in paragraph II, the department shall, from time to time, require the tracking and reporting of other types of infections, including urinary tract infections when reporting protocols are identified by the department, that occur in hospitals in consultation with technical advisors who are regionally or nationally-recognized experts in the prevention, identification, and control of hospital infections and the reporting of performance data. The department shall make progress reports every 6 months to the oversight committee on health and human services, established in RSA 126-A:13, concerning the development of reporting protocols for tracking of urinary tract infections and shall notify the oversight committee on health and human services when the tracking of urinary tract infections has commenced which shall be on or before July 1, 2007.

IV. The department shall establish guidelines, definitions, criteria, standards, and coding for hospital identification, tracking, and reporting of infections which shall be consistent with the recommendations of recognized centers of expertise in the identification and prevention of infections including, but not limited to the National Health Care Safety Network and the Healthcare Infection Control Practices Advisory Committee of the Centers for Disease Control and Prevention or its successor, the Joint Commission on the Accreditation of Healthcare Organizations, the Centers for Medicare and Medicaid Services, the Hospital Quality Alliance, the National Quality Forum, and the New Hampshire health care quality assurance commission under RSA 151-G.

V. Each hospital shall regularly report to the department the hospital infection data it has collected. The commissioner shall establish data collection and analytical methodologies that meet accepted standards for validity and reliability. In no case shall the frequency of reporting be required to be more frequently than once every 3 months, and reports shall be submitted not more than 60 days after the close of the reporting period.

151:34 Statewide Database Required.

I. The department shall establish a statewide database of all reported infection information for the purpose of monitoring quality improvement and infection control activities in hospitals. The database shall be organized so that consumers, hospitals, health care professionals, purchasers, and payers may compare individual hospital experience with

that of other individual hospitals as well as regional and statewide averages and, where available, national data.

II.(a) Subject to subparagraph (c), on or before June 1 of each year, provided that the data collection and analytical methodologies meet accepted standards for validity and reliability, the commissioner shall report on the department's web site infection rates both exclusive and inclusive of adjustments for potential differences in risk factors for each reporting hospital, an analysis of trends in the prevention and control of infection rates in hospitals across the state, regional and, if available, national comparisons for the purpose of comparing individual hospital performance, and a narrative describing lessons for safety and quality improvement that can be learned from leadership hospitals and programs.

(b) The commissioner shall consult with technical advisors who have regionally or nationally acknowledged expertise in the prevention and control of infections and infectious diseases in order to develop the adjustment for potential differences in risk factors to be used for public reporting.

(c)(1) Within 180 days of the effective date of this section, the department shall establish an infection reporting system capable of receiving electronically transmitted reports from hospitals. Whether or not the department has established such a reporting system, hospitals shall begin to submit reports as required by this section within 6 months of the effective date of this section.

(2) The first 6 months of data submission under this section shall be considered the "pilot phase" of the statewide infection reporting system. The purpose of the pilot phase is to ensure, by various means, the completeness and accuracy of infection reporting by hospitals.

(3) No later than 60 days after the conclusion of the pilot phase, the commissioner shall issue a report to hospitals and to the oversight committee on health and human services assessing the overall accuracy of the data submitted in the pilot phase and provide guidance for improving the accuracy of infection reporting.

(4) After the pilot phase is completed, all data submitted under this section and compiled in the statewide infection database established under this section and all public reports derived therefrom shall include hospital identifiers.

(5) The first public report required pursuant to subparagraph (4) shall be made not later than 7 months after the completion date of the pilot phase.

III. To assure the accuracy of the self-reported hospital infection data and to assure that public reporting fairly reflects what actually is occurring in each hospital, the department shall make a quarterly report to the oversight committee on health and human services on its infection rate data. If the commissioner is not satisfied with the overall accuracy of the data submitted, the commissioner shall validate the results and the methodology used to collect and analyze the data. The commissioner shall notify the oversight committee on health and human services relative to the validation of such data. After notification to the oversight committee, the commissioner may release such information to the public. If, however, the commissioner concludes that he or she is unable to adequately validate the data, the commissioner shall notify the oversight committee on health and human services of that fact and the reasons therefor and, in that case, the commissioner shall not be required to include hospital identifiers in the information released to the public.

2 New Subparagraph; New Hampshire Health Care Quality Commission; Member Added. Amend RSA 151-G:1, II by inserting after subparagraph (3) the following new subparagraph:

(4) The state epidemiologist, department of health and human services.

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

AMENDED ANALYSIS

This bill requires hospitals to report on infections to the department of health and human services. Under this bill, the commissioner of the department of health and human services is required to establish a statewide database for the purposes of public reporting.

Majority committee amendment adopted.

Rep. O'Brien requested a roll call; sufficiently seconded.

The question being adoption of the majority committee report.

YEAS 226 NAYS 65			
YEAS 226			
BELKNAP			
Allen, Janet	Boyce, Laurie	Fitzgerald, James	Millham, Alida
Morrison, Gail	Nedeau, Stephen	Russell, David	Thomas, John
Tobin, William	Wendelboe, Fran	Whalley, Michael	
CARROLL			
Ahlgren, Christopher	Babson, David Jr	Brown, Carolyn	Chandler, Gene
Dickinson, Howard	Knox, J David	Martin, James	McConkey, Mark
Morrow, Harry	Olimpio, J Lisbeth	Patten, Betsey	Stevens, Stanley
CHESHIRE			
Allen, Peter	Butcher, Suzanne	Butynski, William	Dunn, J Timothy
Emerson, Susan	Espiefs, Peter	Foote, Sheila	Hogancamp, Deborah
Hunt, John	Mitchell, Bonnie	Parkhurst, Henry	Richardson, Barbara
COOS			
Buzzell, Bernard	Remick, William	Richardson, Herbert	Stohl, Eric
Tholl, John Jr			
GRAFTON			
Andersen, Gene	Cooney, Mary	Eaton, Stephanie	Gionet, Edmond
Giuda, Robert	Ham, Bonnie	Maybeck, Margie	Williams, Burton
HILLSBOROUGH			
Balboni, Michael	Batula, Peter	Beaulieu, Jane	Bergeron, Jean-Guy
Bergin, Peter	Biundo, Michael	Boehm, Ralph	Brundige, Robert
Buhlman, David	Calawa, Leon Jr	Campbell, David	Carew, James
Carter, Mark	Christiansen, Lars	Coughlin, Pamela	Crane, Elenore Casey
Desmarais, Vivian	Dokmo, Cynthia	Dyer, Donald	Elliott, Nancy
Essex, David	Foster, Linda	Francoeur, Bea	Gargasz, Carolyn
Gibson, John	Golding, William	Gorman, Mary	Goyette, Peter Jr
Graham, John	Hellwig, Steve	Hirschmann, Keith	Holden, Randolph
Jasper, Shawn	Johnson, Paula	Kurk, Neal	L'Heureux, Robert
Lawrence, James	Manney, Pamela	Martin, Mary Ellen	McRae, Karen
Mead, Robert	Messier, Irene	Mooney, Maureen	O'Brien, William
O'Connell, Timothy	Ober, Lynne	Pappas, Christopher	Pepino, Leo
Price, Pamela	Renzullo, Andrew	Rowe, Robert	Ryder, Donald
Scanlon, Michael	Schulze, Joan	Shaw, Kimberly	Slocum, Lee
Sullivan, Peter	Vaillancourt, Steve	Villeneuve, Maurice	Wheeler, James
Wheeler, Robert			
MERRIMACK			

Anderson, Eric	Blanchard, Elizabeth	Bouchard, Candace	Brueggemann, Donald
Currier, David	Danforth, James	DeStefano, Stephen	Field, William
Foose, Robert	Hess, David	Kennedy, Richard	Klose, John
L'Heureux, Stephen	Langlais, Thomas	MacKay, James	Marple, Richard
Maxfield, Roy	McMahon, Patricia	Osborne, Jessie	Reed, Dennis
Ryan, Jim	Shurtleff, Stephen	Soltani, Tony	Walz, Mary Beth
Whiting, Herbert			
ROCKINGHAM			
Allen, Mary	Asselin, Michael	Belanger, Ronald	Bettencourt, David
Bicknell, Elbert	Bridle, Russell	Brown, C.	Buxton, Donald
Cady, Harriet	Cali-Pitts, Jacqueline	Camm, Kevin	Carson, Sharon
Charron, Gene	Coburn, James	Cooney, Richard	DiFruscia, Anthony
Donahue, Richard Ken	Dowd, John	Dumaine, Dudley	Fesh, Bob
Flanders, John Sr	Flockhart, Eileen	Forsing, Robert	Francoeur, Sheila
Garrity, James	Gilbert, Karl	Gould, Kenneth	Griffin, Mary
Hopfgarten, Paul	Hughes, Daniel	Ingram, Russell	Introne, Robert
Itse, Daniel	Johnson, Robert	Katsakiores, George	Katsakiores, Phyllis
Lund, Howie	Major, Norman	Mason, April	McKinney, Betsy
McMahon, Charles	Moody, Marcia	Morris, Richard	Nowe, Ronald
Packard, Sherman	Palazzo, Frank	Powers, James	Priestley, Anne
Quandt, Marshall Lee	Quandt, Matthew	Rausch, James	Robertson, Carl
Robinson, John	Rolston, James	Scamman, Stella	Splaine, James
Stiles, Nancy	Waterhouse, Kevin	Weare, E Albert	Welch, David
Weyler, Kenneth	Winchell, George		
STRAFFORD			
Berube, Roger	Bickford, David	Brown, Jennifer	Brown, Julie
Brown, Lawrence	Campbell, W Packy	Cataldo, Sam	Chaplin, Duncan
Cilley, Jacalyn	Creteau, Irene	Dunlap, Patricia	Easson, Timothy
Hofemann, Roland	Hollinger, Jeffrey	Johnson, Nancy	Kaen, Naida
Keans, Sandra	Newton, Clifford	Rollo, Michael	Spang, Judith
Wall, Janet			
SULLIVAN			
Cloutier, John	Converse, Larry	Donovan, Thomas	Ferland, Brenda
Franklin, Peter	Gale, Harry	Jillette, Arthur Jr	Phinizy, James
Rodeschin, Beverly			
NAYS 65			
BELKNAP			
Pilliod, James	Tilton, Franklin		
CARROLL			
Buco, Thomas			
CHESHIRE			

Chase, William	Plifka, Stanley Jr	Roberts, Kris	Robertson, Timothy
Sawyer, Sheldon	Tilton, Anna		
COOS			
King, Frederick	Mears, Edgar		
GRAFTON			
Almy, Susan	Benn, Bernard	Bleyler, Ruth	Hammond, Lee
Harding, A Laurie	McLeod, Martha	Nordgren, Sharon	Sokol, Hilda
Solomon, Peter	Sorg, Gregory		
HILLSBOROUGH			
Baroody, Benjamin	Christensen, D L Chris	Clemons, Jane	Cote, David
Cote, Peter	Craig, James	DeVries, Betsi	Egbers, Fran
Goley, Jeffrey	Hall, Betty	Harvey, Suzanne	Hawkins, Ken
Irwin, Anne-Marie	Jean, Claudette	Kopka, Angeline	Lasky, Bette
Michon, Stephen	Movsesian, Lori	Pilotte, Maurice	Rosenwald, Cindy
Shattuck, Gilman	Shaw, Barbara	Smith, David	Sullivan, Francis
MERRIMACK			
Clarke, Claire	DeJoie, John	French, Barbara	Potter, Frances
Rush, Deanna	Tupper, Frank	Wallner, Mary Jane	Williams, Robert
Yeaton, Charles			
ROCKINGHAM			
Casey, Kimberley	Norelli, Terie	Sanders, Elisabeth	
STRAFFORD			
Heon, Richard	Hilliard, Dana	Miller, Joseph	Schmidt, Peter
Smith, Marjorie	Taylor, Kathleen		
SULLIVAN			
Osgood, Philip Sr	Prichard, Stephen		

and the majority committee report was adopted.

Ordered to third reading.

Rep. Ulery did not vote and notified the Clerk that he wished to be recorded in favor.

HB 1714-FN, relative to an electronic controlled drug prescription monitoring program.

MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: REFER FOR INTERIM STUDY.

Rep. Deborah J. Hogancamp for the Majority of Health, Human Services and Elderly Affairs: This bill, as amended, establishes an electronic controlled drug prescription monitoring program within the Department of Health and Human Services. There were 40 deaths from prescription drug abuse in NH in 1999, but by 2005 the number of deaths had risen to 147 – a 150% increase. The intent of this bill is far reaching – to reduce the mortality, morbidity and criminal activity associated with prescription drug diversion. The committee heard testimony from other states who have years of experience in running similar programs. The programs have been successful in helping those addicted to prescription drugs through treatment, while protecting individual privacy. Twenty-two states have addressed this issue

by establishing similar programs, and have proved effective in reducing deaths and prescription drug addiction. These states include ME, MA, RI, NY, PA, and pending legislation in Vermont. This bill, as amended, establishes a data base to monitor controlled prescription drugs listed in Schedule II-IV. This program will be consistent with American Society for Automation in Pharmacy Standards. The program will be administered by an Advisory Committee comprised of representatives from health care regulatory boards, health care practitioners, the Attorney General's office and a single law enforcement officer, thus maintaining a health care focus. Costs associated with the design, implementation and administration of the program will be paid through grants and gifts. There are federal grants available to fund each step of establishing the program; however, should grants no longer be available, the bill allows the commissioner to use fees to support the program. Patient confidentiality in the program was discussed and investigated at length. Existing programs in Maine and Kentucky have reported no security breaches. The databases have proved over time to be more secure than those found in pharmacies. Currently, the prescription information that will be contained in this program database is already held in databases in pharmacies around the state. This program brings the prescription information together in one database and allows controlled practitioner access to help provide patients with safe, appropriate medical care. Access to patient-identified data is limited to 5 entities and the individual. Unauthorized access and dissemination of anyone's personal data is a class B felony. The bill, as amended, does not allow fishing expeditions through the limited access. This program has been developed over 5 years by a number of medical practitioners, pharmacists, law enforcement officials (including the state medical examiner), and interested members of the public. It was supported by the Attorney General's Office, State Medical Examiner, physicians practicing pain management and addiction treatment, as well as the Department of Health and Human Services. Vote 11-7.

Rep. Cindy Rosenwald for the Minority of Health, Human Services and Elderly Affairs: The finitions of marriage and civil unions/domestic partnerships. The amendment prevents a court decision similar to the one in California, which ruled that having two separate institutions, marriage and civil unions having the exact same benefits, was discriminatory. As stated in the media, same sex couples/married in MA, the NH legislature has the perfect opportuminority agrees that prescription drug abuse is a problem and that monitoring controlled substances will help cut down on the fraudulent use of prescription drugs. The question is what kind of program can target most efficiently the abuse problems while also protecting the privacy rights of the majority of New Hampshire's residents. The minority believes the committee amendment is far broader than necessary. The privacy of nearly a third of New Hampshire's population will be needlessly put at risk when a large amount of private personal and medical information is collected in an electronic database. To put this into perspective, methadone by itself accounted for one third of all drug deaths in New Hampshire last year. Further, among all the people who died from using drugs, 35 specific prescription drugs were identified. Yet, the committee amendment will collect the prescription records on nearly 200 drugs and result in the inclusion of significant personal and medical information in a new electronic database for almost 400,000 people. Along with patients whose doctors have prescribed narcotics, the individuals in the database will include children treated for ADHD, men who are treated for sexual problems, and thousands of people who take sleep aids or drugs for anxiety. The minority has grave concerns about the security of such a database, particularly given that one of New Hampshire's important electronic databases was recently hacked. Several other states have reported security breaches where personal information has fallen into the wrong hands. The minority believes that adding criminal penalties for willful misuse of someone's private medical information does not make up for the embarrassment caused by accidental misuse. We believe a more effectively targeted program should be developed to balance privacy rights of the majority of patients in New Hampshire who legitimately receive prescriptions for controlled drugs with the need to find those drug addicts fraudulently obtaining prescription drugs.

Majority Amendment (1129h)

Amend the bill by replacing section 2 with the following:

2 New Subdivision; Controlled Drug Prescription Monitoring Program Act. Amend RSA 318-B by inserting after section 30 the following new subdivision:

Controlled Drug Prescription Monitoring Program Act

318-B:31 Definitions. In this subdivision:

I. "Committee" means the controlled prescription drug advisory committee established in RSA 318-B:33.

II. "Department" means the department of health and human services.

III. "Dispenser" means a person who delivers a schedule II–IV controlled prescription drug or its analog to the ultimate user but does not include:

(a) A licensed hospital pharmacy that distributes such drugs for the purpose of inpatient hospital care.

(b) A practitioner, or other authorized person who administers such a drug.

(c) A wholesale distributor of a schedule II-IV controlled prescription drug or its analog.

318-B:32 Controlled Drug Prescription Monitoring Program; Penalties.

I. The department shall design and establish an electronic system consistent with the American Society for Automation in Pharmacy (ASAP) standards to monitor the prescribing and dispensing of controlled prescription drugs listed in schedules II, III, and IV, and other additional prescription drugs demonstrating a potential for abuse, by practitioners within the state, and the dispensing of such controlled prescription drugs to an individual at a specific address within the state by a pharmacy permitted by or registered with the pharmacy board.

II.(a) Each dispenser shall submit to the department, within 15 days of the last day of each month by electronic means, information regarding each dispensing of a controlled prescription drug. The information submitted for each dispensing shall include, but not be limited to:

- (1) Dispenser's DEA registration number.
- (2) Prescriber's DEA registration number.
- (3) Date of dispensing.
- (4) Prescription number.
- (5) Prescription is new or a refill.
- (6) Number of refills granted.
- (7) NDC Code of drug dispensed.
- (8) Quantity dispensed.
- (9) Number of days supply of drug.
- (10) Patient's name.
- (11) Patient's address.
- (12) Patient's date of birth.
- (13) Patient's telephone number.
- (14) Date prescription was written by prescriber.

(b) This section does not apply to controlled drugs:

(1) Administered by a health care practitioner directly to a patient.

(2) Dispensed by a health care practitioner authorized to dispense pursuant to RSA 318:42 and RSA 318-B:10.

(3) Either dispensed by a pharmacist or administered by a health care practitioner to an in-patient or resident receiving care from a hospital, nursing home, assisted living facility, home health care agency, hospice, or intermediate care facility for the developmentally disabled or mentally ill which is licensed in this state.

III. Any person who knowingly fails to submit this information within the time period designated in paragraph II or knowingly submits incorrect information shall be guilty

of a violation for which a civil fine shall be imposed. The fine schedule shall be established by rule, pursuant to RSA 541-A, and shall not exceed a maximum of \$500 per violation.

IV. Any person who knowingly fails to report the dispensing of a controlled prescription drug listed in schedules II-IV, as required by this section, shall be guilty of a violation and subject to the penalties established under RSA 318-B:26 and Ph 710 of the pharmacy board's administrative rules.

V. Any person who knowingly engages in prescribing or dispensing of controlled prescription drugs without having registered with the pharmacy board shall be guilty of a violation for which a civil penalty may be imposed. The civil penalties shall be established by rule adopted by the pharmacy board pursuant to RSA 541-A.

VI. The department shall develop a system of registration for all prescribers and dispensers of controlled substances within the state. The contents of the application and any fee for registration shall be established by the commissioner by rule, pursuant to RSA 541-A.

VII. All costs incurred by the department for implementing the prescription monitoring system shall be supported through grants or gifts, or both, dedicated specifically for such system. Thereafter, the program shall be self-funding by either the aforementioned grants, gifts, or fees charged under this paragraph. The department may charge a fee to an individual who requests their own program information or to a person who requests statistical, aggregate, or non-personally identified information from the program. The department may charge a fee to an individual who requests information for public research, policy, or education purposes as long as all information revealing the identity of the patient, the prescriber, the dispensing pharmacist, or the dispensing pharmacy has been removed. A fee charged for an individual's request shall not exceed the actual cost of providing the requested information.

VIII. No person shall procure, dispense, administer, or prescribe a controlled drug without having first obtained a registration to do so from the department. An application together with any fee that may be required by the department shall be filed annually on or before October 1.

318-B:33 Advisory Committee Established.

I. There is hereby established an advisory committee to assist the commissioner in carrying out his or her duties under this subdivision. The members of the committee shall be as follows:

- (a) A representative of the New Hampshire board of medicine, appointed by the board.
- (b) A representative of the pharmacy board, appointed by the board.
- (c) A representative of the board of dental examiners, appointed by the board.
- (d) A representative of the New Hampshire nursing board, appointed by the board.
- (e) The attorney general, or designee.
- (f) The commissioner of the department of health and human services, or designee.
- (g) A representative of the New Hampshire Medical Society, appointed by the society.
- (h) A representative of the New Hampshire Dental Society, appointed by the society.
- (i) A representative of the New Hampshire Association of Chiefs of Police, appointed by the association.
- (j) A representative of a retail pharmacy, appointed jointly by the New Hampshire Pharmacists Association, the New Hampshire Independent Pharmacy Association, and the New Hampshire Association of Chain Drug Stores.

II. In addition to the duties under RSA 318-B:34, the purpose of the committee shall be to:

(a) Adopt and revise the criteria for reviewing the prescribing and dispensing information collected.

(b) Adopt and revise the criteria for reporting matters to the applicable health care regulatory board for further investigation.

(c) Adopt and revise the criteria for reporting matters to and working cooperatively with, the appropriate law enforcement agency for further investigation.

(d) Adopt and revise the criteria for notifying health care providers of individuals that are engaged in obtaining controlled substances from multiple prescribers.

(e) Collect information on the outcomes and impact of the prescription monitoring program including: user satisfaction, impact on prescribing patterns, impact on referrals to regulatory boards and law enforcement entities, and other relevant measures.

III. The committee shall meet on a quarterly basis and other times as determined by the committee to discharge its responsibilities and to evaluate data.

318-B:34 Access to Prescription Information.

I. Prescription information submitted to the department shall be confidential and not be subject to RSA 91-A, except as provided under paragraphs III and IV. Information contained in the program and any information obtained from it, and information contained in the records of requests for information from the program, is privileged and strictly confidential, is not a public record, and is not subject to discovery, subpoena, or other means of legal compulsion for release except as provided in this section. Information from the program shall not be released, shared with an agency or institution, or made public except as provided in this chapter. Information collected for the program shall be retained by the program for 4 years. The information shall then be destroyed.

II. The department shall maintain procedures to ensure that the privacy and confidentiality of patients and patient information collected, recorded, transmitted, and maintained, is not disclosed to persons except as provided in paragraphs III and IV.

III. The committee may review the prescription information as outlined in RSA 318-B:33, III. If there is reasonable cause to believe a violation of law or breach of professional standards may have occurred, the committee shall notify the appropriate law enforcement or professional licensing, certification, or regulatory agency or entity and provide prescription information required or necessary for an investigation.

IV.(a) The committee may provide data from the prescription monitoring program to the following persons and entities:

(1) Persons authorized to prescribe or dispense controlled substances, for the purpose of providing medical or pharmaceutical care for their patients.

(2) An individual who requests his or her own prescription monitoring information.

(3) The state boards listed in RSA 318-B:33, the board of registration in optometry, and the board of podiatry.

(4) Local, state, and federal law enforcement or prosecutorial officials and others as established by rule, pursuant to RSA 541-A, engaged in the administration, investigation or enforcement of the laws governing licit drugs.

(5) The department of health and human services.

(6) A court in a criminal matter or a grand jury which requests such information.

(b) The committee may provide data to public or private entities for statistical, research, or educational purposes after removing information that could be used to identify prescribers, individual patients, and persons who received prescriptions from a dispenser.

318-B:35 Authority to Contract. The department may contract with another agency of this state or with a private vendor, as necessary, to ensure the effective operation of the controlled drug prescription monitoring program.

318-B:36 Rulemaking. The commissioner shall adopt rules pursuant to RSA 541-A, relative to:

- I. A schedule of fines under RSA 318-B:32, III.
- II. Content and format of all forms required under this subdivision.
- III. Procedures, meetings, and conduct of the advisory committee established in RSA 318-B:33.

318-B:37 Limitation of Liability. Any agency or individual who provides or receives information in good faith from the controlled drug prescription monitoring program shall not be liable for civil damages, be prosecuted criminally, or be subjected to disciplinary action by an employer.

318-B:38 Unauthorized Access, Alteration, Destruction, or Disclosure of Information. A person is guilty of a class B felony if the person knowingly discloses or attempts to disclose, or uses or attempts to use, prescription monitoring information except as authorized in this subdivision or as otherwise authorized by law.

Amend the bill by replacing section 5 with the following:

5 New Section; Positive Identification Required. Amend RSA 318-B by inserting after section 9 the following new section:

318-B:9-a Positive Identification Required.

I.(a) A pharmacist shall not dispense a controlled substance listed in schedule II, III, or IV to a patient or a patient's agent without first determining, in the exercise of his or her professional judgment, that the order is valid. A pharmacist or pharmacist's agent shall request the patient's or patient's agent's identification information prior to dispensing any controlled substance. Appropriate identification shall be in the form of:

(1) A valid driver's license of the patient or patient's agent, issued under New Hampshire law or the law of any other state;

(2) A valid military identification issued to either the patient or the patient's agent; or

(3) Any other government issued photo identification document.

(b) If the patient or patient's agent does not have the appropriate identification, the pharmacist may dispense the controlled substance only when the pharmacist determines, in the exercise of his or her professional judgment, that the order is valid and includes such information in the patient's record. The commissioner may adopt, by rule, under RSA 541-A, the required patient information for controlled drug dispensing and procedures for a pharmacist to verify the validity of a prescription for a controlled substance in which the pharmacist was not provided the required information.

II. Any pharmacist that dispenses by mail, a controlled prescription drug, listed in schedule II, III, or IV shall be exempt from the requirement to obtain suitable identification for that prescription dispensed by mail.

III. Any controlled prescription drug listed in schedule II, III, or IV may be dispensed by a pharmacist upon an oral or electronic prescription if, before filling the prescription, the pharmacist reduces it to writing, pursuant to the requirements of RSA 318-B:9, III, IV, and V or records it electronically, if permitted by federal law. Such prescriptions shall contain the date of the oral or electronic authorization.

Majority amendment adopted.

Rep. Hess offered floor amendment (1267h)

Floor Amendment (1267h)

Amend RSA 318-B:34, III as inserted by section 2 of the bill by replacing it with the following:

III. The committee may review only the prescription information as outlined in RSA 318-B:33, III after removing information that could be used to identify prescribers, individual patients, and persons who received prescriptions from a dispenser. If there is reasonable cause to believe a violation of law or breach of professional standards may have occurred, the committee shall notify the appropriate law enforcement or professional licensing,

certification, or regulatory agency or entity and provide prescription information required or necessary for an investigation.

Amend RSA 318-B:34, IV(a)(4) as inserted by section 2 of the bill by replacing it with the following:

(4) Local, state, and federal law enforcement or prosecutorial officials and others as established by rule, pursuant to RSA 541-A, engaged in the investigation or enforcement of the laws governing licit drugs.

Rep. Hess spoke in favor.

Floor amendment (1267h) adopted.

The question now being adoption of the majority committee report as amended.

Reps. Keans, Rosenwald and Miller spoke against.

Reps. Hess and MacKay spoke in favor.

Rep. Hogancamp spoke in favor and yielded to questions.

(Speaker Scamman in the Chair)

Rep. John Flanders moved the previous question.

Adopted.

Rep. Hess requested a roll call; sufficiently seconded.

The question being adoption of the majority committee report as amended.

YEAS 139 NAYS 134			
YEAS 139			
BELKNAP			
Allen, Janet	Boyce, Laurie	Fitzgerald, James	Millham, Alida
Morrison, Gail	Nedeau, Stephen	Pilliod, James	Russell, David
Thomas, John	Tilton, Franklin	Tobin, William	Wendelboe, Fran
Whalley, Michael			
CARROLL			
Ahlgren, Christopher	Brown, Carolyn	Chandler, Gene	Dickinson, Howard
Knox, J David	McConkey, Mark	Morrow, Harry	Patten, Betsey
Stevens, Stanley			
CHESHIRE			
Butcher, Suzanne	Butynski, William	Emerson, Susan	Espiefs, Peter
Foote, Sheila	Hogancamp, Deborah	Hunt, John	Tilton, Anna
COOS			
Buzzell, Bernard	Remick, William	Richardson, Herbert	Stohl, Eric
Tholl, John Jr			
GRAFTON			
Cooney, Mary	Giuda, Robert	Harding, A Laurie	McLeod, Martha
Nordgren, Sharon	Solomon, Peter	Sorg, Gregory	Williams, Burton
HILLSBOROUGH			
Balboni, Michael	Batula, Peter	Bergeron, Jean-Guy	Bergin, Peter
Brundige, Robert	Carter, Mark	Christensen, D L	Coughlin, Pamela

		Chris	
Craig, James	Desmarais, Vivian	DeVries, Betsi	Dyer, Donald
Elliott, Nancy	Gibson, John	Golding, William	Graham, John
Hawkins, Ken	Hirschmann, Keith	Holden, Randolph	Mead, Robert
Mooney, Maureen	O'Brien, William	O'Connell, Timothy	Ober, Lynne
Pilotte, Maurice	Price, Pamela	Renzullo, Andrew	Rowe, Robert
Ryder, Donald	Scanlon, Michael	Sullivan, Peter	Villeneuve, Maurice
Wheeler, Robert			
MERRIMACK			
Anderson, Eric	Blanchard, Elizabeth	Field, William	Hess, David
Kennedy, Richard	Klose, John	L'Heureux, Stephen	MacKay, James
Maxfield, Roy	Soltani, Tony	Tilton, Joy	Whiting, Herbert
ROCKINGHAM			
Asselin, Michael	Belanger, Ronald	Bettencourt, David	Bicknell, Elbert
Bridle, Russell	Buxton, Donald	Cady, Harriet	Camm, Kevin
Carson, Sharon	Charron, Gene	Coburn, James	Cooney, Richard
Dowd, John	Dumaine, Dudley	Flanders, John Sr	Forsing, Robert
Garrity, James	Gilbert, Karl	Gould, Kenneth	Griffin, Mary
Ingram, Russell	Introne, Robert	Johnson, Robert	Katsakiores, George
Katsakiores, Phyllis	Lund, Howie	Major, Norman	McKinney, Betsy
McMahon, Charles	Morris, Richard	Nowe, Ronald	Packard, Sherman
Palazzo, Frank	Rolston, James	Sanders, Elisabeth	Splaine, James
Stiles, Nancy	Waterhouse, Kevin	Weare, E Albert	Welch, David
Weyler, Kenneth	Winchell, George		
STRAFFORD			
Campbell, W Packy	Cataldo, Sam	Chaplin, Duncan	Cilley, Jacalyn
Easson, Timothy	Newton, Clifford	Rollo, Michael	
SULLIVAN			
Converse, Larry	Osgood, Philip Sr		
NAYS 134			
BELKNAP			
None			
CARROLL			
Babson, David Jr	Buco, Thomas	Martin, James	Olimpio, J Lisbeth
CHESHIRE			
Chase, William	Dunn, J Timothy	Parkhurst, Henry	Plifka, Stanley Jr
Richardson, Barbara	Roberts, Kris	Robertson, Timothy	Sawyer, Sheldon
COOS			
King, Frederick	Mears, Edgar		

GRAFTON			
Almy, Susan	Andersen, Gene	Benn, Bernard	Bleyler, Ruth
Gionet, Edmond	Ham, Bonnie	Hammond, Lee	Maybeck, Margie
Sokol, Hilda			
HILLSBOROUGH			
Baroody, Benjamin	Beaulieu, Jane	Biundo, Michael	Boehm, Ralph
Buhlman, David	Calawa, Leon Jr	Campbell, David	Carew, James
Christiansen, Lars	Crane, Elenore Casey	Dokmo, Cynthia	Egbers, Fran
Essex, David	Foster, Linda	Francoeur, Bea	Gargasz, Carolyn
Goley, Jeffrey	Gorman, Mary	Goyette, Peter Jr	Hall, Betty
Harvey, Suzanne	Hellwig, Steve	Irwin, Anne-Marie	Jasper, Shawn
Kopka, Angeline	Kurk, Neal	Lasky, Bette	Lawrence, James
Manney, Pamela	Martin, Mary Ellen	McRae, Karen	Messier, Irene
Movsesian, Lori	Rosenwald, Cindy	Schulze, Joan	Shattuck, Gilman
Shaw, Barbara	Shaw, Kimberly	Slocum, Lee	Smith, David
Vaillancourt, Steve	Wheeler, James		
MERRIMACK			
Bouchard, Candace	Brueggemann, Donald	Clarke, Claire	Danforth, James
DeJoie, John	Foose, Robert	French, Barbara	Marple, Richard
McMahon, Patricia	Osborne, Jessie	Potter, Frances	Reed, Dennis
Rush, Deanna	Ryan, Jim	Shurtleff, Stephen	Tupper, Frank
Wallner, Mary Jane	Walz, Mary Beth	Williams, Robert	
ROCKINGHAM			
Allen, Mary	Brown, C.	Cali-Pitts, Jacqueline	Casey, Kimberley
DiFruscia, Anthony	Fesh, Bob	Flockhart, Eileen	Francoeur, Sheila
Hopfgarten, Paul	Hughes, Daniel	Itse, Daniel	Langley, Jane
Mason, April	Moody, Marcia	Norelli, Terie	Powers, James
Priestley, Anne	Quandt, Marshall Lee	Quandt, Matthew	Rausch, James
Robertson, Carl	Robinson, John	Scamman, Stella	
STRAFFORD			
Berube, Roger	Brown, Jennifer	Brown, Julie	Brown, Lawrence
Creteau, Irene	Dunlap, Patricia	Heon, Richard	Hilliard, Dana
Hofemann, Roland	Johnson, Nancy	Kaen, Naida	Keans, Sandra
Miller, Joseph	Schmidt, Peter	Smith, Marjorie	Spang, Judith
Taylor, Kathleen	Wall, Janet		
SULLIVAN			
Cloutier, John	Donovan, Thomas	Ferland, Brenda	Franklin, Peter
Gale, Harry	Jillette, Arthur Jr	Phinizy, James	Prichard, Stephen
Rodeschin, Beverly			

and the majority committee report as amended was adopted.
Ordered to third reading.

RESOLUTION

Rep. Weyler offered the following: RESOLVED, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading

of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Wednesday, March 8, 2006 at 10:00 a.m.
Adopted.

LATE SESSION

Third reading and final passage

HB 1126, relative to licenses for first mortgage bankers, brokers, pawnbrokers, and money lenders.

HB 1188, relative to notice before entry into a condominium unit.

HB 1192, relative to property and casualty insurance.

HB 1274, relative to certain disclosures to the department of health and human services.

HB 1555, establishing a commission to investigate cost drivers in providing health care.

HB 1592, -FN, making certain changes in the insurance laws.

HB 1652-FN, relative to certain insurance claims.

HB 298, establishing a commission to investigate cost drivers in providing health care.

HB 624-FN, relative to penalties in certain health and health-related professions.

HB 1155, creating a violation for failure to pay a highway toll.

HB 1209, relative to notification requirements for criminal offenders.

HB 1235-FN, establishing a criminal penalty for driving a commercial motor vehicle while violating an out-of-service order.

HB 1349, relative to costs of personnel and rates for equipment use in hazardous waste incidents.

HB 1377, relative to certain mandatory minimum sentences.

HB 1386, relative to exceptions to the prohibition on carrying and selling knives.

HB 1420-FN, prohibiting remote control and Internet hunting and relative to exceptions to the prohibitions on the sale of firearms to minors and the furnishing of arms to persons under 16.

HB 1480, amending the provisions relative to registration of criminal offenders.

HB 1620-FN, relative to hunting restrictions of certain convicted felons.

HB 1624-FN, relative to boat noise.

HB 1625, establishing penalties for guardians ad litem who fail to file reports which are required by the court.

HB 1660-FN, regulating identity theft.

HB 1667-FN, establishing penalties for methamphetamine manufacturing and possession of substances with intent to manufacture methamphetamine.

HB 1674-FN, requiring emergency care providers to report information on certain sexual assault crimes to law enforcement officials.

HB 1745-FN, relative to methamphetamine-related crimes involving children and incapacitated adults.

HB 1749-FN, relative to access to motor vehicle records by certain defense contractors.

HB 1113, adding a definition of "public academy" to the definition of "high school."

HB 1172-FN, relative to registration of political committees.

HB 1217, requiring the secretary of state to publish certain information on campaign contributions.

HB 1613-FN-L, relative to polling place arrangement and accessibility.

HB 1394, relative to determination of value of property in current use.

HB 1429, relative to municipal exemptions for hazardous waste cleanup liability.

HB 1455-FN-A, relative to the disposal of video display devices.

HB 1630-L, relative to land use change taxes imposed for certain road construction on rights-of-way

HB 1298, establishing a study committee to evaluate disciplinary procedures of the board of medicine.

HB 1337, establishing the amusement ride safety advisory board.

HB 1351, relative to the rulemaking process.

HB 1517-FN, relative to membership on the board of medicine and the medical review subcommittee.

HB 1526, relative to the composition of the medical review subcommittee of the medical review board

HB 1574, relative to membership on the public employees deferred compensation commission.

HB 1590-FN, relative to the pari-mutuel commission.

HB 1595-FN, relative to certification of electronic systems technicians by the electricians' board.

HB 1633-FN, relative to membership, eligibility, and financing of the New Hampshire retirement system.

HB 1683-FN, establishing a homestead food license for residential, non-commercial kitchens.

HB 1696-FN, relative to the cremation of human remains.

HB 1546, relative to patient information.

HB 1672-FN, relative to a registry for substantiated cases of abuse, neglect, or exploitation of incapacitated adults and establishing a task force relative to central registries.

HB 1718-FN, requiring a written disclosure statement be provided to prospective nursing home facility clients.

HB 1116, relative to service of the notice to quit and writ of summons in landlord tenant actions.

HB 1751, relative to penalties for failure to have workers' compensation coverage.

HB 1752, requiring notice regarding the classifications of employee and independent contractor.

HB 1357, relative to the legislative facilities committee.

HCR 20, a resolution commending the New Hampshire committee for Employer Support of the Guard and Reserve.

HB 1174, requiring that voters who request a secret ballot be present at the town meeting.

HB 1206, relative to the assessing standards board.

HB 1320, relative to penalties for planning and zoning violations.

HB 1330, clarifying the laws relative to municipal enrollment in the National Flood Insurance Program and relative to adopting flood insurance rate map amendments.

HB 1487, relative to marriage licenses.

HB 1508, relative to acceptance of applications by planning boards.

HB 1627, relative to the assessment of open space land.

HB 1631-FN-L, relative to property taxation of certain property of the Appalachian Mountain Club.

HB 1215, relative to the winter maintenance of Diamond Pond Road in the towns of Colebrook and Stewartstown.

HB 1223-FN, relative to the use of real estate brokers by the department of transportation.

HB 1530, naming the road to the supreme court and the administrative office of the courts Charles Doe Drive and naming the campus of the supreme court and the administrative office of the courts Charles Doe Place.

HB 1536, relative to bonds required from persons excavating or disturbing certain highways.

HB 1289, relative to Pennichuck Brook and its watershed.

HB 1315, relative to the definition and classification of dams.

HB 1317, relative to the control or eradication of exotic aquatic weeds and requiring a review by the department of agriculture, markets, and food, the department of environmental services, the fish and game department, and the department of resources and economic development, evaluating the current permitting process for special permits for aquatic applications of pesticides to control or eradicate exotic aquatic weeds and making recommendations to improve the process.

HB 1446, requiring the department of resources and economic development to prepare and submit a management and financial plan to the general court and the public prior to the opening of the Berlin regional ATV park.

HB 1463-FN, relative to boating and water safety.

HB 1491, establishing a committee to study the publicly owned treatment plant needs of New Hampshire.

HB 1568, establishing a committee to study the siting and construction of commercial wind energy facilities.

HB 1758, classifying biodeisel as a renewable energy source.

HB 1260, relative to informing first-time driver's license applicants of the controlled drug laws.

HB 1356, relative to on-board diagnostic system inspections.

HB 1448, relative to the applicability of drivers' license revocations for drugs or alcohol involvement.

HB 1335, relative to the authority of law enforcement officers during a state of emergency.

HJR 21, urging the university of New Hampshire to restore intercollegiate baseball and softball.

HB 1403, relative to explanations of proposed constitutional amendments appearing on the ballot.

HB 1265, establishing the council on the relationship between public health and the environment.

HB 1333, relative to solid waste reduction goals.

HB 1373, establishing a commission to study ways to encourage the proper recycling and disposal of grease trap wastes and to determine ways to develop additional disposal capacity.

HB 1433, establishing a committee to study secured landfills and establishing a moratorium on the incineration of construction and demolition waste.

HB 1741-FN, relative to reporting requirements concerning infections in hospitals.

HB 1714-FN, relative to an electronic controlled drug prescription monitoring program.

RECONSIDERATION

Having voted with the prevailing side, Rep. Giuda moved that the House reconsider its action whereby it passed with amendment and ordered to third reading **HB 1714-FN**, relative to an electronic controlled drug prescription monitoring program.

Rep. Kurk spoke against.

Rep. Giuda and Vaillancourt spoke in favor.

Rep. Giuda requested a roll call; sufficiently seconded.

The question being the motion to reconsider HB 1714.

YEAS 150 NAYS 120			
YEAS 150			
BELKNAP			
Tobin, William			
CARROLL			
Babson, David Jr	Buco, Thomas	Martin, James	Olimpio, J Lisbeth
CHESHIRE			
Chase, William	Dunn, J Timothy	Parkhurst, Henry	Plifka, Stanley Jr
Richardson, Barbara	Roberts, Kris	Robertson, Timothy	Sawyer, Sheldon

COOS			
King, Frederick	Mears, Edgar		
GRAFTON			
Almy, Susan	Benn, Bernard	Bleyler, Ruth	Cooney, Mary
Gionet, Edmond	Ham, Bonnie	Hammond, Lee	Harding, A Laurie
Maybeck, Margie	McLeod, Martha	Nordgren, Sharon	Sokol, Hilda
Solomon, Peter			
HILLSBOROUGH			
Baroody, Benjamin	Beaulieu, Jane	Biundo, Michael	Boehm, Ralph
Buhlman, David	Calawa, Leon Jr	Campbell, David	Christiansen, Lars
Craig, James	Crane, Elenore Casey	Dokmo, Cynthia	Egbers, Fran
Essex, David	Foster, Linda	Francoeur, Bea	Gargas, Carolyn
Goley, Jeffrey	Gorman, Mary	Goyette, Peter Jr	Hall, Betty
Harvey, Suzanne	Hawkins, Ken	Hellwig, Steve	Holden, Randolph
Irwin, Anne-Marie	Kopka, Angeline	Kurk, Neal	Lasky, Bette
Lawrence, James	Manney, Pamela	Martin, Mary Ellen	McRae, Karen
Messier, Irene	Movsesian, Lori	Rosenwald, Cindy	Schulze, Joan
Shattuck, Gilman	Shaw, Barbara	Shaw, Kimberly	Slocum, Lee
Smith, David	Vaillancourt, Steve	Wheeler, James	Wheeler, Robert
MERRIMACK			
Anderson, Eric	Bouchard, Candace	Brueggemann, Donald	Clarke, Claire
Danforth, James	DeJoie, John	Field, William	Foose, Robert
French, Barbara	Marple, Richard	McMahon, Patricia	Osborne, Jessie
Potter, Frances	Reed, Dennis	Rush, Deanna	Ryan, Jim
Shurtleff, Stephen	Soltani, Tony	Wallner, Mary Jane	Walz, Mary Beth
Williams, Robert			
ROCKINGHAM			
Allen, Mary	Brown, C.	Cali-Pitts, Jacqueline	Casey, Kimberley
DiFruscia, Anthony	Fesh, Bob	Flockhart, Eileen	Francoeur, Sheila
Hopfgarten, Paul	Hughes, Daniel	Ingram, Russell	Itse, Daniel
Langley, Jane	Major, Norman	Mason, April	McKinney, Betsy
Moody, Marcia	Norelli, Terie	Nowe, Ronald	Powers, James
Priestley, Anne	Quandt, Marshall Lee	Rausch, James	Robertson, Carl
Robinson, John	Scamman, Stella	Splaine, James	Stiles, Nancy
STRAFFORD			
Berube, Roger	Brown, Jennifer	Brown, Julie	Brown, Lawrence
Campbell, W Packy	Cilley, Jacalyn	Creteau, Irene	Dunlap, Patricia
Heon, Richard	Hilliard, Dana	Hofemann, Roland	Johnson, Nancy
Kaen, Naida	Keans, Sandra	Miller, Joseph	Rollo, Michael
Schmidt, Peter	Smith, Marjorie	Spang, Judith	Taylor, Kathleen
Wall, Janet			
SULLIVAN			

Cloutier, John	Donovan, Thomas	Ferland, Brenda	Franklin, Peter
Gale, Harry	Jillette, Arthur Jr	Phinizy, James	Prichard, Stephen
NAYS 120			
BELKNAP			
Allen, Janet	Boyce, Laurie	Fitzgerald, James	Millham, Alida
Morrison, Gail	Nedeau, Stephen	Pilliod, James	Russell, David
Thomas, John	Tilton, Franklin	Wendelboe, Fran	Whalley, Michael
CARROLL			
Ahlgren, Christopher	Brown, Carolyn	Chandler, Gene	Dickinson, Howard
Knox, J David	McConkey, Mark	Merrow, Harry	Patten, Betsey
Stevens, Stanley			
CHESHIRE			
Butcher, Suzanne	Butynski, William	Emerson, Susan	Espiefs, Peter
Foote, Sheila	Hogancamp, Deborah	Hunt, John	Tilton, Anna
COOS			
Buzzell, Bernard	Remick, William	Richardson, Herbert	Stohl, Eric
Tholl, John Jr			
GRAFTON			
Andersen, Gene	Giuda, Robert	Sorg, Gregory	Williams, Burton
HILLSBOROUGH			
Balboni, Michael	Batula, Peter	Bergeron, Jean-Guy	Bergin, Peter
Brundige, Robert	Carew, James	Carter, Mark	Christensen, D L Chris
Coughlin, Pamela	Desmarais, Vivian	DeVries, Betsi	Dyer, Donald
Elliott, Nancy	Gibson, John	Golding, William	Graham, John
Hirschmann, Keith	Mead, Robert	Mooney, Maureen	O'Brien, William
O'Connell, Timothy	Ober, Lynne	Pilotte, Maurice	Price, Pamela
Renzullo, Andrew	Rowe, Robert	Ryder, Donald	Scanlon, Michael
Sullivan, Peter	Villeneuve, Maurice		
MERRIMACK			
Blanchard, Elizabeth	Hess, David	Kennedy, Richard	Klose, John
L'Heureux, Stephen	MacKay, James	Maxfield, Roy	Tilton, Joy
Tupper, Frank	Whiting, Herbert		
ROCKINGHAM			
Asselin, Michael	Belanger, Ronald	Bettencourt, David	Bicknell, Elbert
Bridle, Russell	Buxton, Donald	Cady, Harriet	Camm, Kevin
Carson, Sharon	Charron, Gene	Coburn, James	Cooney, Richard
Dowd, John	Dumaine, Dudley	Flanders, John Sr	Forsing, Robert
Garrity, James	Gilbert, Karl	Gould, Kenneth	Griffin, Mary

Introne, Robert	Johnson, Robert	Katsakiores, George	Katsakiores, Phyllis
Lund, Howie	McMahon, Charles	Morris, Richard	Packard, Sherman
Palazzo, Frank	Rolston, James	Sanders, Elisabeth	Waterhouse, Kevin
Weare, E Albert	Welch, David	Weyler, Kenneth	Winchell, George
STRAFFORD			
Cataldo, Sam	Chaplin, Duncan	Easson, Timothy	Newton, Clifford
SULLIVAN			
Converse, Larry	Osgood, Philip Sr		

and reconsideration prevailed.

MOTION TO SPECIAL ORDER

Rep. David Campbell moved that ***HB 1714-FN***, relative to an electronic controlled drug prescription monitoring program, be made a Special Order as the second item of business on Wednesday, March 8, 2006.

Adopted.

RECESS MOTION

Rep. Weyler moved that the House stand in recess for the purposes of introduction of bills, receiving enrolled bill amendments, enrolled bill reports and receiving Senate messages only.

Adopted.

The House recessed at 6:25 p.m.

RECESS