

HOUSE RECORD

First Year of the 160th General Court Calendar and Journal of the 2007 Session

Vol. 29

Concord, N.H.

Tuesday, March 27, 2007

No. 30

HOUSE JOURNAL No. 9 (cont.)

Wednesday, March 21, 2007

Rep. Wallner moved that the House adjourn.
Adopted.

HOUSE JOURNAL No. 10

Tuesday, March 27, 2007

The House assembled at 10:00 a.m., the hour to which it stood adjourned, and was called to order by the Speaker.

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

Prayer of Saint Francis of Assisi

Lord, make us instruments of Your peace. Where there is hatred, let us sow love; where there is injury, pardon; where there is doubt, faith; where there is despair, hope; where there is darkness, light; and where there is sadness, joy.

O Divine Master, grant that we may not so much seek to be consoled as to console; to be understood as to understand; to be loved as to love. For it is in giving that we receive; it is in pardoning that we are pardoned; and it is in dying that we are born to eternal life. Amen.

Rep. Wendelboe, member from New Hampton, led the Pledge of Allegiance.

LEAVES OF ABSENCE

Reps. Brennan, Peter Cote, Stephanie Eaton, Greco, Heald, Jeudy, Stephen Johnson, Laliberte, Lessard, Loll, Benjamin Moore, Nagle and Sandra Smith, the day, illness.

Reps. Baroody, Beaulieu, Bishop, Mark Clark, Lisle, McGuirk, O'Connell, Plifka, Marshall Quandt, Rochette, Sysyn and Burton Williams, the day, important business.
Rep. Spaulding, the day, death in the family.

INTRODUCTION OF GUESTS

Bobby Nord, husband of Rep. Nord. Juanita and Katie Dangel, guests of Rep. Mooney.

COMMITTEE REPORTS

CONSENT CALENDAR

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

HB 606-FN, relative to the minimum age for purchasing, possessing, or using tobacco products, removed by Rep. Timothy Robertson.

HB 697, relative to responsible drug advertising, removed by Rep. DeJoie.

HB 745, relative to the use of secret databases, removed by Rep. Kurk.

HB 762-FN, prohibiting smoking in restaurants, cocktail lounges, and certain enclosed places, removed by Rep. Vaillancourt.

HB 92, decriminalizing marijuana, removed by Rep. Vaillancourt.

HB 340, restricting sex offenders from residing within a certain distance from schools and child-oriented organizations, removed by Rep. Infantine.

HB 591-FN, relative to an affirmative defense to certain felonious sexual assault offenses, removed by Rep. Vaillancourt.

HB 655-FN, relative to unborn victims of violence, removed by Rep. Rowe.

HB 902, establishing a committee to study the costs and benefits of the drug prohibition policy on the people of New Hampshire, removed by Rep. Ingbretson.

HB 314, authorizing the Pelham school board to transfer funds for the purpose of renting portable classrooms, removed by Rep. Renzullo.

HB 424-FN-A, relative to industrial hemp and establishing an industrial hemp special program fund, removed by Rep. Peterson.

HB 363, relative to certain notification for emergency contraception, removed by Rep. Dumaine.

CACR 17, relating to funding for education. Providing that revenue from lotteries and games of chance may only be used for educational purposes, removed by Rep. Vaillancourt.

HB 567-FN, relative to lowering the legal drinking age, removed by Rep. Vaillancourt.

HB 670, relative to repealing the incorporation of the New Hampshire Bar Association, removed by Rep. Sorg.

HB 906, relative to an informed jury, removed by Rep. Vaillancourt.

HB 310, allowing municipalities to regulate small wind energy systems, removed by Rep. Dokmo.

HB 474, excluding septic and sewage treatment facilities from the tax exemption for water and air pollution control facilities, removed by Rep. Pelkey.

HB 674, extending the veterans' property tax credit to all honorably discharged veterans, removed by Rep. Lawrence.

HB 318, relative to large groundwater withdrawals, removed by Rep. Camm.

HB 710, establishing a commission to study issues relative to the practice of leasing state-owned real estate on the shores of public waters, removed by Rep. Rausch.

HB 777-FN-A, imposing a fee and a fine for certain changes to terrain alteration permits, removed by Rep. Rausch.

HB 559, relative to seat belts on school buses, removed by Rep. Emerson.

HB 795, relative to restricting usage of cellular phones while driving, removed by Rep. Pantelakos.

CACR 16, relating to an income and a sales tax. Providing that there shall be a state

referendum prior to the legislature's adoption of an income tax or sales tax, removed by Rep. Vaillancourt.

HB 622-FN-A-L, establishing an income tax and repealing all state and local taxes, with the exception of the tobacco tax, beginning in 2012, removed by Rep. Vaillancourt.

HB 757-FN-A, relative to the beer tax, removed by Rep. Vaillancourt.

HB 793-FN-A, establishing an exemption from the interest and dividends tax for individuals who are 62 years of age or older, removed by Rep. Vaillancourt.

HB 820-FN-A, establishing tax on candy, removed by Rep. Vaillancourt.

HB 891-FN-A, establishing a beverage fee to be paid by beverage manufacturers and distributors, removed by Rep. Vaillancourt.

HB 913-FN-A, establishing a senior citizen property tax postponement program, removed by Rep. Almy.

Consent Calendar adopted.

Rep. Almy declared a conflict of interest on **HB 635** and did not participate in the vote on the Consent Calendar.

Rep. Morrison declared a conflict of interest on **HB 205** and did not participate in the vote on the Consent Calendar.

Rep. John Thomas declared a conflict of interest on **HB 562**, **HB 568** and **HB 758** and did not participate in the vote on the Consent Calendar.

HB 278, relative to notification of a parent or guardian by the medical facility treating a minor injured in an accident. **INEXPEDIENT TO LEGISLATE.**

Rep. Barbara Hull Richardson for Children and Family Law: The committee deemed this bill unnecessary after learning that current practice already includes provisions for notifying parents or guardians when a minor is injured or requires medical assistance. Vote 17-0.

HB 304, relative to the criteria under which guardianship over a minor is granted. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Mary E. Walz for Children and Family Law: This bill was requested by school districts whose taxpayers are being required to pay to educate students from around the country. These students move to their town and live with a host family so that the student can play hockey at a nearby arena. To avoid paying tuition to the town, the minor's family petitions to have guardianship granted to the host family. Usually any student living with a guardian is entitled to attend the local public school for free. This bill states that if guardianship is granted solely to facilitate the minor's participation in athletic activities, the receiving public school may assess tuition, even if the guardianship is granted. Vote 17-0.

Amendment (0879h)

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

1 Residency and School Attendance; Guardianship. Amend RSA 193:12, II(a)(3) to read as follows:

(3) If the minor is in the custody of a legal guardian appointed by a New Hampshire court of competent jurisdiction or a court of competent jurisdiction in another state, territory, or country, legal residence is where the guardian resides. If the department of health and human services has been appointed legal guardian, the residence of the minor is where the child is placed by the department or the court. Legal guardianship shall not be appointed solely for the purpose of allowing a pupil to attend school in a district other than the district of residence of the minor's parent or parents, **or primarily for the purpose of facilitating a minor's participation in athletic activities as provided in RSA 463:8, III(d).** Whenever a petition for guardianship or legal custody is filed in a court of competent jurisdiction on behalf of a relative of a child, other than a parent, the child shall be permitted to attend school in the district in which the relative of the child resides pending a court determination relative to custody or guardianship.

2 New Subparagraph; Guardianship of Minors and Estates of Minors; Notice. Amend RSA 463:6, I by inserting after subparagraph (f) the following new paragraph:

(g) The superintendent of the school administrative unit in the city or town in which the person nominated in the petition to be guardian resides.

3 New Subparagraph; Guardianship of Minors and Estates of Minors; Conduct of Hearing. Amend RSA 463:8, III by inserting after subparagraph (c) the following new subparagraph:

(d) A public school district which would receive a minor pursuant to a guardianship granted under this subparagraph may object to the guardianship request on the grounds that the sole or primary motive for the guardianship request is to facilitate the minor's participation in athletic activities. The public school district responsible for educating a minor who is granted guardianship under this subparagraph may assess tuition to the petitioner.

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

AMENDED ANALYSIS

This bill provides that a public school district may object to a guardianship request on the grounds that the sole or primary motive for the guardianship request is to facilitate the minor's participation in athletic activities. The public school district responsible for educating a minor who is granted guardianship in such cases may assess tuition to the petitioner.

HB 348, relative to the payment of college or postsecondary education expenses as part of a child support agreement. **INEXPEDIENT TO LEGISLATE.**

Rep. Edward P. Moran for Children and Family Law: The committee feels that current law maintains an equitable balance between intact and divorced families as regards not having courts be able to require college contributions by parents. Divorced families generally have the additional financial burden of another household to maintain. Vote 17-1.

HB 406, relative to access to state child support enforcement records. **OUGHT TO PASS.**

Rep. Daniel C. Itse for Children and Family Law: Federal rules will require that child support records be shared with other divisions of Health and Human Services in order to ensure that government support is not being paid for persons who are receiving private support from their non-custodial parents. If the child support records are not allowed to be shared between divisions and their contracted agents, New Hampshire will not be eligible for the federally cost shared portions of Temporary Aid to Needy Families, child and family services, foster care, state Children's Health Insurance Program and Medicaid. The inter-divisional sharing of the information shall remain confidential and be used only for the administration of the various departments. Additional statutory safeguards regarding confidentiality are in place for each of these departments, some of which carry criminal penalties. Vote 17-0.

HB 410, establishing a commission on child support issues. **OUGHT TO PASS.**

Rep. Anthony P. Matarazzo for Children and Family Law: The committee receives many bills, as well as a great amount of testimony on parental responsibilities and divorce. The climate is constantly changing. Additionally, the federal government requires states to review their child support guidelines every four years or face serious financial consequences. The committee wants the state to comply and be at the forefront on these laws and changes. The impact on children is direct and significant. The committee looks forward to gaining insight from the commission which includes obligors, obligees, a guardian ad litem, the administrative judge of the judicial branch family division, the chair of the family law section of the New Hampshire Bar Association, and others. The commission brings all the players to the table to have the broadest most expert input possible from those who are most affected by child support issues. Vote 19-0.

HB 444, relative to parental rights in abuse and neglect cases. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Edward P. Moran for Children and Family Law: This bill requires the court to provide written findings of its decision following a custody hearing requested by the non-accused parent in an abuse and neglect proceeding. The bill also requires the department of health and human services to notify the parent of his or her right to request a custody hearing at the earliest opportunity. Vote 17-0.

Amendment (0889h)

Amend the bill by replacing section 1 with the following:

1 Custody Hearing for Parent Not Charged With Abuse or Neglect. Amend RSA 169-C:19-e to read as follows:

169-C:19-e Custody Hearing for Parent not Charged With Abuse or Neglect.

I. A parent who has not been charged with abuse or neglect shall be afforded, upon request, a full hearing in the district or family court regarding his or her ability to obtain custody. At the hearing, the parent shall be provided the opportunity to present evidence pertaining to his or her ability to provide care for the child and shall be awarded custody unless the state demonstrates, by a preponderance of the evidence, that he or she has abused or neglected the child or is otherwise unfit to perform his or her parental duties. ***The court shall make written findings of fact supporting its decision.***

II. ***The department shall notify a parent who has not been charged with abuse or neglect of his or her right to request a hearing under this section at the earliest available opportunity.***

AMENDED ANALYSIS

This bill requires the court to provide written findings of its decision following a custody hearing requested by the non-accused parent in an abuse and neglect proceeding. The bill also requires the department of health and human services to notify the parent of his or her right to request a custody hearing.

HB 463, relative to the awarding parental rights and responsibilities to a stepparent or grandparent. **OUGHT TO PASS.**

Rep. Daniel C. Itse for Children and Family Law: This bill was the result of an interim study committee of a bill of the same subject from the previous session. Currently, the statute regarding the distribution of parental rights and responsibilities during divorce states that these statutes have no bearing on the power of the court to award parental rights and responsibilities to stepparents or grandparents. This specific power exists nowhere else in our statutes. The committee believes that stepparents and grandparents have adequate capacity to obtain legal guardianship, if the parents can be proved incompetent, without muddying the waters during a divorce. The bill simply strikes the reference to stepparents and grandparents from our statute regarding the distribution of parenting rights and responsibilities during divorce. Vote 16-0.

HB 470, relative to the determination of parental rights and responsibilities. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Carolyn M. Gargas for Children and Family Law: The amendment replaces the entire bill by establishing an oversight committee to monitor the 461-A statute on parental rights and responsibilities. It will also monitor divorce and related issues. The committee has a concern that the courts may be providing insufficient information about the reasoning used in arriving at their decisions, thus compromising the possibility of a successful appeal. The oversight committee will monitor this area as part of its duties. Vote 19-0.

Amendment (0838h)

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

1 New Section; Legislative Oversight Committee. Amend RSA 461-A by inserting after section 20 the following new section:

461-A:21 Legislative Oversight Committee.

I. There is established an oversight committee to ensure the monitoring of written explanations for court decisions pursuant to RSA 461-A:6, VII and to track information and all related requirements of RSA 461-A. The committee shall monitor parental rights and responsibilities, divorce, and related issues.

II. The committee shall consist of 6 members of the house children and family law committee, appointed by the speaker of the house of representatives, and one member of the senate appointed by the president of the senate.

III. The committee shall, annually on or before November 1, report its findings and any recommendations for proposed legislation or other action. Reports shall be distributed to the governor, president of the senate, speaker of the house of representatives, administrative judge of the family division of the courts, and the state library.

2 Prospective Repeal. RSA 461-A:21, relative to the legislative oversight committee, is repealed.

3 Effective Date.

I. Section 2 of this act shall take effect January 1, 2011.

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

AMENDED ANALYSIS

This bill establishes a legislative oversight committee to monitor implementation of RSA 461-A through January 1, 2011.

HB 495-FN, relative to criminal record and central registry checks of prospective foster and adoptive parents. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Mary E. Walz for Children and Family Law: This bill amends the Child Protection Act so that New Hampshire statutes comply with federal prerequisites to receive Foster Care Support money. Specifically, the change requires criminal record checks for private non-agency proceedings, for adoption proceedings initiated by the Department of Health and Human Services, or for adoption proceedings initiated by another agency. This bill also amends the laws governing delinquent children to allow a child to be released to the custody of the Department of Health and Human Services for appropriate placement. This assures that the language in NH statutes is in compliance with federal requirements. Vote 15-0.

Amendment (0173h)

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

AN ACT relative to criminal record and central registry checks of prospective foster and adoptive parents and relative to the custody of a child placed by the court in a delinquency proceeding or a proceeding for a child in need of services (CHINS).

Amend the bill by replacing all after section 6 with the following:

7 New Paragraph; Delinquent Children; Definition of Custody Added. Amend RSA 169-B:2 by inserting after paragraph III the following new paragraph:

III-a. "Custody" means a legal status created by court order wherein the department of health and human services has placement and care responsibility for the minor.

8 Delinquent Children; Release Prior to Arraignment. Amend RSA 169-B:11, II to read as follows:

II. If such a person is not available, the court may release the minor under the supervision of a relative or friend; or ~~[place the minor]~~ **may release the minor to the custody of the department of health and human services for placement** in a foster home, as defined in RSA 169-C:3, XIII, a crisis home, a shelter care facility, **or** a group home with expenses charged according to RSA 169-B:40, or an alcohol crisis center certified to accept juveniles; or

9 Delinquent Children; Release or Detention Pending Adjudicatory Hearing. Amend RSA 169-B:14, I(c) to read as follows:

(c) Released [~~in the supervision and care of~~] ***to the custody of the department of health and human services for placement in*** a foster home, as defined in RSA 169-C:3, XIII, ***a group home, a crisis home, or a shelter care facility*** with expenses charged according to RSA 169-B:40; or

10 Delinquent Children; Dispositional Hearing. Amend RSA 169-B:19, I(f) to read as follows:

(f) Release the minor [~~in the care and supervision of~~] ***to the custody of the department of health and human services for placement in a foster home, as defined in RSA 169-C:3, XIII***, a group home, ***a*** crisis home, or ***a*** shelter care facility, with expenses charged according to RSA 169-B:40.

11 Child in Need of Services; Definition of Custody Added; Section Alphabetized and Renumbered. RSA 169-D:2 is repealed and reenacted to read as follows:

169-D:2 Definitions. In this chapter:

I. "Child" means a person who is under the age of 18 on the date the petition is filed pursuant to RSA 169-D:5.

II. "Child in need of services" means a child who is under the age of 18 and who is expressly found to be:

(a) Subject to compulsory school attendance, and who is habitually, willfully, and without good and sufficient cause, truant from school; or

(b) A child who habitually runs away from home, or who repeatedly disregards the reasonable and lawful commands of his or her parents, guardian, or custodian and places himself or herself or others in unsafe circumstances; or

(c) A child who has exhibited willful repeated or habitual conduct constituting offenses which would be violations under the criminal code of this state if committed by an adult or, if committed by a person 16 years of age or older, would be violations under the motor vehicle code of this state; and

(d) Is expressly found to be in need of care, guidance, counseling, discipline, supervision, treatment, or rehabilitation.

III. "Conditional release" means a legal status created by a court order following an adjudication that a child is a child in need of services and shall be permitted to remain in the community, including his or her home, subject to:

(a) The conditions and limitations of his or her conduct prescribed by the court.

(b) Such counseling and treatment as are deemed necessary, pursuant to methods and counseling prescribed by the court, for the minor and his or her family.

(c) The supervision of juvenile probation and parole officers as authorized by RSA 170-G:16.

(d) Return to the court for violation of the conditions of the release and change of the disposition at any time during the term of the conditional release.

IV. "Court" means the district court, unless otherwise indicated.

V. "Custody" means a legal status created by court order wherein the department of health and human services has placement and care responsibility for the child.

VI. "Diversion" means a decision made by a person with authority which results in providing an individually designed program for delivery of services for the child by a specific provider, or a plan to assist the child in finding a remedy for his or her inappropriate behavior. The goal of diversion is to prevent further involvement of the child in the formal legal system. Diversion of a child may take place either at pre-filing as an alternative to the filing of a petition or at any time after the filing of the petition.

VII. "Home detention" means court-ordered confinement of a minor with his or her parents or other specified home for 24 hours a day unless otherwise prescribed by written court order, under which the minor is permitted out of the residence only at such hours and in the company of persons specified in the court order establishing the home detention.

VIII. "Restitution" means moneys, compensation, work, or service which is reimbursed by the offender to the victim who suffered personal injury or economic loss.

IX. "Services" means care, guidance, counseling, discipline, supervision, treatment and rehabilitation or any combination thereof.

12 CHINS; Release Prior to Initial Appearance. Amend RSA 169-D:10, II(c) to read as follows:

(c) ***The custody of department of health and human services for placement in a foster home, as defined in RSA 169-C:3, XIII, a group home, a crisis home, or a shelter care facility*** with expenses chargeable as provided in RSA 169-D:29; or

13 CHINS; Release Pending Adjudicatory Hearing. Amend RSA 169-D:13, I(c) to read as follows:

(c) ~~[Placed]~~ ***Released to the custody of the department of health and human services for placement in a foster home, as defined in RSA 169-C:3, XIII, a group home, a crisis home, or a shelter care facility*** with expenses chargeable as provided in RSA 169-D:29; or

14 CHINS; Dispositional Hearing. Amend RSA 169-D:17, I(b) to read as follows:

(b)(1) Releasing the child in the supervision and care of:

(4) A relative or suitable adult; or

(2) ***Releasing the child to the custody of the department of health and human services for placement in a foster home, as defined in RSA 169-C:3, XIII, a group home, a crisis home, or a shelter care facility*** with expenses charged in accordance with RSA 169-D:29; or

(3) ~~A foster home, as defined in RSA 169-C:3, XIII, with expenses charged according to RSA 169-D:29].~~

15 Repeal. The following are repealed:

I. RSA 169-B:14, I(d), relative to certain placements pending an adjudicatory hearing.

II. RSA 169-B:19, I(g), relative to certain placements at the dispositional hearing.

III. RSA 169-D:10, II(d), relative to certain placements pending an adjudicatory hearing.

IV. RSA 169-D:13, I(d), relative certain placements at the dispositional hearing.

16 Effective Date.

I. Sections 2-6 of this act shall take effect upon certification by the commissioner of the department of health and human services to the secretary of state and the office of legislative services that the United States Attorney General had adopted rules of dissemination regarding access to national crime information databases for governmental social service agencies and that departmental personnel with access to that information meet all requirements set by the Attorney General including training, certification, and background screening.

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

AMENDED ANALYSIS

This bill establishes criteria and procedures for criminal record and central registry checks of prospective foster and adoptive parents. The bill also defines custody in the context of court-ordered placements under RSA 169-B (delinquency) and RSA 169-D (CHINS).

This bill is a request of the department of health and human services.

HB 602-FN, relative to child support enforcement. **OUGHT TO PASS.**

Rep. Beth R. Arsenault for Children and Family Law: The legislation is in response to the Federal Deficit Reduction Act of 2005, requiring a \$25 annual fee for child support services in cases where public assistance had never been provided by the state. Failure to implement this legislation would subject the state to federal sanctions at a total loss of \$14.2 million in federal funding. Vote 17-0.

HB 827-FN, relative to the reasonable cost of medical support for dependent children.
OUGHT TO PASS WITH AMENDMENT.

Rep. Anthony P. Matarazzo for Children and Family Law: To enforce child support administration, this bill adds medical support to the department's duty to enforce child support and either or both parents owe a duty to provide a child with medical support. If insurance is not affordable, it will be provided by the state. This legislation is required pursuant to Federal Deficit Reduction Act mandates, and failure to comply will result in a significant loss of federal funding. Vote 17-0.

Amendment (0906h)

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

1 Duty of Department to Enforce Child Support; Medical Support Added. Amend RSA 161-B:3, II to read as follows:

II. The commissioner may accept applications for support enforcement services on behalf of persons who are not recipients of public assistance and may take such action as the commissioner deems appropriate to establish or enforce support obligations against ~~[persons]~~ **either or both parents** owing a duty to ~~[pay]~~ **provide child or medical** support. Action may be taken under this chapter, the abandonment or nonsupport statutes, or other appropriate statutes of this state, including but not limited to remedies established in RSA 161-C, to establish and enforce support obligations, provided, however, that if such child support obligation has been terminated by court order or by operation of law the commissioner may close the case in accordance with the criteria set out in federal statutes and regulations.

2 Income Assignment; Amount Withheld. Amend RSA 458-B:4, VI to read as follows:

VI. When less than the full amount of a legal order of support is withheld from the obligor's income, the difference shall accrue as arrears as long as the legal order of support remains in effect. ***Amounts withheld from income to satisfy support obligations shall be given the following priority by the employer, unless a court or administrative order directs otherwise:***

(a) Current child and spousal support;

(b) Health insurance premiums or current cash medical support obligations;

(c) Arrearages; and

(d) Other child support obligations.

3 Child Support Guidelines; Definition of Adjusted Gross Income; Medical Support Obligation Deducted. Amend RSA 458-C:2, I(e) to read as follows:

(e) Amounts actually paid by the obligor for allowable child care expenses or ***the*** medical ~~[insurance coverage]~~ ***support obligation*** for the minor children to whom the child support order applies.

4 New Paragraph; Child Support Guidelines; Definition of Medical Support Obligation Added. Amend RSA 458-C:2 by inserting after paragraph IV the following new paragraph:

IV-a. "Medical support obligation" means the obligation of either or both parents to provide health insurance coverage for a dependent child and/or to pay a monetary sum toward the cost of health insurance provided by a public entity, parent, or other person, or for medical costs not covered by insurance, including payment for the cost of premiums, co-payments, and deductibles.

5 New Paragraph; Child Support Guidelines; Definition of Reasonable Cost Added. Amend RSA 458-C:2 by inserting after paragraph VI the following new paragraph:

VI-a. "Reasonable cost" means that the medical support obligation does not exceed 5 percent of the parent's individual net income as calculated under the formula set forth in RSA 458-C:2, VI.

6 New Paragraph; Child Support Guidelines; Medical Support Obligation. Amend RSA 458-C:3 by inserting after paragraph IV the following new paragraph:

V. If the minor child is not currently enrolled in private health insurance, the court shall calculate a reasonable medical support obligation for each parent. A medical support obligation shall be reasonable if it does not exceed 5 percent of the parent's individual net income under RSA 458-C:2, VI-a. If the court determines that health insurance is available at a reasonable cost to either parent, or is available by combining the reasonable medical support obligation of both parents, the court shall order either or both parents to provide such support.

7 Parental Rights and Responsibilities; Medical Support Obligation. Amend RSA 461-A:14, IX to read as follows:

IX. **(a)** Each child support order shall include the court's determination and findings relative to health insurance and the payment of uninsured medical expenses for the children.

(b) *If the court determines that private health insurance is accessible and available at a reasonable cost, the court shall order the parent, or parents, to provide such insurance for the children. Accessible health insurance means the primary care services are located within 50 miles or one hour from the child's primary residence. Health insurance shall be available at a reasonable cost if the cost of such insurance does not exceed 5 percent of the responsible parent's individual net income under RSA 458-C:2, VI-a.*

(c) *If the court determines that private health insurance is not accessible or available at a reasonable cost, the court shall establish a cash medical support obligation, calculated in accordance with RSA 458-C:3, V, and order that either or both parents shall obtain such private health insurance if it subsequently becomes accessible and available at a reasonable cost. When ordered in lieu of private health insurance, an obligation for cash medical support shall be suspended and shall not accrue during such time as the obligated parent is providing private health insurance in accordance with this paragraph.*

(d) *In all cases where support is payable through the department, or where the department is providing medical assistance for the child under RSA 167, the court shall include the medical support obligation in any order issued on or after the effective date of this paragraph.*

(e) *A court may order either or both parents to pay a medical support obligation, either to provide health insurance coverage or as cash medical support, in excess of reasonable cost, in such other circumstances, as the court deems appropriate.*

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

HB 867-FN-L, relative to parent liability for court-ordered services in juvenile proceedings. **ought to pass with amendment.**

Rep. Edward P. Moran for Children and Family Law: This bill clarifies notification requirements as well as reimbursement time frames for adults who are responsible for children receiving court ordered services in juvenile proceedings. The time frame for repayment is four years after services begin, but provides for agreements between the county and the responsible party to modify obligations into a mutually acceptable framework. As the county human service offices have responsibility for recovering monies and their reimbursement hasn't changed since 1987, they included a provision increasing their administrative share as the proceeds are split with the state. This bill was requested by all of the counties. Vote 13-2.

Amendment (0815h)

Amend RSA 169-B:40, I(d) as inserted by section 2 of the bill by replacing it with the following:

~~[(e)]~~ **(d)** The state shall have a right of action ~~[over]~~ for such expenses against the parents or the people chargeable by law for the minor's support and necessities and **shall**

have the right to require parents or other people chargeable by law for the minor's support and necessities to assign to the state any insurance benefits that may be available to pay for all or a portion of the services provided. The department shall request reimbursement for such expenses from parents or other people chargeable by law for the minor's support ~~[and shall request assignment to the state of any insurance benefits that may be available to pay for all or a portion of the services provided]~~. The court shall require the individual chargeable by law for the minor's support and necessities to submit a financial statement ~~[annually to the court]~~ **periodically to the legally liable county which shall make recommendations to the court** upon which the court shall make an order as to reimbursement to the state as may be reasonable and just, based on the person's ability to pay. Such financial statement shall include, but not be limited to, **income of all household members and** any benefits received from the Social Security Administration or insurance benefits available to ~~[the individual]~~ **household members**. The court shall include disposition of these benefits in its order as to reimbursement. Such reimbursement shall be established on a per month or per week basis and shall ~~[continue from the time the services begin until 4 years beyond the time such services end]~~ **begin as soon as possible after services commence and shall continue for a period of time equal to the length of time services were provided plus an additional 4 years**, unless such reimbursement is fully paid prior to the end of the 4-year period. **This time period may be extended by agreement of the parties. Any month in which reimbursement payments are not paid shall extend the total period of reimbursement by one month.** The court's jurisdiction to order reimbursement shall continue until the court-ordered obligation to reimburse has been fulfilled. If the court does not issue a reimbursement order, the court shall issue written findings explaining why such reimbursement is not ordered. Amend RSA 169-C:27, I(d) as inserted by section 4 of the bill by replacing it with the following:

~~[(e)]~~ **(d)** The state shall have a right of action ~~[over]~~ for such expenses against the parents or the people chargeable by law for the child's support and necessities and **shall have** the right to require parents or other people chargeable by law for the minor's support and necessities to assign to the state any insurance benefits that may be available to pay for all or a portion of the services provided. The department shall request reimbursement for such expenses from parents or people chargeable by law for the minor's support and necessities ~~[and shall request assignment to the state of any insurance benefits that may be available to pay for all or a portion of the services provided]~~. The court shall require the individual chargeable by law for the child's support and necessities to submit a financial statement ~~[annually to the court]~~ **periodically to the legally liable county which shall make recommendations to the court** upon which the court shall make an order as to reimbursement to the state as may be reasonable and just, based on the person's ability to pay. Such financial statement shall include, but not be limited to, **income of all household members and** any benefits received from the Social Security Administration or insurance benefits available to ~~[the individual]~~ **household members**. The court shall include disposition of these benefits in its order as to reimbursement. Such reimbursement shall be established on a per month or per week basis and shall ~~[continue from the time the services begin until 4 years beyond the time such services end]~~ **begin as soon as possible after services commence and shall continue for a period of time equal to the length of time services were provided plus an additional 4 years**, unless such reimbursement is fully paid prior to the end of the 4-year period. **This time period may be extended by agreement of the parties. Any month in which reimbursement payments are not paid shall extend the total period of reimbursement by one month.** The court's jurisdiction to order reimbursement shall continue until the court-ordered obligation to reimburse has been fulfilled. If the court does not issue a reimbursement order, the court shall issue written findings explaining why such reimbursement is not ordered.

Amend RSA 169-D:29, I(d) as inserted by section 6 of the bill by replacing it with the following:

~~[(e)]~~ **(d)** The state shall have a right of action ~~[over]~~ for such expenses against the parents or the people chargeable by law for the child's support and necessities and the right to require parents or other people chargeable by law for the minor's support and necessities to assign to the state any insurance benefits that may be available to pay for all or a portion of the services provided. The department shall request reimbursement for such expenses from parents or people chargeable by law for the minor's support ~~[and shall request assignment to the state of any insurance benefits that may be available to pay for all or a portion of the services provided]~~. The court shall require the individual chargeable by law for the child's support and necessities to submit a financial statement ~~[annually to the court]~~ **periodically to the legally liable county which shall make recommendations to the court**, upon which the court shall make an order as to reimbursement to the state as may be reasonable and just, based on the person's ability to pay. Such financial statement shall include, but not be limited to, **income of all household members** any benefits received from the Social Security Administration or insurance benefits available to ~~[the individual]~~ **household members**. The court shall include disposition of these benefits in its order as to reimbursement. Such reimbursement shall be established on a per month or per week basis and shall ~~[continue from the time the services begin until 4 years beyond the time such services end]~~ **begin as soon as possible after services commence and continue for a period of time equal to the length of time that services were provided plus an additional 4 years**, unless such reimbursement is fully paid prior to the end of the 4-year period. **This time period may be extended by agreement of the parties. Any month in which reimbursement payments are not made shall extend the total period of reimbursement by one month.** The court's jurisdiction to order reimbursement shall continue until the court-ordered obligation to reimburse has been fulfilled. If the court does not issue a reimbursement order, the court shall issue written findings explaining why such reimbursement is not ordered.

Amend the bill by replacing section 7 with the following:

7 Effective Date. This act shall take effect July 1, 2007.

HB 36, relative to the reporting of municipal liens in consumer reports. **INEXPEDIENT TO LEGISLATE.**

Rep. Paul McEachern for Commerce: The purpose of the legislation is to relieve tax collectors of the burden of dealing with the irate taxpayer who mistakenly believes that a tax lien has not been released in the registry of deeds when in fact it was released. This situation arises when a credit reporting agency misses the recorded lien release. The bill would impose a duty of "reasonable diligence" upon the consumer credit reporting service and a requirement that the reporting service show the lien release on its report within one year of the release. Current law requires reporting agencies to correct errors within 30 days. The committee felt this bill does not address the perceived problem. Vote 13-2.

HB 73, relative to contractor bids. **INEXPEDIENT TO LEGISLATE.**

Rep. James R. Martin for Commerce: This bill would allow any unsuccessful bidder on any contract to receive a minimum of \$500 for each ineligible person employed at any time by the successful bidder, regardless of whether the unsuccessful bidder was even qualified to perform the contract. An ineligible employee is a person not eligible for employment under the law of New Hampshire or the United States. As such, the bill provides a windfall to any alert person (and his friends) who submits even unrealistically high bids solely for the purpose of losing the bid but in the expectation of receiving \$500 for each ineligible person employed by the winning bidder at any time. Vote 16-0.

HB 78, relative to health insurance coverage for certain unmarried children.

INEXPEDIENT TO LEGISLATE.

Rep. Jill Shaffer Hammond for Commerce: The purpose of this bill, to extend insurance coverage to unmarried children 24 years of age and younger, has been rolled into HB 790. Vote 17-0.

HB 179, prohibiting surrender penalties on life insurance policies. **INEXPEDIENT TO LEGISLATE.**

Rep. Stephen T. DeStefano for Commerce: This bill prohibits surrender or cancellation fees on life insurance policies which may be assessed if the insured wishes to terminate the policy. While some surrender values are high, completely eliminating all would pose a real problem for the industry. If these surrender charges were removed the sale of annuities may not be offered. Vote 14-1.

HB 266, establishing a commission to study affordable and accessible health care for New Hampshire citizens. **INEXPEDIENT TO LEGISLATE.**

Rep. Jill Shaffer Hammond for Commerce: The structure and duties requested in this bill have been wholly combined and expanded into HB 305 establishing a task force to study and develop legislation for 2008 for access to affordable health insurance. Vote 17-0.

HB 298, relative to the healthy kids corporation. **OUGHT TO PASS.**

Rep. Stephen T. DeStefano for Commerce: This bill provides that the Healthy Kids Corporation shall be the program administrator for the expanded children's health insurance program under the Social Security Act. This bill adds the line, "the corporation shall be the program administrator for the state children's health insurance program under Title XXI of the Social Security Act." This is found under RSA 126-H: 2 and just clarifies that this organization stays in place and only the insurance coverage is sent out to bid. Vote 14-0.

HB 339, establishing a commission to study the processing and denial of health insurance claims. **INEXPEDIENT TO LEGISLATE.**

Rep. Jill Shaffer Hammond for Commerce: This bill sought to establish a commission to examine the efficacy of the "external review" process of health insurance claims. The small number of claims contested (approximately 60 annually out of millions processed by health insurance companies), with no preponderance of judgments either to the claimant or the insurer, indicated the process is working and that this is not a large problem. With the passage of HB 228 defining "medical necessity" future reviews will have clear criteria to work from. Vote 14-0.

HB 349, relative to exemptions from the consumer protection act. **INEXPEDIENT TO LEGISLATE.**

Rep. James R. Martin for Commerce: This bill would prohibit any business which is regulated by the bank commissioner, the director of securities regulation, the insurance commissioner, or the public utilities commission from engaging in any transaction unless that transaction is expressly permitted by that regulator. As such, the bill would stifle competition and innovation. It would require the various regulators to foresee every specific transaction that might occur in the future in vibrant markets like the financial and securities markets. Companies will be prohibited from introducing new financial products and services unless they are on some list of transactions that are expressly permitted. The companies are subject to day-to-day regulation by professional regulators who know their business and can prohibit any practices they deem improper. Vote 16-1.

HB 360, relative to commercial construction contracts. **INEXPEDIENT TO LEGISLATE.**

Rep. Matthew S. Houde for Commerce: This bill would provide penalties for late payment in commercial construction contracts (1.5% accruing 10 days after notice, 10% penalty on total

amount due, and lawyers fees). The committee does not feel it is appropriate to legislate terms in private contracts between sophisticated parties - nor to provide default terms that could otherwise be contracted around (a proposed amendment to the bill provided that these penalties could be avoided by providing alternative contract terms). Finally, there is no reason to believe that existing remedies for breach of payment are inadequate. Vote 18-0.

HB 385-FN, relative to licensing and insurance fees. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Edward A. Butler for Commerce: This bill consolidates certain fees & establishes other fees for late filings by insurance companies and eliminates the workers compensation administrative assessment credit against insurance premium tax payments. The Department of Insurance has determined this bill may increase state general fund revenue by \$1,100,000 in fiscal year 2008 and \$600,000 in fiscal year 2009 and each fiscal year thereafter. There will be no fiscal impact on state, county and local expenditures or county and local revenues. Vote 18-0.

Amendment (0794h)

Amend the bill by replacing section 1 with the following:

1 Repeal. The following are repealed:

- I. RSA 281-A:59, VI, relative to payments made to the administrative fund.
- II. RSA 400-A:29, IX, relative to fees for producers.
- III. RSA 402-J:1, III, relative to scope of the producer licensing.
- IV. RSA 402-J:6, I(c), relative to application for license.

Amend RSA 400-A:29, XIII as inserted by section 5 of the bill by replacing it with the following:

- XIII. Other licensing documents; producer, consultant, adjuster, public adjuster
 - (a) Qualification and clearance letters \$10
 - (b) Paper licenses \$10
 - (c) Copies (all documents) \$1 per page

Amend RSA 400-A:29, XVIII as inserted by section 7 of the bill by replacing it with the following:

- XVIII. Public adjusters; resident and non-resident
 - (a) Non-refundable application and license fee \$100
 - (b) Biennial renewal \$100
 - (c) Additional fee for late renewal \$100
 - (d) Fee for late completion of continuing education \$25
 - (e) Address change fee \$10
 - (f) Mail return fee \$25

Amend RSA 400-A:29, XIX(a) as inserted by section 7 of the bill by replacing it with the following:

- (a) Non-refundable application and license fee \$210

Amend the bill by deleting section 8 and renumbering the original sections 9-19 to read as 8-18, respectively.

Amend the bill by replacing section 12 with the following:

12 Insurance; High Risk Pool. Amend RSA 404-G:5-f, II to read as follows:

II. ~~[The following]~~ **All the** provisions of title 37 shall apply to the pool to the extent applicable and not inconsistent with the express provisions of this chapter, **except for the following:** ~~[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]~~ **RSA 400-A:29, RSA 400-A:31 through 35, RSA 404-B, RSA 404-D, RSA 404-H, 408-B, and RSA 420-K.** 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. Amend the bill by replacing all after section 16 with the following:

17 Effective Date. This act shall take effect 60 days after its passage.
Referred to the Committee on Ways and Means.

HB 481, relative to suspensions of liquor licenses. **INEXPEDIENT TO LEGISLATE.**

Rep. Joel F. Winters for Commerce: Do you believe in the principle of innocent until proven guilty? The committee understood that, although well intentioned, this bill could threaten that doctrine. After receiving a petition from a town or city that declared a liquor licensee to be a threat to the public welfare, the liquor commission would be required to suspend the liquor license without doing an investigation of their own. The liquor commission already has the authority under RSA 541-A to immediately suspend a license if they find a threat to the public welfare, and there was concern that this power could potentially be abused by towns. Vote 14-0.

HB 484, relative to liens held by condominium associations on condominiums.
INEXPEDIENT TO LEGISLATE.

Rep. Paul McEachern for Commerce: The committee felt that existing law works quite well. Under current law liens for unpaid condominium assessments are reduced to judgments in court avoiding the necessity of foreclosure. Suit is less cumbersome than foreclosure. Vote 14-0.

HB 513, establishing a housing commission. **OUGHT TO PASS.**

Rep. Stephen T. DeStefano for Commerce: This bill establishes a housing commission to identify ways the state can promote and encourage the development of affordable housing. With outflow of our young adults because of the cost of housing the state needs to find a way to generate affordable or workforce housing. This bill specifically recommends that state agencies provide improved technical assistance to local governments on housing related matters. The committee felt that this commission was very necessary. Vote 12-1.

HB 536, relative to the regulation of martial arts schools. **OUGHT TO PASS.**

Rep. Stephen P. Spratt for Commerce: This bill takes martial arts out of the health club statute and creates its own statute. In so doing the bill retains much of the health club language while expanding the options for martial arts students. Vote 15-2.

HB 549, relative to accepting a purchase and sale agreement on developed waterfront property. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Stephen T. DeStefano for Commerce: This bill allows a buyer and a seller to enter into a purchase and sales agreement prior to a completed site assessment. The site assessment still needs to be completed prior to the transfer of title between the seller and buyer. Vote 15-0.

Amendment (0888h)

Amend the bill by replacing section 1 with the following:

1 Waterfront Property Sale; Site Assessment Study. Amend RSA 485-A:39, I to read as follows:

I. Prior to the execution of a purchase and sale agreement for any developed waterfront property using a septic disposal system, the owner of the property shall, at his **or her** expense, engage a permitted subsurface sewer or waste disposal system designer to perform a site assessment study to determine if the site meets the current standards for septic disposal systems established by the department. The site assessment study shall include an on-site inspection. ***If the site assessment is not complete prior to the time***

that the buyer and seller enter into a purchase and sale contract, the contract shall be subject to the buyer's acceptance of the completed site assessment.

HB 613-FN, relative to payment for tobacco products purchased by retailers.
INEXPEDIENT TO LEGISLATE.

Rep. Joel F. Winters for Commerce: This bill would require cigarette retailers to pay wholesalers for the cost of tobacco products purchased within 10 days of the purchase. State law does not currently set a time table; we allow the parties to set whatever terms that they can agree on, whether it is COD, or 10, 15, even 30 days or more after the purchase. Ninety-nine percent of retailers pay their bills on time, so the committee felt that this was not a problem that needed a legislative solution. Vote 17-0.

HB 636-FN, relative to physician credentialing under the managed care law. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Donald H. Flanders for Commerce: This bill allows the health care provider who, at the time of application, has been licensed by the respective state licensing board and credentialed by the hospital, if appropriate, to deliver health care services to covered persons and seek reimbursement for such services, when covering on-call for another health care provider who is credentialed by the carrier. It also establishes a time frame for the carriers to act upon and finalizes the credentialing process for primary care physicians and specialists. Vote 16-1.

Amendment (0798h)

Amend the bill by replacing section 1 with the following:

1 Managed Care Law; Credentialing Verification. Amend RSA 420-J:4, I to read as follows:

I. A health carrier shall:

(a) Establish written policies and procedures for credentialing verification of all health care professionals with whom the health carrier contracts and apply these standards consistently.

(b) Verify the credentials of a health care professional ~~[before the health care professional with whom the health carrier is contracting provides health services to covered persons]~~. ***Prior to completion of credentialing verification the health carrier shall:***

(1) Allow a health care provider who, at the time of application, has been licensed by the respective state licensing board and credentialed by the hospital, if appropriate, to deliver health care services to covered persons and seek reimbursement for such professional services, when covering on-call for another health care provider who is credentialed by the carrier.

(2) Allow a health care provider to deliver health care services to covered persons and seek reimbursement for such services, when that health care provider has been licensed by his or her respective state licensing board and credentialed by the hospital, if appropriate, and who at the time of application is credentialed by the health carrier in another state or is in the health carrier's New Hampshire network based on employment with a particular health care entity. When a health care provider relocates or opens an additional office and the carrier requires a site visit, documentation of the new site evaluation shall be required as part of the credentialing process. The medical director of the health carrier or other designated health care professional shall have responsibility for, and shall participate in, health care professional credentialing verification.

(c) Establish a credentialing verification committee consisting of licensed physicians and other health care professionals to review credentialing verification information and supporting documents and make decisions regarding credentialing verification.

(d) Make available for review by the applying health care professional upon written request all application and credentialing verification policies and procedures.

(e) Retain records and documents relating to a health care professional's credentialing verification process for 7 years.

(f) Keep confidential all information obtained in the credentialing verification process, except as otherwise provided by law.

(g) *Notify a health care provider that a submitted credentialing application is incomplete, not later than 15 business days after receiving the credentialing application.*

(h) *Act upon and finalize the credentialing process within 30 calendar days for primary care physicians and 45 days for specialists of receipt of a clean and complete application. In this section, "clean and complete" means an application signed and appropriately dated by the health care provider, that includes all of the applicable information required in paragraph II and any affirmative responses on questions related to quality and clinical competence shall contain explanations satisfactory to the carrier.*

AMENDED ANALYSIS

This bill allows the health care professional undergoing the formal credentialing process to provide services to patients during the process and to be reimbursed for such services upon verification of a clean credentialing record. This bill also establishes a time period within which the credentialing process is to be completed.

HB 641-FN, relative to automatic credentialing for health care providers. **INEXPEDIENT TO LEGISLATE.**

Rep. Donald H. Flanders for Commerce: This bill's subject matter was taken care of under HB 636-FN and the bill is no longer necessary. Vote 17-0.

HB 696, reclassifying certain positions in the insurance department. **OUGHT TO PASS WITH AMENDMENT.**

Rep. John B. Hunt for Commerce: This bill, as requested by the New Hampshire Insurance Department, reclassifies certain positions in the department. The amendment adds one more examiner position at the same labor grade. Vote 16-0.

Amendment (0786h)

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

1 Insurance Department; Positions Deleted. The following positions shall be transferred from classified to unclassified positions:

Position # 40861	Property and casualty actuarial analyst	Labor Grade 32
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Position # 41765	Compliance and enforcement counsel	Labor Grade 32
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Position # 10966	Insurance company examiner	Labor Grade 32
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2 Insurance Department; Positions Reclassified. Amend RSA 94:1-a, I(b) as follows:

Notwithstanding RSA 17-A:7, insert:

DD	Insurance department	Senior insurance fraud investigator
EE	Insurance department	Property and casualty actuarial analyst
EE	Insurance department	Compliance and enforcement council

Referred to the Committee on Executive Departments and Administration.

HB 764, relative to access to toilet facilities in public places. **INEXPEDIENT TO LEGISLATE.**

Rep. Stephen T. Pelkey for Commerce: This bill would require any private business to offer lavatory facilities to any person in cases of emergency. Current law requires only public buildings as well as bars and restaurants (or businesses that serve food) to provide lavatory facilities. The committee was unanimous with the difficulty of first establishing the definition of emergency and second mandating businesses to allow the public use of their facilities which for many would require extensive remodeling to meet access needs of the public as well as ADA compliant. The committee further felt that local control of building codes is the appropriate authority having jurisdiction beyond existing law. Vote 15-0.

HB 782-FN, relative to reinsurance intermediaries and conduct of examinations. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Stephen P. Spratt for Commerce: The bill, brought forward by the NH Insurance Department (NHIA), makes changes in the language regarding payment for experts hired in the examinations of an insured. In the last LBA audit of the insurance department, although recognizing that those costs were the responsibility of the insured, the language was unclear whether those expenses needed to be included in the department's budget. The bill also updates current law regarding reinsurance intermediaries to conform to the NAIC model. Vote 15-1.

Amendment (0736h)

Amend RSA 400-A:37, III(d) as inserted by section 6 of the bill by replacing it with the following:

(d) When making an examination under this title, the commissioner may retain, ***without appropriation under RSA 9 and without qualifying as a department expenditure under RSA 4:15***, attorneys, appraisers, independent actuaries, independent certified public accountants or other professionals and specialists as examiners, the cost of which shall be borne by the company which is the subject of the examination. ***The company shall pay the retained professional or specialist directly for these costs.***

Amend RSA 401-B:6, III as inserted by section 8 of the bill by replacing it with the following:

III. USE OF CONSULTANTS. The commissioner may retain ~~[at the insurer's expense]~~, ***without appropriation under RSA 9, without qualifying as a department expenditure under RSA 4:15, and at the insurer's expense***, such attorneys, actuaries, accountants and other experts not otherwise a part of the commissioner's staff as shall be reasonably necessary to assist in the conduct of the examination under RSA 401-B:6, I. ***The company shall pay the retained experts directly for these costs.*** Any persons so retained shall be under the direction and control of the commissioner and shall act in a purely advisory capacity.

HB 831, relative to notification by pharmacies to consumers when prescriptions need to be renewed. **INEXPEDIENT TO LEGISLATE.**

Rep. Stephen T. Pelkey for Commerce: This bill would require the pharmacist or designee to notify a consumer that a particular prescription needed to be renewed. By allowing this bill as written, the pharmacist would bear the burden of liability which is clearly unintended. The consequences could very well mean eventual higher costs to the consumers due to increased liability, handling and administrative costs of the pharmacies. The committee unanimously viewed this bill as the consumer's responsibility to manage his or her own prescriptions. Vote 15-0.

HB 840, relative to home improvement contracts. **INEXPEDIENT TO LEGISLATE.**

Rep. Tara G. Reardon for Commerce: The committee heard a couple of bills dealing with home improvement contracts. The sponsor requested that we find this bill inexpedient to

legislate and focus instead on another bill from the Senate. Vote 16-0.

HB 889-FN, relative to securities regulation. **OUGHT TO PASS WITH AMENDMENT.**
Rep. Matthew S. Houde for Commerce: This bill, requested by the department of state, modifies certain provisions of existing securities law to, among other things, make them consistent with federal securities law; require broker-dealers and investment advisors to establish supervisory procedures over branch offices in the state (not only to achieve compliance with all securities laws but also to enable the appointees of the secretary of state to focus regulatory and/or enforcement efforts where necessary); and exempt solicitors (those not providing investment advice but rather referring business to investment advisors) from examination requirements. The amendment changes the effective date from January 1, 2008 to July 1, 2007. At present, no fiscal note had been prepared. Vote 17-0.

Amendment (0783h)

Amend the bill by replacing section 9 with the following:

9 Effective Date. This act shall take effect July 1, 2007.

HB 921-FN, making technical changes in the insurance laws. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Stephen T. DeStefano for Commerce: This bill addresses current law regarding group health insurance coverage. The bill clarifies the issue of who is responsible when an employer fails to make their premium payment. Additionally it sets definitive criteria for notification by insurers to certificate holders and policy holders that their coverage has been terminated so that those employees may make an informed choice regarding their health coverage. Vote 14-1.

Amendment (0963h)

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

1 New Subparagraph; Accident and Sickness Policy Provisions. Amend RSA 415:6, I by inserting after subparagraph (14) the following new subparagraph:

(15) A provision as follows: Pre-certification: If a person is covered by more than one plan or policy and both policies require pre-certification, the pre-certification by the primary plan shall be considered sufficient and the secondary plan must honor the primary pre-certification.

2 Accident and Health Insurance; Group or Blanket Provisions. Amend the section heading of RSA 415:18 to read as follows:

415:18 **General** Group or Blanket Policy Provisions.

3 New Subparagraph; Accident and Health Insurance; Group. Amend RSA 415:18, I by inserting after subparagraph (t) the following new subparagraph:

(u) A provision that if a person is covered by more than one plan or policy and both policies require pre-certification, the pre-certification by the primary plan shall be considered sufficient and the secondary plan must honor the primary pre-certification.

4 Accident and Health Insurance; Group. Amend RSA 415:18, V(a) to read as follows:

V.(a) The coverage of any dependent of any employee or member of the group insured by such policy, pursuant to paragraph IV, who is mentally or physically incapable of earning his or her own living on the date as of which such dependent's status as a covered family member would otherwise expire because of age, shall continue under such policy while such policy remains in force or is replaced by another group or blanket policy as long as such incapacity continues and as long as said dependent remains chiefly financially dependent on the employee or member of the group or the employee or his or her estate is chargeable for the care of said dependent, provided that due proof of such incapacity is received by the insurer within 31 days of such expiration date. If such coverage is continued in accordance with this paragraph, such dependent shall be entitled upon the termination of such

incapacity to ~~[a converted policy in accordance with and subject to the terms and conditions of the conversion privilege clause if such privilege is afforded by the policy, provided that such dependent has not attained the limiting age if any for coverage of adults specified in the policy]~~ **coverage offered by the New Hampshire high risk pool under RSA 404-G.**

5 Accident and Health Insurance; Group. Amend RSA 415:18, VII to read as follows:

VII.(a) If a group or blanket policy affecting a resident of New Hampshire is delivered or issued for delivery in this state or any other state, and such policy provides hospital or surgical expense insurance or major medical expense insurance for other than specific diseases, accidents only, or short-term student insurance where the policyholder is the school, the policy and any certificate issued under such policy to a New Hampshire resident shall contain a provision to the effect that in case of termination for any reason whatever of coverage, **including termination of eligibility for continuation coverage**, provided any employee while insured under a group policy issued to his **or her** employer, ~~[or to trustees, or of a termination for any reason whatever of insurance provided any member while insured under a group policy issued to a labor union,]~~ if the employee or member is not then covered by another policy of hospital or surgical expense insurance or hospital service or medical expense indemnity corporation subscriber contract providing similar benefits or if the employee or member is not covered by or eligible to be covered by a group contract or policy providing similar benefits or is not provided with similar benefits required by any statute or provided by any welfare plan or program ~~[which together with converted policy would result in over insurance or duplication of benefits according to standards on file with the commissioner relating to individual policies],~~ the employee or member, if he **or she** has been insured under the group policy for at least 60 days, shall be entitled to have issued to him or her by the ~~[insurer]~~ **New Hampshire high risk pool** without evidence of insurability upon application ~~[therefor made to the insurer]~~ **to the New Hampshire high risk pool** within 31 days after such termination and upon payment of the ~~[quarterly]~~ **applicable** premium, ~~[applicable to the class of risk to which the covered person belongs, to the age of such person, and to the form and amount of insurance, an individual policy of insurance, hereinafter referred to as the converted policy. Subject to the provisions of this paragraph, the benefits provided under the converted policy shall be those required by paragraphs IX, X and XI, whichever is applicable. The commissioner may from time to time make rules to establish minimum standards for such converted plans, according to RSA 541-A.~~

~~(b) The plans chosen by the employee or member, shall, at the option of the employee or member, provide identical coverage including maternity at the option of the employee or member for the dependents of such employee or member who were covered under the group policy; provided, however, that in no event shall any of the benefits provided under such plan exceed those provided for such persons under the group policy from which the conversion was made]~~ **an individual policy of insurance under RSA 404-G or shall be entitled to elect the 39-week extension period pursuant to RSA 415:18, XVII.**

~~[(e)]~~ **(b)** The effective date of the individual policy shall be the date of the termination of the individual's insurance under the group policy. The individual policy shall not exclude any other preexisting condition ~~[but the hospital, surgical or medical benefits paid under the policy may be reduced by the amount of any such benefits payable under the group policy after the termination of the individual's insurance thereunder, and during the first policy year of such converted policy the benefits payable under the policy may be reduced so that they are not in excess of those that would have been payable had the individual's insurance under the group policy remained in force and effect; nor shall the individual's policy contain an age limit, except that the insurer shall not be required to convert a policy or to continue in force a converted policy which provides coverage to an individual eligible for benefits under the federal Social Security Act. The individual converted policy may include a provision whereby the insured may request information at any premium due date of the policy of any person covered thereunder as to whether he is~~

~~then covered by another policy of hospital or surgical expense insurance or hospital service or medical expense indemnity corporation subscriber contract providing similar benefits or is then covered by a group contract or policy providing similar benefits or is then provided with similar benefits, required by any statute or provided by any welfare plan or program. If any such person is so covered or so provided and fails to furnish the details of such coverage when requested, the benefits payable under the converted policy may be based on the hospital, surgical or medical expenses actually incurred after excluding expenses to the extent they are payable under such other coverage or provided under such statute, plan or program].~~

~~[(d) In the event the benefits payable are reduced in accordance with the provisions of this paragraph, the insurer shall return the portion of the premium paid which exceeds the pro rata portion of the benefits thus determined.~~

~~(e)~~ **(c)** The ~~[conversion provision]~~ **option to obtain coverage from the New Hampshire high risk pool under RSA 404-G** shall also be available, upon the death of the employee or member, to the surviving spouse with respect to those family members who are then covered by the group policy, ~~[and shall be available]~~ to a child solely with respect to himself **or herself** upon his **or her** attaining the limiting age of coverage under the group policy while covered as a dependent thereunder~~[- The conversion provision shall also be available], and to a former dependent spouse upon remarriage of the group plan member. [A former dependent spouse shall exercise the conversion]~~ **The option to obtain coverage from the New Hampshire high risk pool shall be exercised** within 31 days of the ~~[remarriage of the group plan member]~~ **qualifying event**.

~~[(f)]~~ **(d)** Each certificate holder in the insured group shall be given written notice of ~~[this conversion privilege]~~ **the option** and its duration within ~~[15]~~ **30** days after the date of termination of the group contract or policy. ~~[If this notice is given more than 15 days after the date of termination, the time allowed for the exercise of the privilege of conversion shall be extended for a period of 15 days following receipt of written notice by the certificate holder.]~~ Such notice shall be mailed by the insurer to the certificate holder at the last address furnished to the insurer by the contract holder at the same time as the notice required by RSA 415:18, ~~[VH(g)(4)]~~ **XVII** is mailed. Each certificate holder shall have the option of electing an individual ~~[conversion]~~ policy **from the New Hampshire high risk pool under RSA 404-G**, or the 39 week extension period provided pursuant to RSA 415:18, ~~[VH(g)(4)]~~ **XVII**. The election of the 39 week extension period upon termination by any person or member shall not preclude such person or member from electing ~~[a converted policy]~~ **to exercise the option of obtaining coverage from the New Hampshire high risk pool under RSA 404-G** at the expiration of the 39 week extension period.

~~[(g)(1) Whenever any individual who is a member of any group hospital, surgical, medical insurance plan, dental insurance plan, or health maintenance organization, except short-term student insurance where the policyholder is the school, becomes ineligible for continued participation in such plan for any reason including death, except dismissal for gross misconduct, the benefits of such plan shall be available at the same group rate to the individual, the surviving spouse and the dependents covered by the group plan, for an extension period of:~~

~~(A) 18 months; or~~

~~(B) 29 months in the case of an individual who is determined, under Title II or XVI of the Social Security Act to have been disabled within the first 60 days of the date such individual becomes ineligible for continued participation in the plan; or~~

~~(C) Except when the widow, widower, divorced spouse, or legally separated spouse of a covered employee is 55 years of age or older, 36 months in the case of:~~

~~(i) the death of the covered employee;~~

~~(ii) the divorce or the legal separation of the covered employee from the employee's spouse;~~

~~(iii) the covered employee's becoming entitled to benefits under Title XVIII of the Social Security Act or the covered employee's becoming entitled to benefits~~

under Title XVIII of the Social Security Act within the 18 month continuation in subparagraph (g)(1)(A); or

(iv) ~~a dependent child ceasing to be a dependent child.~~

(D) ~~When the surviving spouse, divorced spouse, or legally separated spouse of a covered employee is 55 years of age or older, in the case of the death of the covered employee; or, the divorce or the legal separation of the covered employee from the employee's spouse, then the extension period shall continue until the surviving spouse, divorced spouse, or legally separated spouse becomes eligible for participation in another employer-based group plan or becomes eligible for Medicare.~~

(E) ~~36 months, for retirees and dependents who have a substantial loss of coverage within one year of the employer filing for protection under the bankruptcy provisions of Title 11 of the United States Code.~~

(F) ~~Extension coverage need not be provided beyond:~~

(i) ~~the first day of the month following the date the individual becomes eligible for benefits under another group plan;~~

(ii) ~~the date of the first Medicare open enrollment period following the date the individual became ineligible for continued participation under the group plan;~~

(iii) ~~the date on which the group plan terminates subject to RSA 415:18, VII(g)(4); or~~

(iv) ~~the date on which coverage ceases because of a failure to make timely payment of premium as required; however, the payment of any premium shall be considered to be timely if made within 30 days after the date due or within such longer period as applies to the plan.~~

(G) ~~The individual, surviving spouse, divorced spouse, legally separated spouse, or dependent shall elect to continue the participation in the group plan according to rules adopted by the commissioner under RSA 541-A. The individual, surviving spouse, or dependent shall be responsible for payment of premiums which may include an administrative fee not to exceed 2 percent of the monthly premium to the employer or policyholder throughout the extension period. Any divorced spouse or legally separated spouse who is responsible for making a portion of or full payment to the employer shall notify the employer and the insurance company, in writing within 30 days of the decree of divorce or separation, that coverage under this subparagraph is requested. Any employee who is responsible for making a portion of or full payment to the employer shall likewise notify the employer and the insurance company, in writing within 30 days of the decree of divorce or separation, that coverage under this subparagraph is requested. The employer shall have the right to terminate coverage for a former dependent spouse who is receiving coverage under this subparagraph if any payment for the coverage is not received from the former dependent spouse within 30 days of the date the premium payments are due. If any payment for the coverage for which the employee is responsible is not received from the employee within 30 days of the date the premium payments are due, the employer shall have the right to terminate coverage for a former dependent spouse; however, no such termination shall occur without 30 days' prior notice to the former dependent spouse, during which time the former dependent spouse shall be given an opportunity to make the payments due or to secure payment from the employee. Upon termination of the extension period, the member, surviving spouse, divorced spouse, legally separated spouse, or dependent shall be entitled to exercise any option which is provided in the group plan to elect a converted policy. After timely receipt of the premium payment from the individual, surviving spouse, divorced spouse, legally separated spouse, or dependent, if the employer fails to make payments to the insurer or health service corporation or health maintenance organization, with the result that coverage is terminated, the employer shall be liable for benefits to the same extent as the insurer or health service corporation or health maintenance organization would have been liable if coverage had not been terminated.~~

(2) ~~The provisions of this section shall apply to group hospital and medical~~

expense policies subject to RSA 415 and group health service plan contracts issued pursuant to RSA 420 A, and to health maintenance organization policies and plans issued pursuant to RSA 420 B. The provisions of this section shall not apply to individuals covered under group policies issued to small employers of size one, as defined pursuant to RSA 420 G:2, XVI.

(3) [Repealed.]

(4) Whenever any group hospital, surgical, medical insurance plan, or health maintenance organization coverage terminates for any reason, unless such member, surviving spouse or dependent is, at the termination date, enrolled in the group plan pursuant to RSA 415:18, VII(g)(1), the benefits of such plan shall be available at the same group rate to the individual, the surviving spouse, and the dependents covered by the group plan, for an extension period of 39 weeks, or until such member, surviving spouse, or dependent becomes eligible for benefits under another group plan, whichever occurs first. Any such member, surviving spouse or dependent who is enrolled in the group plan pursuant to RSA 415:18, VII(g)(1) upon the termination date shall have the benefits of such plan available to him at the same group rate for an extension period of 39 weeks, or an extension period to the date the extension provided under RSA 415:18, VII(g)(1) would have expired had the plan not been terminated, or until such member, surviving spouse or dependent becomes eligible for benefits under another group plan, whichever occurs first. Written notice of the right to continue such group coverage shall be given by the insurance company in each master policy, certificate, and group policy. The insurance company shall furnish each employer or group an adequate supply of attachments for each master policy, certificate, or group policy in effect. An individual, surviving spouse, or dependent electing continuation of coverage under this subparagraph shall provide the insurance company written notice of election together with the first monthly premium contribution within 31 days from the date notice of the option to elect continuation of coverage was sent by the insurance company. The group rate shall be paid by the individual, surviving spouse, or dependent directly to the insurance company. 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. Upon termination of the extension period, the member, surviving spouse, or dependent shall be entitled to exercise any option which is or was provided in the group plan to elect a converted policy. If a person or member becomes entitled to the 39-week extension period under this subparagraph the insurance company shall notify such person or member of the option to elect continuation of coverage and the conditions applicable to such coverage. If such person or member has not been given notice of the termination of the group plan within 15 days after the date of termination of the group coverage, then the person or member shall have an additional period within which to elect the 39-week extension period. This additional period shall expire 15 days after the person or member shall have been given said notice, but in no event shall the additional period extend beyond 6 months after the expiration of the original 31 day period. Written notice presented to the person or member or mailed by the insurance company to the last known address of the person or member as furnished by the policyholder shall constitute the giving of notice for the purpose of this subparagraph. If an additional period is allowed the person or member for election of the 39-week extension period as provided in this subparagraph, and if written notice of election accompanied by the first monthly premium and any monthly premiums which may be overdue, if any, is made after the expiration of the original 31-day period, but within the additional period allowed an employee or member in accordance with this subparagraph, the effective date of the extension period shall be the date of termination from the group. In no event shall a person or member entitled to such extension period be responsible for premiums accrued and unpaid prior to the termination or cancellation of the coverage.

(5) If the insurer fails to comply with the applicable employee notification requirements of RSA 415:18, VII(g)(4), then the insurer 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 extends only for the period of non-compliance beginning on the date notification of the employee was required under RSA 415:18, VII(g)(4) and ending on the date written notice is deposited in the United States mail. Such liability for insurers is secondary to the employer's liability during this period and becomes primary only after the department of labor advises the insurance commissioner of its determination that the employer is financially unable to pay all or any part of the employee's lost benefits and failed obligations. Such liability for insurers in no way diminishes the employer's liability during this or any period.]~~

6 Group Insurance. Amend the introductory paragraph of RSA 415:18, XII(c) to read as follows:

(c) Once a group or blanket policy has been issued, the insurer shall provide the group with an annual open enrollment period for late enrollees. During the open enrollment period, any late enrollee shall be permitted to enroll without submitting any evidence of insurability based on medical conditions. For late enrollees ***in a large employer group*** only, the pre-existing condition provisions shall apply for 18 months from the date of enrollment. However, an eligible employee or dependent shall not be considered a late enrollee if the individual:

7 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 or a health maintenance organization that provides medical, hospital, dental, and/or surgical expense benefits, except short-term student insurance where the policyholder is the school, loses coverage under the plan. Any group or blanket policy of health insurance that affects a resident of New Hampshire that is delivered or issued for delivery in this state or any other state shall contain a provision that allows each subscriber or member on the policy who is a resident of New Hampshire to obtain continuation coverage under this section. 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 from the underlying group coverage, 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. 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 as allocated for that individual's coverage.

(e) Responsibilities.

(1) When an individual loses coverage, it shall be the responsibility of the carrier to notify the individual of the right to elect continuation coverage.

(2) It shall be the responsibility of the individual electing continuation coverage to make timely premium payments to the carrier. A 30-day grace period for payment of the premium shall be provided. Failure to make a timely remittance of the premium shall be grounds for cancellation. 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 if the employer fails to notify the carrier of a member's loss of coverage.

(f) Notice Requirements and Procedures. A carrier shall notify the members and subscribers of their continuation rights as follows:

(1) The carrier shall provide, at the time of commencement of coverage under the health benefit plan, a summary plan description to each eligible member or subscriber of the rights provided under this section.

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

(3) 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 45 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.

(4) The carrier shall specify in each notice of continuation that premium payments are to be remitted directly to the carrier.

(5) The carrier shall notify the individual of the right to continue coverage within 30 days of receiving notice from the plan administrator or employer of the loss of coverage.

(g) Election Requirements and Procedures.

(1) 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 45 days of the date of notice.

(2) 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 45 days of the date of the notice and remitting the premium payment.

(3) Election by the individual shall be made within the period of time stated in 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.

(4) 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. An individual shall have the right to revoke the notice of declaration anytime within the specified election period.

(5) Where proper notice has been given, and no response is made within the election period, 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.

(6) 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 shall allow the individual to comply by paying the full amount of the unpaid premiums within 30 days of the date of election.

(7) 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.

(8) An election of continuation of coverage by a subscriber shall be deemed to include an election of continuation coverage on behalf of any other of the subscriber's dependents or beneficiaries who would lose coverage under the health benefit plan.

(h) End of Continuation Coverage. Nothing in this paragraph 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.

(i) The provisions of this paragraph shall apply to group hospital and medical expense policies subject to RSA 415, group health service plan contracts issued pursuant to RSA 420-A, and to health maintenance organization policies and plans issued pursuant to RSA 420-B, and to group policies that cover New Hampshire residents who work in other states. The provisions of this section shall not apply to individuals covered under group policies issued to small employers of size one, as defined pursuant to RSA 420-G:2, XVI.

(j) Relationship to Federal Law. In any circumstance where more extensive notice requirements or other procedural requirements apply, the health benefit plan shall satisfy the specific requirements of federal law with respect to those procedural requirements.

XVII. Termination of Coverage.

(a) Whenever any group hospital, surgical, dental insurance plan, 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.

(c) Upon termination of the group policy for nonpayment of premiums the carrier shall give notice within 30 days of the effective date of termination of the policy to the policyholder and each certificate holder under the policy. Termination of the group policy for nonpayment of premiums shall occur no earlier than the date of expiration of the grace period, pursuant to RSA 415:18, I(p), for which premium was due but not paid. The notice shall provide that the certificate holder or policyholder may elect coverage from the date of termination to the date of notice; or elect coverage from the date of termination to the date of notice and continue such coverage in force pursuant to subparagraphs (d), (e), and (f).

(d) The member electing 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.

(e) 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 30 days of the date the plan terminates.

(2) If the carrier fails to notify the members of the termination of the group plan within 30 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.

(f) 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.

8 New Paragraph; Definition Added. Amend RSA 415-A:1, I-d to read as follows:

I-d. ***"Date of enrollment" means the first day of coverage under the plan, or, if there is a waiting period, the first day of the waiting period, which is typically the first day of work.***

I-e. "Employee benefit plan" means employee benefit plans described in section 4(a) of the Employee Retirement Income Security Act of 1974, 29 U.S.C. 1133 and 1135 and not exempted under section 4(b) of this Act other than those plans, or portions of them, that provide disability benefits.

9 Standards for Accident and Health Insurance. Amend RSA 415-A:4-b, V(b) to read as follows:

(b) A carrier or other licensed entity that offers group health plans or employee benefit plans shall file with the commissioner by April 1 of each year, a copy of its current grievance procedures, with all changes from the previous year annotated in the document, and a certificate of compliance [by, April 1 of each year], stating that the carrier or other licensed entity has established and maintained, for each of its health benefit plans, grievance procedures that fully comply with the provisions of this chapter. Material modifications to the procedure shall be filed with the commissioner prior to becoming effective.

10 Preexisting Conditions. Amend RSA 415-A:5, I to read as follows:

I. If an insurer or a nonprofit hospital or medical service association elects to use a simplified application form for a policy other than a Medicare supplement policy, with or without a question as to the applicant's health at the time of application, but without any questions concerning the insured's health history or medical treatment history, the policy, 9 months after ***the*** date of [issuance] ***enrollment***, must cover any loss occurring from any preexisting condition not specifically excluded from coverage by terms of the policy and, except as so provided, the policy shall not include wording that would permit a defense based upon preexisting conditions.

11 New Paragraph; Multiple-Employer Welfare Arrangements. Amend RSA 415-E:3 by inserting after paragraph II-a the following new paragraph:

II-b. No arrangement shall extend preexisting condition exclusions beyond a period of 9 consecutive months after the date of enrollment of the person's health coverage.

12 New Paragraph; Health Service Corporations; Definition Added. Amend RSA 420-A:1 by inserting after paragraph II the following new paragraph:

II-a. "Date of enrollment" means the first day of coverage under the plan, or, if there is a waiting period, the first day of the waiting period, which is typically the first day of work.

13 New Section; Coverage for Dependents. Amend RSA 420-A by inserting after section 15-a the following new section:

420-A:15-b Coverage for Dependents. If the coverage for dependent children includes

coverage for dependent children who are full-time students, as defined by the appropriate educational institution, beyond the age of 18, such dependent coverage shall include coverage for a dependent's medically necessary leave of absence from school for a period not to exceed 12 months or the date on which coverage would otherwise end pursuant to the terms and conditions of the policy, whichever comes first. Any breaks in the school semester shall not disqualify the dependent child from coverage under this section. Documentation and certification of the medical necessity of a leave of absence shall be submitted to the insurer by the student's attending physician and shall be considered prima facie evidence of entitlement to coverage under this section. The date of the documentation and certification of the medical necessity of a leave of absence shall be the date the insurance coverage under this section commences.

14 New Paragraph; Health Maintenance Organizations; Definition Added. Amend RSA 420-B:1 by inserting after paragraph II the following new paragraph:

II-a. "Date of enrollment" means the first day of coverage under the plan, or, if there is a waiting period, the first day of the waiting period, which is typically the first day of work.

15 New Section; Coverage for Dependents. Amend RSA 420-B by inserting after section 8-p the following new section:

420-B:8-q Coverage for Dependents. If the coverage for dependent children includes coverage for dependent children who are full-time students, as defined by the appropriate educational institution, beyond the age of 18, such dependent coverage shall include coverage for a dependent's medically necessary leave of absence from school for a period not to exceed 12 months or the date on which coverage would otherwise end pursuant to the terms and conditions of the policy, whichever comes first. Any breaks in the school semester shall not disqualify the dependent child from coverage under this section. Documentation and certification of the medical necessity of a leave of absence shall be submitted to the insurer by the student's attending physician and shall be considered prima facie evidence of entitlement to coverage under this section. The date of the documentation and certification of the medical necessity of a leave of absence shall be the date the insurance coverage under this section commences.

16 New Subparagraph; Prohibited Practices; Health Maintenance Organizations. Amend RSA 420-B:12, I by inserting after subparagraph (c) the following new subparagraph:

(d) If a person is covered by more than one plan or policy and both policies require pre-certification, the pre-certification by the primary plan shall be considered sufficient and the secondary plan must honor the primary plan pre-certification.

17 New Paragraph; Preferred Provider Agreements; Definition Added. Amend RSA 420-C:2 by inserting after paragraph II the following new paragraph:

II-a. "Date of enrollment" means the first day of coverage under the plan, or, if there is a waiting period, the first day of the waiting period, which is typically the first day of work.

18 New Sections; Coverage for Dependents. Amend RSA 420-C by inserting after section 4 the following new sections:

420-C:4-a Coverage for Dependents. If the coverage for dependent children includes coverage for dependent children who are full-time students, as defined by the appropriate educational institution, beyond the age of 18, such dependent coverage shall include coverage for a dependent's medically necessary leave of absence from school for a period not to exceed 12 months or the date on which coverage would otherwise end pursuant to the terms and conditions of the policy, whichever comes first. Any breaks in the school semester shall not disqualify the dependent child from coverage under this section. Documentation and certification of the medical necessity of a leave of absence shall be submitted to the insurer by the student's attending physician and shall be considered prima facie evidence of entitlement to coverage under this section. The date of the documentation and certification of the medical necessity of a leave of absence shall be the date the insurance coverage under

this section commences.

420-C:4-b Pre-certification Requirement. If a person is covered by more than one plan or policy and both policies require pre-certification, the pre-certification by the primary plan shall be considered sufficient and the secondary plan must honor the primary plan pre-certification.

19 New Paragraph; Prohibiting Limitations on Liability. Amend RSA 420-C:5-a by inserting after paragraph III the following new paragraph:

IV. No contract between a health care insurer and a health care provider shall limit coverage for preexisting conditions beyond 9 consecutive months from the date of enrollment.

20 New Paragraph; Delta Dental. Amend RSA 420-F:5 by inserting after paragraph VI the following new paragraph:

VII. If the coverage for dependent children includes coverage for dependent children who are full-time students, as defined by the appropriate educational institution, beyond the age of 18, such dependent coverage shall include coverage for a dependent's medically necessary leave of absence from school for a period not to exceed 12 months or the date on which coverage would otherwise end pursuant to the terms and conditions of the policy, whichever comes first. Any breaks in the school semester shall not disqualify the dependent child from coverage under this paragraph. Documentation and certification of the medical necessity of a leave of absence shall be submitted to the insurer by the student's attending physician and shall be considered prima facie evidence of entitlement to coverage under this paragraph. The date of the documentation and certification of the medical necessity of a leave of absence shall be the date the insurance coverage under this paragraph commences.

21 New Paragraph; Individual Health Insurance; Definition Added. Amend RSA 420-G:2 by inserting after paragraph III the following new paragraph:

III-a. "Date of enrollment" means the first day of coverage under the plan, or, if there is a waiting period, the first day of the waiting period, which is typically the first day of work.

22 Definition Amended. Amend RSA 420-G:2, XIV to read as follows:

XIV. "Preexisting condition" means a condition, whether physical or mental, for which medical advice, diagnosis, care or treatment was recommended or received during the 3 months immediately preceding the ~~effective~~ **enrollment** date of health coverage.

23 Preexisting Conditions. Amend RSA 420-G:7, I and II to read as follows:

I. A health carrier providing health coverage to large employers may impose a preexisting condition exclusion period, but only if it is at least as favorable to covered persons as the following:

(a) No preexisting condition exclusion shall extend beyond a period of 9 consecutive months after the ~~effective~~ date **of enrollment** of the person's health coverage; and

(b) Such preexisting condition exclusion period may only apply to a condition, whether physical or mental, regardless of the cause of the condition, for which medical advice, diagnosis, care or treatment was recommended or received during the 3 months immediately preceding the effective date of health coverage.

II. A health carrier providing health coverage to individuals or small employers may impose a preexisting condition exclusion period, but only if it is at least as favorable to covered persons as the following:

(a) No preexisting condition exclusion period shall extend beyond a period of 9 consecutive months after the ~~effective~~ date **of enrollment** of the person's health coverage.

(b) Such preexisting condition exclusion period may only apply to a condition, whether physical or mental, regardless of the cause of the condition, for which medical advice, diagnosis, care, or treatment was received or recommended during the 3 months immediately preceding the ~~effective~~ date **of enrollment** of the person's health coverage.

24 Requested Information; Date Changes. Amend RSA 420-G:14-a, II-IV to read as follows:

II. The commissioner shall request and health carriers shall supply information and data no later than ~~[April]~~ **June** 1 of each year sufficient to report on the small employer health insurance market. Such information shall be reported for the market as a whole and by market segment. At the commissioner's discretion, such information may include, but not be limited to, information relating to premium rates and rating practices, the number of groups and individuals insured, availability of coverage and benefit plans, trend, loss ratios, administration costs, and profitability. The commissioner shall file a report of the information by December 1 of each year with the president of the senate, the speaker of the house of representatives, the chairperson of the house commerce committee, and the chairperson of the senate banks and insurance committee.

III. The commissioner shall request and health carriers shall supply information no later than ~~[April]~~ **June** 1 of each year sufficient to report on the types of health coverage being purchased by individuals and employers by geographic area. The report shall include specific details regarding the type of coverage, including, but not limited to, co-pays, out-of-pocket maximums, network restrictions, and deductibles.

IV. The commissioner shall file the required reports by ~~[July]~~ **September** 1 of each year with the senate president, the speaker of the house, the chairperson of the house commerce committee, and the chairperson of the senate insurance committee.

25 Explanation of Benefits. Amend RSA 420-H:5, IV to read as follows:

IV. Filings subject to this section shall be accompanied by a certificate ~~[signed by an officer of the insurer]~~ stating that ~~[it]~~ **the filing** meets the minimum reading ease score on the test used or stating that the score is lower than the minimum required but should be approved in accordance with RSA 420-H:6. To confirm the accuracy of any certification, the commissioner may require the submission of further information to verify the certification in question.

26 New Section; Managed Care Law. Amend RSA 420-J by inserting after section 3-a the following new section:

420-J:3-b Pre-certification Requirement. If a person is covered by more than one plan or policy and both policies require pre-certification, the pre-certification by the primary plan shall be considered sufficient and the secondary plan must honor the primary plan pre-certification.

27 Managed Care Law; Grievance Procedures. Amend the paragraph heading and the introductory paragraph of subparagraph (a) of RSA 420-J:5, V to read as follows:

V. Manner and Content of Notification of Determination on Appeal. ***The carrier or other licensed entity shall provide a claimant with a written determination of the appeal.***

(a) ~~[The carrier or other licensed entity shall provide a claimant with a written determination of the appeal that]~~ ***Where a decision is made to uphold, in whole or in part, the denial of benefits, the written determination of appeal*** shall include:

28 Managed Care Law; Grievance Procedures. Amend RSA 420-J:5, V(a)(7) to read as follows:

(7) ~~[The following statement: "You and your plan may have other voluntary alternative dispute resolution options, such as mediation. One way to find out what may be available is to contact your local U.S. Department of Labor Office and your state insurance regulatory agency;"]~~ ***A copy of the notice of the right to external review that includes the specific requirements for filing an external review;*** and

29 New Section; Coverage for Dependents. Amend RSA 420-J by inserting after section 6-c the following new section:

420-J:6-d Coverage for Dependents. If the coverage for dependent children includes coverage for dependent children who are full-time students, as defined by the appropriate educational institution, beyond the age of 18, such dependent coverage shall include coverage for a dependent's medically necessary leave of absence from school for a period not to exceed 12 months or the date on which coverage would otherwise end pursuant to the terms and

conditions of the policy, whichever comes first. Any breaks in the school semester shall not disqualify the dependent child from coverage under this section. Documentation and certification of the medical necessity of a leave of absence shall be submitted to the insurer by the student's attending physician and shall be considered prima facie evidence of entitlement to coverage under this section. The date of the documentation and certification of the medical necessity of a leave of absence shall be the date the insurance coverage under this section commences.

30 Small Employer Reinsurance. Amend RSA 420-K:3, II(g) to read as follows:

(g) Assess members in accordance with the provisions of this chapter, and to make advance interim assessments as may be reasonable and necessary for organizational and interim operating expenses **and to pay claims reinsured by the pool**. Any such interim assessments shall be credited as offsets against any regular assessments due following the close of the fiscal year.

31 Small Employer Reinsurance. Amend RSA 420-K:6, I(b) to read as follows:

(b) In addition to the regular assessment rate, the board may establish a special assessment rate for organizational expenses **and to pay claims reinsured by the pool**. Notwithstanding RSA 420-G:4, a writer of health insurance may increase the premiums charged by the amount of the special assessment. Any assessment may appear as a separate line item on a policyholder's bill.

(1) The board shall only establish an interim assessment if the board determines that its funds are or will become insufficient to pay the reinsurance pool's expense **or claims reinsured by the pool**, in a timely manner.

(2) The regular assessment rate, and any special assessment rate, shall be subject to the approval of the commissioner. The commissioner shall approve the rate if he or she finds that the amount is required to fulfill the purpose of the reinsurance pool. For the purpose of making this determination, the commissioner may, at the expense of the pool, seek independent actuarial certification of the need for the proposed rate.

32 Small Employer Reinsurance. Amend RSA 420-K:2, II to read as follows:

II. On or before July 1, 2005, the commissioner shall give notice to all members of the pool of the time and place for the initial organizational meeting, which shall take place by July 15, 2005. The members shall select the initial board[;] **at the organizational meeting and such initial board shall be** subject to approval by the commissioner. **The members shall elect each subsequent board at the annual meeting of members and each such subsequent board shall be subject to approval by the commissioner.** The **initial board and each subsequent board** shall consist of at least 5 and not more than 9 representatives of members. There shall be no more than one board member **on the initial board and each subsequent board** representing any one member company. In determining voting rights at the organizational meeting **and all subsequent meetings of members**, each member shall be entitled to vote in person or by proxy. ~~[The vote]~~ **All such votes** shall be proportional to the member's covered lives. To the extent possible, at least 2/3 of [the] members of [the] **each** board shall be small employer health carriers. At least one member **of each board** shall be a small employer health carrier with less than \$100,000,000 in net small employer health insurance premium in this state. The commissioner, or designee, shall be an ex-officio **voting** member of the board. In approving selection of [the] **each** board, the commissioner shall assure that all members are fairly represented. ~~[The membership of all boards subsequent to the initial board shall be approved by the commissioner and shall, to the extent possible, reflect the same distribution of representation as is described in this paragraph.]~~

33 Small Employer Reinsurance. Amend RSA 420-K:7, II to read as follows:

II. Any person or member made a party to any action, suit, or proceeding because the person or member served on the board or on a committee or was an officer or employee of the pool shall be held harmless and be indemnified by the pool against all liability and costs, including the amounts of judgments, settlements, fines or penalties, and expenses and

reasonable attorney's fees incurred in connection with the action, suit, or proceeding. The indemnification shall not be provided on any matter in which the person or member is finally adjudged in the action, suit, or proceeding to have committed a breach of duty involving gross negligence, dishonesty, willful misfeasance, or reckless disregard of the responsibilities of office. Costs and expenses of the indemnification shall be prorated and paid for by all members. ***The right of indemnification shall not be exclusive of other rights or defenses to which such person or the legal representative or successors of such person, may be entitled to as a matter of law.*** The commissioner may retain actuarial consultants necessary to carry out his or her responsibilities pursuant to this chapter and such expenses shall be paid by the pool established in this chapter.

34 Withholding of Wages; Insurance; Reference Change. Amend RSA 275:48, III to read as follows:

III. An insurer or plan administrator of a self-funded plan shall notify an employee in writing of termination of an employee benefit plan pursuant to the notification requirements of RSA ~~[415:18, VII(g)(4)]~~ ***415:18, XVI*** or the Employee Retirement Income Security Act, as applicable.

35 Insurance; Applicable Statutes; Reference Change. Amend RSA 420-A:2 to read as follows:

420-A:2 Applicable Statutes. Every health service corporation shall be governed by this chapter and the relevant provisions of RSA 161-H, and shall be exempt from this title except for the provisions of RSA 400-A:39, RSA 401-B, RSA 402-C, RSA 404-F, RSA 415-A, RSA 415-F, RSA 415:6, II(4), RSA 415:6-g, RSA 415:6-k, RSA 415:6-m, RSA 415:18, V~~[-RSA 415:18, VII(g)]~~, RSA 415:18, VII-a, ***RSA 415:18, XVI, and XVII***, RSA 415:18-a, RSA 415:18-j, RSA 415:18-o, RSA 415:18-r, RSA 415:22, RSA 417, RSA 417-E, RSA 420-J, and all applicable provisions of title XXXVII wherein such corporations are specifically included. Every health service corporation and its agents shall be subject to the fees prescribed for health service corporations under RSA 400-A:29, VII.

36 Health Maintenance Organizations; Reference Change. Amend RSA 420-B:20, III to read as follows:

III. The requirements of RSA 400-A:39, RSA 401-B, RSA 402-C, RSA 404-F, RSA 415:6-g, RSA 415:6-m~~[-RSA 415:18, VII(g)]~~, RSA 415:18, VII-a, ***RSA 415:18, XVI, and XVII***, RSA 415:18-j, RSA 415:18-r, RSA 415-A, RSA 415-F, RSA 420-G, and RSA 420-J shall apply to health maintenance organizations.

37 Delta Dental Plan of New Hampshire; Scope of Chapter; Reference Change. Amend RSA 420-F:1, III to read as follows:

III. Delta shall be governed by this chapter and shall be exempt from this title, except for the provisions of RSA 400-A:39, RSA 402-C, RSA 404-F, RSA ~~[415:18, VII(g)(1)]~~ ***415:18, XVI***, relative to continuation of dental insurance, and 1961, 345; provided, however, if any of the provisions of 1961, 345 are inconsistent with this chapter the provisions of this chapter shall prevail. Delta and its agents shall be subject to the fees prescribed for health service corporations under RSA 400-A:29, VII.

38 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 subparagraphs I(d) or (e). Nothing in this subparagraph shall be construed to prevent the association from receiving or using non-assessment funds, including but not limited to federal, state, foundation, or other grants or donations from any source to further the purposes of this chapter.***

39 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.

40 Repeal. RSA 415:18, X and XI, relative to conversion privilege, are repealed.

41 Effective Date.

I. Sections 30 through 33 of this act shall take effect 60 days after its passage.

II. The remainder of this act shall take effect January 1, 2008.

HB 64-FN, establishing a criminal penalty for driving a commercial motor vehicle while violating an out-of-service order. **OUGHT TO PASS WITH AMENDMENT.**

Rep. David A. Welch for Criminal Justice and Public Safety: This bill as originally presented called for establishing a criminal penalty for violating an "out-of-service order." Department of Safety records indicate from October 2005 to March of 2007, 12,642 roadside inspections of commercial vehicles took place resulting in 17,247 violations. There were 3,400 "out-of-service" violations resulting in 2,224 vehicles being placed out-of-service. There were 10,901 driver violations resulting in 855 drivers being placed out-of-service, mostly for exceeding allowable hours for driving. The vehicle violations were mostly for brakes out of adjustment, leaks in air lines and loads not properly secured, or in some cases unsecured loads. The amendment replaces the bill and repeals the current administrative fines in RSA 263:93-B. A driver who is convicted of violating, or failing to comply with an out-of-service order shall be guilty of a Class B misdemeanor for a first offense and a Class A misdemeanor for any subsequent offense within a 10 year period. The employer who violates or knowingly requires a driver to violate an out-of-service order shares similar penalties. Representatives of the Motor Transport Association and Department of Safety have agreed with this language. Vote 16-0.

Amendment (0627h)

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

AN ACT relative to driving a commercial motor vehicle while violating an out-of-service order.

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

1 Disqualification and Out-of-Service Orders. RSA 263:93-a is repealed and reenacted to read as follows:

263:93-a Disqualification and Out-of-Service Orders.

I. Notwithstanding any law to the contrary, any person who drives a commercial motor vehicle and who is convicted of violating or failing to comply with an out-of-service order shall be guilty of a class B misdemeanor for a first offense, or a class A misdemeanor for any subsequent offense within a 10-year period, and the person's commercial driver license or privilege to drive may be suspended for 90 days for a first offense, for one year for a second offense within a 10-year period, or for 3 years for a third or subsequent offense within a 10-year period.

II. Any person convicted of violating an out-of-service order while transporting hazardous materials or while operating a commercial motor vehicle designed or used to transport 15 or more passengers, including the driver, shall be guilty of a misdemeanor and the person's commercial driver license or privilege to drive may be suspended for 180 days for a first offense, or for 3 years for a second or subsequent offense within a 10-year period.

III. Any employer who violates an out-of-service order or who knowingly requires a driver to violate or fail to comply with an out-of-service order shall be:

(a) If a natural person, guilty of a class B misdemeanor for a first offense, or a class A misdemeanor for a second or subsequent offense within a 10-year period.

(b) If any other person, guilty of a class A misdemeanor.

IV. If a driver or employer is defaulted for failing to appear in court after being

charged under paragraphs I-III, the court shall enter a guilty finding.

2 Repeal. RSA 263:93-b, relative to administrative fines, is repealed.

3 Effective Date. This act shall take effect January 1, 2008.

AMENDED ANALYSIS

This bill establishes criminal penalties, modifies license suspensions, and eliminates administrative fines for driving a commercial motor vehicle while violating an out-of-service order.

HB 277-FN, relative to obstructing or preventing a probation-parole officer in the course of his or her official duties. **INEXPEDIENT TO LEGISLATE.**

Rep. Delmar D. Burrige for Criminal Justice and Public Safety: This bill does not accomplish the objectives of the sponsor as written to thwart the obstructing, or preventing a probation-parole officer in the course of his or her official duties in remanding back to court violations that would result in incarceration. Vote 16-0.

HB 309, relative to the uniform fine schedule for the fish and game department. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Armand D. Forest for Criminal Justice and Public Safety: This bill authorizes changes to the violations listed on the Fish and Game Department uniform fine schedule for OHRV and snowmobile offenses. The amendment lists snowmobile speeding violations inadvertently left off the bill and places them on the proper fine schedule. Vote 16-0.

Amendment (0871h)

Amend section 2 of the bill by replacing the subsection entitled snowmobile violations with the following:

SNOWMOBILE VIOLATIONS

15. 215-C:4	Speed Limit, Back Lake	\$ 72.00
16. 215-C:7	Skimming	\$240.00
17. 215-C:8, I	Operate without lights	\$120.00
18. 215-C:8, III	Snowmobile, unreasonable speed	
	1-20 mph over prima facie speed limit	\$ 72.00
	21-30 mph over prima facie speed limit	\$120.00
	31 mph and greater over prima facie speed limit	\$240.00
19. 215-C:8, IV	Endanger person/damage property	\$120.00
20. 215-C:8, XI	Operate snowmobile on traveled portion	\$120.00
21. 215-C:10, I	Snowmobile on state way, sidewalk, or snowbank	\$ 72.00
22. 215-C:28, II	Sound level	\$120.00
23. 215-C:30, I	Required equipment	\$ 72.00
24. 215-C:30, II	Sled/trailer requirements	\$ 72.00
25. 215-C:36, I	Identification to landowner	\$120.00
26. 215-C:36, II	Operate unregistered snowmobile	\$120.00
27. 215-C:36, V	Operate without registration decals in place	\$ 60.00
28. 215-C:36, XI	Non-resident register at resident rate	\$120.00
29. 215-C:49, I	Operate without driver's license or safety training	\$ 72.00
30. 215-C:49, XIII	Operate on land of another without landowner permission	\$ 72.00
31. 215-C:49, XXI	Operate with suspended/revoked license	\$180.00

HB 368-FN, prohibiting trafficking in persons. **INEXPEDIENT TO LEGISLATE.**

Rep. Lori A. Movsesian for Criminal Justice and Public Safety: Prohibiting trafficking in persons is a serious issue that has been brought to this committee both in HB 368 and HB 35 that would establish a commission to study human trafficking issues in New Hampshire. The Senate also has a bill, SB 194 that would set up a commission. The committee believed

that HB 368, while important, was not necessary as we will study this issue in depth by retaining HB 35. More study is needed before determining what actions would be made criminal. A serious study by a commission is the first step in addressing this important issue. Vote 16-0.

HB 395-FN, relative to penalties for computer crime. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Gene P. Charron for Criminal Justice and Public Safety: This bill specifies the penalties for certain computer crimes. Computer crimes are becoming all too common. This bill adds previous convictions not only in New Hampshire, but includes other states, territories, or possessions of the United States. This bill, using RSA 638:17, addresses computer related offenses. Attorney General's office supports this bill. Vote 17-0.

Amendment (0301h)

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

1 Computer Crime Penalties. Amend RSA 638:18, I to read as follows:

I. Computer crime constitutes a class A felony if the damage to or the value of the property or computer services exceeds \$1,000, ***or if the person has previously been convicted of violating RSA 638:17, II, IV, or VI, or any other statute prohibiting the same conduct in another state, territory, or possession of the United States.***

2 Computer Crime Penalties. Amend RSA 638:18, II to read as follows:

II. Computer crime constitutes a class B felony if:

(a) The damage to or the value of the property or computer services exceeds \$500; ~~or~~

(b) The person recklessly engages in conduct which creates a risk of serious physical injury to another person; ***or***

(c) The person is guilty of violating RSA 638:17, II, IV, or VI.

HB 446, requiring the expulsion of a pupil for threatening a school employee. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Laura C. Pantelakos for Criminal Justice and Public Safety: This bill would add the crime of criminal threatening to RSA 193:13, III, which is the statute requiring expulsion of a student who possesses a firearm in a Safe School Zone. The result would be that criminal threatening would require an expulsion while in another section of current law expulsion is optional for acts such as homicide, first and second degree assault and other serious crimes. The amendment replaces the bill and adds the act of criminal threatening to RSA 193-D: 1, the definition of "Act of theft, destruction, or violence." This is the chapter that describes a Safe School Zone. The sponsor agreed that this was a logical move and accomplishes the original goal. Vote 17-0.

Amendment (0116h)

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

AN ACT relative to criminal threatening in a safe school zone.

Amend the bill by replacing section 1 with the following:

1 New Subparagraph; Safe School Zones; Definitions. Amend RSA 193-D:1 by inserting after subparagraph (j) the following new subparagraph:

(k) Criminal threatening under RSA 631:4.

AMENDED ANALYSIS

This bill adds criminal threatening to the definition of an act of theft, destruction, or violence within the safe school zones statute.

HB 497-FN, requiring jail time for certain offenses involving bad checks. **INEXPEDIENT TO LEGISLATE.**

Rep. John E. Tholl for Criminal Justice and Public Safety: This bill as written had several serious problems. It calls for a mandatory three day jail sentence for a second offense violation of issuing bad checks and ten days in jail for a third offense. RSA 638:4, IV (a) (4) is punishable as a Class B misdemeanor. A Class B misdemeanor is punishable by a \$2,000 fine and no jail time and the right to court appointed counsel does not attach whenever there is the possibility of a jail term the right of court appointed counsel does attach. The committee believes that HB 497 actually reduces the possible penalty while imposing a mandatory jail term. This removes the judge's discretion. The committee felt that HB 497 is unworkable. Vote 16-0.

HB 504-FN, relative to registration requirements for certain criminal offenders under age 21. **OUGHT TO PASS WITH AMENDMENT.**

Rep. John E. Tholl for Criminal Justice and Public Safety: This bill as amended provides for the ability of a person who was convicted of a violation of RSA 632-A: 3 II (Felonious Sexual Assault) often referred to as statutory rape, who was under the age of 21 at the time of the offense, to file a petition with the Superior Court to have his/her name removed from the Sex Offender Register. This petition can only be considered by the court if the offense was non-forcible, with the absence of coercion and 10 years have elapsed since the conviction without any further convictions of a misdemeanor, or a felony. This petition will not remove the conviction, but only allow those persons to have their names removed from the Registry. The bill as amended has the support of nearly everyone who has seen the amendment. The committee felt strongly that this approach is the right thing to do. Vote 18-0.

Amendment (0737h)

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

1 New Paragraph; Registration of Criminal Offenders; Duration of Registration. Amend RSA 651-B:6 by inserting after paragraph IV the following new paragraph:

V. Any person who has been convicted of a violation of RSA 632-A:3, II, or an equivalent offense in another jurisdiction, who was under 21 years of age at the time of the offense and where the victim was 13 years of age or older and under 16 years of age at the time of offense, and who is required to register under this chapter, may petition the superior court in which the person was convicted or in which the person resides, for removal of the person's name from the registry. The court shall consider the petition if it was determined that the offender did not use force or coercion in the commission of the act and a period of 10 years or more has elapsed since the conviction without any other misdemeanor or felony convictions. The age difference of the parties alone shall not constitute evidence of use of force or coercion.

2 Effective Date. This act shall take effect January 1, 2008.

AMENDED ANALYSIS

This bill allows a person convicted of a violation of RSA 632-A:3, II who was under 21 years of age at the time of the offense and where the victim was 13 years of age or older and under 16 years of age at the time of offense, to petition the superior court for removal of the person's name from the registry.

HB 539-FN, relative to manslaughter. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Delmar D. Burrige for Criminal Justice and Public Safety: This bill amends the circumstances under which a defendant who commits a homicide would be charged with manslaughter if he or she proves by a preponderance of the evidence that he or she was acting under the influence of extreme mental or emotional disturbance caused by extreme provocation. The defendant shall provide pre-trial notice to the prosecution of his or her intent to rely on this affirmative defense. Vote 14-1.

Amendment (0473h)

Amend the bill by replacing section 1 with the following:

1 Manslaughter. Amend RSA 630:2, I to read as follows:

I. A person is guilty of manslaughter when he or she causes the death of another[
(a) ~~Under the influence of extreme mental or emotional disturbance caused by extreme provocation but which would otherwise constitute murder; or~~
(b)] recklessly.

I-a. A defendant charged with murder under RSA 630:1-a, I(a) or RSA 630:1-b is guilty of manslaughter if he or she proves by a preponderance of the evidence that he or she was acting under the influence of extreme mental or emotional disturbance caused by extreme provocation. The defendant shall provide pre-trial notice to the prosecution of his or her intent to rely on this affirmative defense.

HB 572-FN, prohibiting the use of false documentation for employment, government services, or permits. **INEXPEDIENT TO LEGISLATE.**

Rep. Lee M. Hammond for Criminal Justice and Public Safety: Existing law includes misdemeanor penalties for falsification. Enactment of this bill would only duplicate what is already on the books and increase some penalties. The only subjects currently not covered are education and employment, both of which may be denied by the responsible authority directly involved. Vote 18-0.

HB 586-FN, imposing an enhanced penalty for sexual assaults by persons in a position of authority. **INEXPEDIENT TO LEGISLATE.**

Rep. Ellen Nielsen for Criminal Justice and Public Safety: The sponsor's intent was to enhance penalties for certain offenses, but according to the Attorney General's office, the bill as written reduces the penalties. The present statute appears to meet the intent of the sponsors. No Fiscal note was available. Vote 18-0.

HB 587-FN, relative to the duties of probation and parole officers. **OUGHT TO PASS.**

Rep. Laura C. Pantelakos for Criminal Justice and Public Safety: This bill would require probation and parole officers to undergo case management training to enable to better assist offenders with mental and physical disabilities, and drug treatment, relapse and addiction problems. The committee feels this would help a number of probation and parolees from re-offending. There was no fiscal note from the Department of Correction at the time this bill was passed. Vote 18-0.

HB 654-FN, prohibiting offenders against children from attending certain activities or events. **INEXPEDIENT TO LEGISLATE.**

Rep. Armand D. Forest for Criminal Justice and Public Safety: This legislation sought to prohibit registered offenders against children from attending any school sponsored activity event, or any children's sporting event, in which children under 13 years of age are involved. A violation of this legislation would be a misdemeanor. Offenders who have served their time and are released on parole are supervised by the Department of Corrections who can restrict activities of the registered offender. Many localities have placed restrictions on registered offenders through an ordinance. The committee felt that to make it a misdemeanor for a registered offender to attend a sporting event of one of his or her children, or grandchildren was going too far. Registration for this crime is for lifetime. If a registered offender has been released after serving his parole, he is no longer being supervised unless it was a part of his sentence. At that point, can we restrict his right of freedom, or will it be found unconstitutional? Vote 17-0.

HB 703, relative to day reporting programs in the county department of corrections. **OUGHT TO PASS.**

Rep. Jeffrey P. Fontas for Criminal Justice and Public Safety: The bill grants authority to

the superintendent of a county correctional facility to establish a day reporting program in lieu of incarceration for certain offenders as deemed appropriate by the superintendent. It also allows for the sentencing court to order any person not committed to a state prison to participate in a day reporting program provided that such a program has been established in that county. Vote 15-0.

HB 707*, relative to the time frames for hearings in domestic violence cases. **OUGHT TO PASS.*

Rep. George D. Winchell for Criminal Justice and Public Safety: This bill was brought forward at the request of the Attorney General's office. It fixes a problem in the current system, whereby if a petition is not acted upon within a certain time frame, the petition expires. The committee heard testimony of how difficult it has been for victims to go through the petition process again. This bill extends the time frame upon a motion by either party for good cause shown and if granted, states that the court shall reschedule the hearing as soon as is practicable and shall give the matter high priority in scheduling. The committee heard no testimony in opposition to this bill. Vote 15-0.

HB 708*, establishing a committee to study the cost effectiveness of the county jail system. **INEXPEDIENT TO LEGISLATE.*

Rep. Lori A. Movsesian for Criminal Justice and Public Safety: A study of all aspects of county government is currently underway as part of SB 319, Chapter 221, Laws of 2006. Representatives from all ten counties are part of the study committee. One of the duties the committee is charged with is to study the cost effectiveness of the county jail system. HB 708 would be a duplication of effort and is therefore unnecessary. Vote 16-0.

HB 719*, relative to the statute of limitations for fire code violations. **OUGHT TO PASS.*

Rep. Everett A. Weare for Criminal Justice and Public Safety: This bill adds a section (f) to the existing statute of limitation as set forth in RSA 625:8. It provides for a 3 months limit after discovery if committed by a natural person or within one year of its discovery if committed by any other person for any violation of RSA 153:24 which addresses regulation of the handling, storage and transportation of flammable liquids, or other disposition of highly flammable material or rubbish. Vote 16-0.

HB 737*, relative to the enforcement of domestic violence orders. **INEXPEDIENT TO LEGISLATE.*

Rep. Stanley E. Stevens for Criminal Justice and Public Safety: This bill is a well intentioned bill that would require a service provider in a batterer's intervention program to notify the court if the defendant does not participate in, or complete a counseling, or intervention program. The problem that arises is that courts do not order a defendant to attend a particular program. Service providers only become aware of the court's requirements when the defendant seeks their services. If the defendant ignores the court's order, the service provider would not be aware of the court's order. When a defendant does report to a service provider they do, as a matter of course, report to the court the defendant's compliance with the order and whether or not they participate and complete the program. Vote 15-0.

HB 743*, relative to the rights of crime victims while making a victim impact statement. **OUGHT TO PASS WITH AMENDMENT.*

Rep. Timothy N. Robertson for Criminal Justice and Public Safety: This bill allows victims to speak to the Court about the effects of crime without being subject to questioning by the defense counsel. Vote 15-0.

Amendment (0849h)

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

1 Rights of Crime Victims. Amend RSA 21-M:8-k, II(p) to read as follows:

(p) The right to appear and make a written or oral victim impact statement at the sentencing of the defendant or, in the case of a plea bargain, prior to any plea bargain agreement. ***No victim shall be subject to questioning by counsel when giving an impact statement.***

2 Rights of Crime Victims. Amend RSA 21-M:8-k, II(r) to read as follows:

(r) The right to be notified, ~~and~~ to attend, ***and to make a written or oral victim impact statement at the*** sentence review hearings and sentence reduction hearings. ***No victim shall be subject to questioning by counsel when giving an impact statement.***

AMENDED ANALYSIS

This bill permits a victim to make an impact statement at the sentencing, sentence review, or sentence reduction hearings and prohibits a victim from being questioned by counsel when giving an impact statement.

HB 760-FN, relative to temporary relief in a domestic violence proceeding. **INEXPEDIENT TO LEGISLATE.**

Rep. Delmar D. Burrridge for Criminal Justice and Public Safety: The committee feels the current law as written, enforced by the police and reviewed by the judiciary, is fair, reasoned and balanced in granting temporary relief for domestic violence. The proposed legislation would place an undue burden on the plaintiff and on the courts. Vote 15-0.

HB 780-FN-L, requiring police departments to be certified by the Commission on Accreditation for Law Enforcement Agencies (CALEA). **INEXPEDIENT TO LEGISLATE.**

Rep. Delmar D. Burrridge for Criminal Justice and Public Safety: This need is currently being addressed by Police Standards and Training. Vote 15-0.

HB 783-FN, requiring DNA testing of persons convicted of certain felony offenses. **INEXPEDIENT TO LEGISLATE.**

Rep. Stanley E. Stevens for Criminal Justice and Public Safety: This bill would require that a DNA sample be taken upon intake, or release of any person convicted for the commission of any offense defined in RSA 173-B:1, I. RSA 173-B:1 is a definition section in the Domestic Violence Law. Many of the crimes described are misdemeanors and the committee was unanimous in its position that mandatory collection of DNA should not be expanded to misdemeanors. Vote 16-0.

HB 811, establishing a committee to study alternatives to incarceration and funding for rehabilitation programs for non-violent offenders. **INEXPEDIENT TO LEGISLATE.**

Rep. Gene P. Charron for Criminal Justice and Public Safety: Though well intended HB 811 is not necessary at this time simply because there are many committees and commissions already in progress studying alternatives. Many of our counties are also being progressive in this area with alternative programs. The Commissioner of Corrections is also looking into follow up programs upon release. Vote 16-0.

HB 869-FN, relative to unauthorized video surveillance. **INEXPEDIENT TO LEGISLATE.**

Rep. Ellen Nielsen for Criminal Justice and Public Safety: This bill amends the violation of privacy statute to prohibit video surveillance outside a private place without permission from the individuals being videotaped. The committee thought that the bill was too broad as written and noted that the meaning of "outside a private place" is not clear. The committee encouraged citizens who feel they are being harassed by such videotaping to seek a remedy in the civil courts. The fiscal note stated that this bill would create a new Class A

misdeemeanor which may increase state and county expenditures. Vote 16-0.

HB 872-FN, relative to an exception to the wiretapping and eavesdropping statute for recording images or sounds occurring where there is no reasonable expectation of privacy. **INEXPEDIENT TO LEGISLATE.**

Rep. Ellen Nielsen for Criminal Justice and Public Safety: This bill allowed any person to make audio recordings of communications between individuals, without their consent, in any place where there is no reasonable expectation of privacy. The law would overturn the well established legal concept that such interception requires the consent of both parties and would seriously undermine individuals' rights to privacy. No fiscal note is available for this bill at this time. Vote 16-0.

HB 890-FN, relative to sentencing of persons convicted of Internet solicitation of a minor. **INEXPEDIENT TO LEGISLATE.**

Rep. Stanley E. Stevens for Criminal Justice and Public Safety: The proposed bill raised a number of issues that were of concern to the committee. One of the major issues was the prohibition on plea bargaining. Plea bargaining has been a long established practice that has advantages for both the state and the defendant. To restrict the practice is not in the best interest of trial practice. The second problem is that prison wardens do not determine rehabilitation treatment programs and the bill provide no sanction for non-participation. The portion of the bill requiring law enforcement agencies to maintain a "log book" was vague and confusing. Law enforcement agencies currently must handle offender registration and enforce the law where there is non-participation from the offender. If the intent of the bill's author was to keep a contact log of all contact made by law enforcement officers, the committee felt this would create an unfunded mandate. Vote 16-0.

HB 915, establishing a committee to study the trafficking and distribution of illegal drugs into and throughout New Hampshire. **INEXPEDIENT TO LEGISLATE.**

Rep. Stanley E. Stevens for Criminal Justice and Public Safety: This bill would have created a committee to study the trafficking and distribution of illegal drugs into and throughout New Hampshire. The intent of this bill is laudable, however, the recently organized Governor's Commission on Crime already is addressing this as part of their charge and as four members of the Criminal Justice Committee are members of the Commission, this legislation is unnecessary. Vote 16-0.

HB 60, relative to the definition of an adequate education. **INEXPEDIENT TO LEGISLATE.**

Rep. Barbara E. Shaw for Education: The committee deemed that this bill had good criteria to include, but was not specific enough to meet the court's specifications for a definition of an adequate education. Vote 12-0.

HB 68, relative to the terminology used to describe public education. **INEXPEDIENT TO LEGISLATE.**

Rep. Judith E. Day for Education: This bill replaced the references to "equitable education" with "adequate education" in the relevant statutes. The same word replacements have been incorporated into other adequacy bills. Therefore, the committee felt that this bill did not need to be retained. Vote 13-0.

HB 178-FN-L, relative to the procedure for withdrawing from a cooperative school district. **INEXPEDIENT TO LEGISLATE.**

Rep. Karen K. McRae for Education: The committee voted Inexpedient because the situation being addressed was included in the amendment to HB 914. Vote 14-0.

HB 205, relative to procedures for certain court ordered out-of-district placements. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Judith E. Day for Education: This bill relates to the laws for educationally disabled children in certain court-ordered placements. It requires that prior to ordering any out-of-district placement a school district representative shall appear before the court to present written findings and recommendations or submit such findings and recommendations to the court concerning the child's placement. It also requires that the court shall review such findings and recommendations and that, if an out-of-district placement is ordered, the court shall issue written findings detailing the educational reasons in support of the order. Vote 17-0.

Amendment (0944h)

Amend RSA 186-C:19-b, I(c) as inserted by section 1 of the bill by replacing it with the following:

(c) Prior to ordering any out-of-district placement under this section, a school district representative shall appear before the court to present written findings and recommendations or submit such findings and recommendations to the court concerning the child's placement. The court shall review such findings and recommendations and, if an out-of-district placement is ordered, the court shall issue written findings detailing the educational reasons in support of the order.

AMENDED ANALYSIS

This bill provides that a school district representative shall appear before the court to present written findings and recommendations or submit such findings and recommendations to the court concerning the child's placement and requires the court to issue written findings if an out-of-district placement is ordered.

HB 521, relative to the definition of adequate education. **INEXPEDIENT TO LEGISLATE.**

Rep. Charles B. Yeaton for Education: With the many bills relative to establishing an adequate education, the committee feels that we have vehicles which cover the matters contained in this bill. Vote 13-0.

HB 601-FN-A-L, transferring the portion of special education costs directly related to health issues to the department of health and human services. **INEXPEDIENT TO LEGISLATE.**
Rep. Judith E. Day for Education: Currently, Federal Special Education laws mandate responsibility for these costs to schools. Therefore, the committee considered this bill to be Inexpedient to Legislate. Despite lack of legislative action on this bill, the committee acknowledged the importance of thoughtful discussion of this topic. Vote 14-0.

HB 639, relative to limitations on withdrawal from a cooperative school district. **INEXPEDIENT TO LEGISLATE.**

Rep. Karen K. McRae for Education: The committee heard the frustrations of the citizens and felt that the problems presented regarding cooperative school districts need time for a thorough review and, in that light, regretfully voted Inexpedient to Legislate. The subject matter will be addressed by the joint House-Senate committee created in the amendment to HB 914 to review the cooperative school district statutes. Vote 13-1.

HB 698, relative to the policy and purpose of an adequate education. **INEXPEDIENT TO LEGISLATE.**

Rep. Claire D. Clarke for Education: The sponsor requested that the committee ITL this bill because he felt the information was out of date or addressed in other bills. Vote 14-0.

HB 701, relative to the definition of a school district in the case of unincorporated towns or

unorganized places. **OUGHT TO PASS.**

Rep. Barbara E. Shaw for Education: This bill is necessary to correct the situation of Coos County being responsible as the school district for unincorporated towns or unorganized places in Carroll County. It removes the word “Coos” and replaces it with “a” county and “the” county. Vote 16-0.

HB 822, relative to enrollment of students in regional vocational schools. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Charles B. Yeaton for Education: The committee has been concerned with dropouts and with providing alternatives which might keep students in school. This bill has the potential to prevent some dropouts as it allows students to enroll in regional vocational schools, on a space-available basis, if they have attended high school for two years even though they may not have achieved the necessary credits during these two years. Vote 14-0.

Amendment (0905h)

Amend RSA 188-E:6, I as inserted by section 2 of the bill by replacing it with the following:

I. Students shall enroll at their regular high school for nonvocational courses and attend a regional vocational center for purposes of taking vocational courses except ~~[students]~~, ***when it is determined pursuant to department of education rules that it would be in the best interest of the student, both academically and vocationally, a student*** may ~~[, where distance, transportation, or other physical restrictions prohibit,]~~ attend the vocational education center for ~~[their]~~ ***his or her*** entire educational program. Tuition charged for students enrolled part time at the vocational education center shall be prorated on a time basis for both the local district and the state share of the payment.

Amend RSA 188-E:5 as inserted by section 4 of the bill by replacing it with the following:

188-E:5 Program. The program in the regional vocational centers shall be broad enough to serve the reasonable needs of the area, and provide for a substantial vocational offering in the region. Each center shall make maximum utilization of cooperative arrangements with special education and vocational rehabilitation in providing vocational education for disadvantaged and disabled persons. Opportunities for out-of-school youths, including “drop outs” and others, and adult education will be provided whenever possible. The regional vocational centers, as an integral part of each vocational offering, may provide opportunities in leadership development through participation by students in appropriate corresponding and nationally recognized vocational student organizations. ***Regional vocational centers shall, on a space available basis, enroll any student requesting enrollment who has attended 2 years of high school regardless of the number of academic credits earned.***

AMENDED ANALYSIS

This bill requires regional vocational schools to accept students who have attended 2 years of high school regardless of the number of credits earned. This bill also allows students to enroll in regional vocational schools when the department of education determines it would be in their best interest.

HB 914-L, relative to the procedure for withdrawal from certain cooperative school districts and establishing a commission to study the procedures for withdrawal from a cooperative school district. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Karen K. McRae for Education: There were three bills dealing with cooperative school districts. There is a problem in several districts and the committee felt that creating a committee to review the statutes relating to cooperative school districts was in order. The original statute was passed in 1947 and has had several changes since then. The amendment creates a joint Senate-House committee to look at the statute. Vote 14-0.

Amendment (0915h)

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

AN ACT establishing a committee to study issues related to cooperative school districts.

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

1 Committee Established. There is established a committee to study issues related to cooperative school districts.

2 Membership and Compensation.

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

(a) Three members of the house of representatives, one of whom shall serve on the house education committee, and one of whom shall represent a town in a cooperative school district, 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.

I. The committee shall:

(a) Study the procedure for withdrawal from a cooperative school district including any needed changes to the procedure for withdrawal from a cooperative school district.

(b) Study the procedure for amending a cooperative school district's articles of agreement, specifically to reflect demographic changes in the towns comprising the cooperative school district.

(c) Evaluate existing procedures for the division of assets, disposition of property and other equity interests of the withdrawing school district, and any other financial interest which a school district seeking withdrawal may have in the remaining cooperative school district, and recommend revisions to such procedures as necessary.

(d) Study the feasibility of permitting the formation of cooperative school districts which would expire within a specified period of time.

II. The commission may consult with department of education personnel or any other individual or organization with information or expertise relevant to the committee's objectives.

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, 2007.

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

AMENDED ANALYSIS

This bill establishes a committee to study issues related to cooperative school districts.

HB 272, relative to scheduling the presidential primary election. **OUGHT TO PASS WITH AMENDMENT.**

Rep. James R. Splaine for Election Law: This bill, as amended, provides for two logistical updates in our statutes to enable flexibility for the secretary of state to adjust dates for allowing absentee voting in the New Hampshire First in the Nation Presidential Primary, and to provide adequate time for the reporting to that office of the national convention delegates and alternative delegates by presidential candidates. By approving this legislation, we continue to authorize the secretary of state full flexibility in setting the date of our primary, based on an overview of the schedule of election events in other states, and thereby we continue to state our determination to protect the lead-off status of our primary. Vote 16-0.

Amendment (0629h)

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

AN ACT relative to presidential primary elections.

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

1 Presidential Nominations; Selection of Delegates. Amend RSA 655:50 to read as follows:

655:50 Selection of Delegates. Each presidential candidate who has filed pursuant to RSA 655:47 shall file with the secretary of state [~~between the first Monday in December and the first Monday after the first Wednesday in January before~~] **no later than the third Friday following the last day of the filing period for** the presidential primary the names and addresses in alphabetical order of the delegates and their alternates, one alternate per delegate, who shall represent ~~[him]~~ **the candidate** as his **or her** delegation to the national convention.

2 Absentee Voting; Application; Forms. Amend RSA 657:4, I to read as follows:

I. Absence (Excluding Absence Due to Residence Outside the Continental United States), Religious Observance, and Disability:

New Hampshire law requires that you vote in person at the polling place for your town or ward unless you:

a. Plan to be absent on the day of the election from the city, town, or unincorporated place in which you are registered to vote.

b. Cannot appear in public on election day because of observance of a religious commitment.

c. Are unable to vote in person due to a disability.

d. Cannot appear at any time during polling hours at your polling place because an employment obligation requires you to remain physically at work or to be in transit to or from work from the time the polls open until after the time the polls close.

RSA 657:1. Any person who votes or attempts to vote using an absentee ballot who is not entitled to vote by absentee ballot shall be guilty of a misdemeanor. RSA 657:24.

I am requesting an absentee ballot for the following election:

___ State Primary. I am member of the:

___ Republican Party

___ Democratic Party

or I am now declaring my affiliation with that party and am requesting a ballot for that party's primary.

___ General Election

Applicant's Name _____
(Last) (First) (Middle) (DOB)

Applicant's Voting Domicile (home address): _____
(Street) (City/Town) (zip)

Mail the ballot to me at this address: _____

I hereby declare that:

___ I am a duly qualified voter who is currently registered to vote in this town/ward.

___ I am absent from the town/city where I am domiciled and will be until after the next election, or I am unable to register in person due to a disability, and request that the forms necessary for absentee voter registration be sent to me with the absentee ballot.

I will be entitled to vote by absentee ballot at the election designated above because:

___ I plan to be absent on the day of the election from the city, town, or unincorporated place where I am domiciled.

___ **I am requesting a ballot for the presidential primary election and I may be**

absent on the day of the election from the city, town, or unincorporated place where I am domiciled, but the date of the election has not been announced. I understand that I may only make such a request after the filing period for candidates has closed, and that if I will not be absent on the date of the election I am not eligible to vote by absentee ballot.

___ I cannot appear in public on election day because of observance of a religious commitment.

___ I am unable to vote in person due to a disability.

___ I cannot appear at any time during polling hours at my polling place because an employment obligation requires me to remain physically at work or to be in transit to or from work from the time the polls open until after the time the polls close.

This application form must be signed by the applicant. The absentee ballot forms you receive will require you to sign an affidavit confirming that you are entitled to vote by absentee ballot due to one of the reasons stated above. The moderator is required to compare the signature on the affidavit to your signature on this form. The absentee ballot will not be counted if the affidavit and this form do not appear to have been signed by the same person. RSA 659:50.

Signature of the Applicant

3 Special Overseas and Armed Services Election Write-In Ballot; Presidential Primary Election. Amend RSA 657:10-a to read as follows:

657:10-a Special Overseas and Armed Services Election Write-In Ballot.

Notwithstanding any other provision of the election laws, a qualified absentee voter may apply to a city or town clerk for a special write-in absentee ballot. These ballots shall be mailed by the town or city clerk no later than July 15 for voting in a state primary election, ***no later than November 1 for voting in a presidential primary election***, and no later than the date of the state primary for voting in a state general election, to overseas citizens and armed services personnel who state they are unable to vote by regular absentee ballot or in person due to requirements of military service or due to living in isolated areas outside the United States and Canada. The ballot shall be prepared by the secretary of state and shall be, as nearly as practicable, the same as the official overseas citizens federal election ballot except that there shall be no candidate's names printed on it.

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

AMENDED ANALYSIS

This bill modifies dates for the filing names of addresses of presidential delegates and for mailing special overseas and armed services election write-in ballots. This bill also permits a person to request an absentee ballot for a presidential primary election before the date of the election has been announced.

HB 280, relative to the identification of persons and organizations petitioning for a citizen initiative or referendum. **INEXPEDIENT TO LEGISLATE.**

Rep. Paul Hopfgarten for Election Law: The committee appreciates the intent of this bill, but the bill is flawed in that communities that operate under town charters would not be subject to the same law as either cities or towns without a charter and, therefore, this bill could not be supported. Vote 16-0.

HB 344, relative to conduct of recounts. **OUGHT TO PASS.**

Rep. Janet F. Allen for Election Law This bill simply states that a candidate who has requested a recount but is unable to attend the recount will designate someone to make decisions on the candidate's behalf. The secretary of state's office fully supports the passage of this bill to solve problems that they have experienced. It is basically a housekeeping bill. Vote 16-0.

HB 387, relative to penalties for election law violations. **INEXPEDIENT TO LEGISLATE.**
Rep. Janet F. Allen for Election Law: Since the sponsor stated that there were no problems regarding election law violations, the committee unanimously voted to ITL this increase in penalties for local election officials. The committee believes the town and city clerks are the most well intentioned and well meaning election officials in the state. We are furthermore pleased with the number of citizens who volunteer to help with our elections. We feel that this bill would discourage the clerks and volunteers. We recognize and applaud the clerks for the difficult job they do. Vote 16-0.

HB 534, relative to political committees of political parties. **OUGHT TO PASS.**
Rep. William P. Denley for Election Law: This bill allows political subcommittees of the state political parties that include more than one city or town to be treated the same as single city or town. These regional committees will be required to submit the same reports required by single city or town committees to the secretary of state's office. Regional committees will be treated under the rules that apply to political parties rather than political action committees (PACs). Vote 13-1.

HB 541, relative to polling places for wards. **INEXPEDIENT TO LEGISLATE.**
Rep. James R. Splaine for Election Law: This bill eliminates the requirement that a polling place for a ward be located in the ward. The sponsors found a better and easier way to accomplish this objective on a local basis. Vote 16-0.

HB 548, relative to political expenditures and contributions. **INEXPEDIENT TO LEGISLATE.**
Rep. Daniel W. McKenna for Election Law: This bill attempts to simplify tracking campaign contributions and expenditures. However, the committee found this bill to be deeply flawed. New requirements are created by this bill for the way in which candidates would have to receive contributions and make expenditures. The committee did not believe that these requirements would necessarily increase campaign finance transparency. There was further concern that this bill mandates that all campaign contributions be made by check. Vote 14-1.

HB 608-FN, relative to the number of ballots furnished by the secretary of state for a state general election. **OUGHT TO PASS.**
Rep. Charles F. Weed for Election Law: The committee believes this is a cost saving measure that enables the secretary of state to provide the estimated number of ballots required for state general elections. Current law requires that the number of ballots be at least equal to the number of registered voters in the election district. Using information from a myriad of sources, the secretary of state has been "spot on" in estimating voter turnout for several decades. There are procedures in place for timely recovery should the estimated number be too low. Vote 15-0.

HB 735, relative to the form of the presidential primary election ballot. **OUGHT TO PASS.**
Rep. Daniel W. McKenna for Election Law: This bill is a housekeeping bill requested by the secretary of state's office. The bill clarifies the instructions on the presidential primary ballot by adding the words "vote for not more than one." Further, if no candidate files for the office of vice president, the office will not be listed on the primary election ballot. Vote 14-0.

HB 206, relative to the disclosure of certain livestock health information. **OUGHT TO PASS WITH AMENDMENT.**
Rep. Timothy D. O'Connell for Environment and Agriculture: This bill stipulates that participation in a state or national animal health or disease control system that requires the registration of livestock or agricultural premises, such as the National Animal Identification System, shall be voluntary. In addition information submitted by an individual or business

in such a control system can be exempt from disclosure. However, it is important to emphasize that disclosure of information to local, state, and federal officials is not public disclosure. In addition, the exemption does not affect the disclosure of information used in reportable animal health investigations under RSA 436:6-a. Vote 13-1.

Amendment (0099h)

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

AN ACT relative to the disclosure of certain livestock health information and relative to voluntary registration of livestock and agricultural premises.

Amend RSA 436:6-a as inserted by section 1 of the bill by replacing it with the following:

436:6-a Records Disclosure.

I. Information submitted by an individual or business for the purpose of participating in a state or national animal health or disease control system is exempt from disclosure. Disclosure to local, state, and federal officials is not public disclosure. This exemption does not affect the disclosure of information used in reportable animal health investigations under this chapter.

II. Participation in a state or national animal health or disease control system requiring the registration of livestock or agricultural premises, such as the National Animal Identification System, shall be voluntary.

AMENDED ANALYSIS

This bill exempts certain livestock health information from disclosure.

This bill requires participation in livestock and agricultural premises registration programs to be voluntary.

HB 243, relative to a rabies immunization exemption. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Richard H. Snow for Environment and Agriculture: Cats, dogs & ferrets are required to be vaccinated against rabies in NH. This is done to protect the human population from infection by the rabies virus. In some rare but scientifically valid medical cases, an animal should be exempted, by their veterinarian, from vaccination for health risks to the animal. Current law does not allow for exemption. This bill adds, to the law, an allowance for exemption under carefully controlled conditions. An animal that has been exempted must be leashed, muzzled and under its owner's control when it is outside. The amendment addresses the concerns raised at the hearing about the muzzling methodology and equipment by making a local agency responsible for controlling the use of muzzles. There are no known fiscal impacts associated with this bill. Vote 13-0.

Amendment (0209h)

Amend RSA 436:100, II as inserted by section 1 of the bill by replacing it with the following:

II. A rabies immunization exemption may be issued, where illness or a veterinary medical condition warrants, by the local rabies control authority upon the written recommendation of a veterinarian licensed under RSA 332-B. The recommendation shall also be signed by an American College of Veterinary Internal Medicine diplomate and the state veterinarian. The exempted animal shall be maintained in strict rabies isolation, under conditions that are at the discretion of the local rabies control authority, until such time as the medical condition has been resolved and the animal can be immunized against rabies. Exempted animals shall not be allowed outdoors without being on a leash and shall be under the direct physical control of an adult owner at all times. In addition, when the animal is outdoors, it shall be muzzled in a manner approved by the local rabies control authority.

HB 251, relative to the authority of the agricultural advisory board. **OUGHT TO PASS.**

Rep. Timothy D. O'Connell for Environment and Agriculture: The Agriculture Advisory Board consists of 15 members. Ten members are designated, one each, from each of our ten counties that are actively engaged in production agriculture. In addition, five members are appointed who reflect a diversity of the agricultural support and the consumer industry to monitor and sustain our agricultural economy. HB 251 expands the scope of the statutory duties of the Agriculture Advisory Board to be aware of and biennially report to the Commissioner of Agriculture administrative, legal, and other regulatory factors that are or could affect the viability of our agricultural economy. This bill is one of the recommendations of the recent report of the appointed Farm Viability Task Force. Vote 13-0.

HB 384, relative to repealing the authority of the department of environmental services regarding sludge and biosolids and establishing a committee to study new sludge legislation. **INEXPEDIENT TO LEGISLATE.**

Rep. Virginia L. Heard for Environment and Agriculture: This bill was found to be inexpedient to legislate because it would defeat the authority of the Department of Environmental Services to make rules regarding sludge and biosolids and cause far greater problems - the potential for unregulated spreading and management of biosolids and sludge. The other part of the bill would have established a commission to study and develop policies regarding management of sludge. This commission was found to be unnecessary as a similar commission is to be established in HB 699. Vote 14-0.

HB 414, relative to the sale of class A sludge in bulk agricultural fertilizer bags. **INEXPEDIENT TO LEGISLATE.**

Rep. William B. Tobin for Environment and Agriculture: The existing RSA's address the dispersal and spreading of the product. The new bill has no additional value to those laws in existence. Vote 14-0.

HB 672, establishing a commission to study requirements for safe and secure landfills. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Burton W. Williams for Environment and Agriculture: Secured landfills are one of our primary methods of disposing of our solid waste, including construction and demolition waste. Rules and regulations we have enacted over the years have made it increasingly difficult to site new ones or expand on existing. A commission to study secured landfills is in order at this time. Vote 16-1.

Amendment (0727h)

Amend section 2 of the bill by replacing paragraph I with the following:

2 Membership and Compensation.

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

(a) Four members of the house of representatives, of whom one shall be from the environment and agriculture committee, one from the science, technology, and energy committee, one from the public works committee, and one from the resources, recreation and development committee, appointed by the speaker of the house of representatives.

(b) Two members of the senate, one of whom shall be from the energy committee, and one from the public works committee, appointed by the senate president.

(c) One member from the New Hampshire Local Government Center, appointed by the association.

(d) One representative from the New Hampshire Sierra Club, appointed by that organization.

(e) One member from the Toxics Action Center, appointed by that organization.

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

(g) The attorney general, or designee.

(h) The commissioner of the department of health and human services, or

designee.

(i) One member from the university of New Hampshire, appointed by the chancellor of the university system.

(j) Two members from the business or industrial community, appointed by the governor.

(k) One member of the public, appointed by the governor.

Amend section 3 of the bill by inserting after paragraph V the following new paragraph:

VI. Banning the landfilling of construction and demolition waste unless such waste was recycled.

HB 859, relative to the definitions of agriculture and farming in the motor vehicle laws.

OUGHT TO PASS WITH AMENDMENT.

Rep. Peter H. Allen for Environment and Agriculture: This bill improves the definition of “agriculture” and “farming” as all operations of a farm as defined in RSA 21:34-2. Vote 16-0.

Amendment (0854h)

Amend the bill by replacing section 1 with the following:

1 Agriculture and Farming; Defined. RSA 259:3 is repealed and reenacted to read as follows:

259:3 Agriculture and Farming. The words “agriculture” and “farming” mean all operations of a farm, as defined in RSA 21:34-a.

HB 879-FN, relative to establishing a conservation agent program within the department of environmental services. **INEXPEDIENT TO LEGISLATE.**

Rep. Timothy D. O'Connell for Environment and Agriculture: The committee is in concurrence that HB 879 is unwarranted. It is the opinion of the committee that our local building inspectors working with the Department of Environmental Services through the permitting process provides the necessary monitoring and compliance with permits issued on development sites. Testimony also was brought forth that most problems arise on sites where no permit was obtained. In addition, the fiscal note indicates that the bill would have significant impact on other state agencies, counties, and municipalities. Furthermore, DES indicates annual operating expenditures of over \$400,000. Vote 16-0.

HB 312-FN, relative to alternative providers for certain health services. **OUGHT TO PASS.**

Rep. Alida I. Millham for Executive Departments and Administration: This legislation will end the registration of alternative providers who engage in mental health practice as of July 1, 2007. An “alternative provider” is a person who, for remuneration, engages in mental health practice as defined in the mental health section of the occupations and professions section of the law, but does not hold a license to practice. Registration of “alternative providers” is merely a list of people who have registered by listing their name. There are no requirements for registration such as education, experience, and continuing education. This registration situation is confusing to the public and offers no protection. There are nineteen “Alternative providers” who will remain on the list. Vote 16-0.

HB 328, relative to the regulation of electrical installation of alarms. **INEXPEDIENT TO LEGISLATE.**

Rep. Hector M. Velez for Executive Departments and Administration: This bill would add alarms to the electrical installations regulated by the electricians’ board. The state fire marshal opposed this bill based on the lack of clarity for alarms, training, and the fact that this bill did not mention single family homes. Both electricians and alarm installers are working on rules that will be addressing low voltage installation. These draft rules are almost complete and ready for submittal to Joint Legislative Committee on Administrative

Rules. Vote 17-0.

HB 338, requiring the plumbers' board to report on the feasibility of reestablishing reciprocity with neighboring states in licensing of plumbers. **OUGHT TO PASS.**

Rep. Hector M. Velez for Executive Departments and Administration: This bill requires the plumbers board to study the feasibility of re-establishing reciprocity with Maine and Vermont in licensing of plumbers. The committee believes that re-establishing reciprocity with neighboring states is in the best interest of New Hampshire because we would work collaboratively with neighboring states. In 1999, rules, as they pertained to reciprocity, expired. Studying the situation might result in new legislation. Vote 17-0.

HB 346-FN-L, establishing a defined contribution retirement option in the New Hampshire retirement system. **INEXPEDIENT TO LEGISLATE.**

Rep. Ken Hawkins for Executive Departments and Administration: This bill would have allowed new employees eligible for the New Hampshire Retirement System to elect to participate in a defined contribution system (much like a 401K account) instead of the defined benefit plan currently required, and it would allow any person vested to switch to a defined contribution system. It spelled out the rates of contribution for both employees and employer. The problem with this bill is that it would take people and monies from the retirement system in that contributions would no longer go into the retirement system. This would create a funding problem in that the system would no longer receive any monies from people who went into the defined contribution plan. The result of passing this bill could possibly mean a drastic increase in payments by the communities and state payments that the taxpayers would have to pay. Vote 17-0.

HB 545, relative to the definition of recreational therapy. **INEXPEDIENT TO LEGISLATE.**

Rep. Catriona D. Beck for Executive Departments and Administration: This bill would amend and change the language in the introductory paragraph of RSA 326-J:1 III from "Life" to "recreational or leisure activities in the statute pertaining to recreational therapists. Due to the fact that this new law goes into effect in June of 2007, testimony presented to the committee in favor of keeping the original language, because the law has not even taken effect, outweighed making any changes at this present time. Vote 16-1.

HB 562-FN, excluding extra or special duty pay from earnable compensation in the retirement system. **INEXPEDIENT TO LEGISLATE.**

Rep. Pamela V. Manney for Executive Departments and Administration: This bill sought to remove extra or special duty pay from the definition of earnable compensation used in the calculation of retirement system benefits that would have negatively affected the retirement benefits of approximately 4,573 police members and some in the teaching profession. Police officers don't make much and don't pay into the social security system. The hours are long, the job is dangerous and the work schedule often takes them away from their family so they may protect ours. These retirement benefits are all they have to support themselves in their later years. They earned it, they worked for it and they deserve to receive the benefits they were promised when they took the job. The committee understood the rationale for bringing this bill forward but could not support doing so at the expense of our law enforcement officers. Vote 16-1.

HB 568-FN, repealing the option to purchase nonqualified service credit in the New Hampshire retirement system. **OUGHT TO PASS.**

Rep. Ken Hawkins for Executive Departments and Administration: This bill was filed to correct a problem that was created with the passage of HB 1633 in 2006. This bill allowed members of the New Hampshire Retirement System to purchase up to five years of service

credit. This then allowed a member to shorten the number of years by the number of additional years purchased. For instance, a group II member could purchase five years and retire at the end of fifteen years and receive a pension based upon 20 years credited service. It was the feeling of the committee that there exists in the RSAs today the ability for an employee to contribute to deferred compensation system, and that is where any additional contributions should be made. Vote 13-2.

HB 569-FN, relative to the retirement age for retirement system group II members. **INEXPEDIENT TO LEGISLATE.**

Rep. Patricia M. McMahon for Executive Departments and Administration: Group I members of the New Hampshire Retirement System consist of firefighters, police, corrections and other officers who have specialized training. Their professions are often extremely strenuous and stressful. Currently, they may retire after 20 years of employment at the age of 45 because of the greater risk on the job evidenced by increased disabilities, morbidity and mortality. The committee is opposed to a change to 55 years of age for group II members. We believe that not only would the increased age of retirement add to the burden of the individual employee but it will increase costs to the employer for a disability aggravated by the strenuous nature of the job later in the lifetime of a group II member. Vote 16-1.

HB 629-FN, relative to authorizing continued membership in the Manchester employees' contributory retirement system. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Ken Hawkins for Executive Departments and Administration: This bill would allow employees in the Manchester Employees Retirement System to continue in the system and opt out of the New Hampshire Retirement System when an employee is reclassified, or participate in the New Hampshire Retirement System. This came about because nurses in the city employ were going to be reclassified (transferred) to the school system. This would have forced them to become members of the New Hampshire Retirement System. A number of these employees had 20 plus years of service. Upon transfer, they would be starting all over in the New Hampshire Retirement System and it then requires 10 years service to vest. An amendment to validate the Nashua Board of Public Works Retirement System that has been in effect since 1947 covers all city employees (outside of teachers, police & fire) much like the Manchester system does was added. This amendment will resolve any ambiguities. Vote 16-0.

Amendment (0630h)

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

AN ACT relative to authorizing continued membership in the Manchester employees' contributory retirement system, and relative to the Nashua public works retirement system. Amend the bill by inserting after section 1 the following and renumbering the original section 2 to read as 4:

2 Findings.

I. The general court finds that the city of Nashua has continually operated a retirement system for employees of its board of public works since 1947. Although Nashua has had the option of merging its city-run public works retirement system with the New Hampshire retirement system, it has consistently chosen not to do so. Other than its board of public works employees, all of Nashua's other employees are in either group I or group II of the New Hampshire retirement system.

II. The New Hampshire supreme court's decision in *McKenzie v. City of Berlin*, as well as other retirement-related litigation, has caused concern among Nashua's public works employees and their families as to the validity of their 60-year-old plan. Accordingly, it is the intent of the legislature to reaffirm the continuing validity of the Nashua board of public works retirement system as an independent retirement system, exempt from the provisions of RSA 100-A.

3 Nashua Public Works Retirement System; Administration. 1943, 292:1 through 292:4 are repealed and reenacted as follows:

1. Administration. The administration of the Nashua public works retirement system is vested in a board of trustees.

2. Board of Trustees. The board of trustees shall establish rules, regulations, and policies as it deems necessary for the proper administration of the retirement plan. The board of trustees shall be selected or appointed in accordance with procedures approved by Nashua's governing body.

3. Management of Funds. The members of the board of trustees shall be the trustees of the funds created hereby and shall have full power to invest and reinvest such funds. The board of trustees shall have the powers, privileges, and immunities of a corporation. Said trustees shall have full power to hold, purchase, sell, assign, transfer, and dispose of any or all of the securities and investments in which the board has invested, as well as the proceeds of such investments. Employee contributions to the Nashua public works retirement system by employee members will be at a rate determined by its board of trustees. The Nashua public works retirement system board of trustees shall exercise the judgment and care under the circumstances then prevailing, which persons of prudence, discretion, and intelligence, acting in a like capacity and familiar with such matters, would use in the conduct of a pension plan of like character with like aims as the trust to minimize risk of loss to the trust fund.

4. Amount of Benefit. The member retirement eligibility, the amount of the retirement benefit, the type of retirement benefit, and the termination of any such benefit shall be at the discretion of the board of trustees.

AMENDED ANALYSIS

This bill allows certain members of the Manchester employees' contributory retirement system whose positions are reclassified to continue membership with the Manchester employees' contributory retirement system.

The bill also authorizes the continued operation of the Nashua public works retirement system administered by its board of trustees.

HB 652-FN, relative to the collection of debts owed to the state. **OUGHT TO PASS.**

Rep. Ken Hawkins for Executive Departments and Administration: This bill would allow state agencies to use a collection agency to collect monies owed to them because of unpaid fines and/or fees. Currently, the attorney general's office will not allow agencies to go to court on their own to collect debts and will not go to court unless the monies owned are greater than \$5,000. We do not know how many dollars are involved, but heard testimony that it is considerable. Vote 15-0.

HB 673, allowing advanced registered nurse practitioners to certify walking disabilities.

OUGHT TO PASS.

Rep. A. Laurie Harding for Executive Departments and Administration: This bill updates language in the statute governing walking disability plates and placards making it consistent with practice authority granted in the newly revised Nurse Practice Act. Under existing law, an advanced registered nurse practitioner may perform the walking disability assessment, but is then required to obtain the signature of a physician colleague for the form required by the Department of Motor Vehicles, prior to issuing a handicapped plate or placard. This bill authorizes the nurse practitioner to determine the disability and authorize the plate or placard, thereby eliminating unnecessary delay to the patient and interruption of the physician colleague. The New Hampshire Board of Nursing has affirmed that the walking disability assessment is within the existing scope of practice of the nurse practitioner. Thirty-two other states grant this authority to nurse practitioners. The committee received testimony and letters of support from hospitals, medical practices, professional nursing organizations and individual nurse practitioners and physician

clinicians, serving thousand of New Hampshire residents who suffer from heart and lung disease, cancer, multiple sclerosis, arthritis, and other acute and chronic disorders that render mobility difficult. Enabling efficiencies within the health care delivery system is cost effective. Vote 15-1.

***HB 718-FN*, regulating privatization contracts for public service. OUGHT TO PASS WITH AMENDMENT.**

Rep. A. Laurie Harding for Executive Departments and Administration: This bill regulates the manner in which private contractors are utilized by the state. Contractors make a significant contribution to state government, but are expensive. They may participate in policy making discussions and yet do not have any accountability to the state. Concerns were raised that the process recommended by HB 718 would be costly and would “further complicate an already complicated process.” The amendment replaces the entire bill with a study committee to ensure that the “state renders service to the public in a manner that best serves the overall interests of the citizens of the state as well as the needs of service recipients.” Vote 16-0.

Amendment (0549h)

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

AN ACT establishing a committee to study the cost, quality, accountability and oversight standards used by the state when contacting with private entities for delivery of public services.

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

1 Findings and Intent. In order to guarantee that the state and its citizens are securing the best quality and value for the expenditure of public funds, the general court finds and declares that it is in the best interest of taxpayers and the public to ensure that there is a process of full disclosure and accountability when state agencies enter into contracts with private entities for the delivery of public services that would otherwise be rendered by public employees.

2 Committee Established. There is established a committee to study the process and scope of the privatization or outsourcing of public services that would otherwise be delivered by state employees.

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

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

(b) Two members of the senate, appointed by the president of the senate, one of whom shall be from the executive departments and administration committee and one of whom shall be from the finance committee.

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 examine the extent of outsourcing or privatization of public services that are ongoing or long-term in nature. The goal of such study shall be to recommend changes in contracting policies or procedures, as may be needed, to ensure that the state renders services to the public in a manner that best serves the overall interests of the citizens of New Hampshire as well as the needs of service recipients. In undertaking its analysis and making its recommendations, the committee shall look at whether there is a complete accounting during the contracting process of the comparative costs of direct public service delivery versus the outsourcing or privatization of those same services; whether contract administration and oversight are factored into the cost analysis; whether methods are in place to ensure contractor accountability and quality service delivery via trained workers; whether or how the contracting process measures whether contract employee services are overpriced or underpriced based on a comparison with the cost of public

employee delivery of the same services; whether collateral costs, such as in-state job loss if the jobs are outsourced to another state or country or costshifting to communities or other public programs if the outsourced positions do not provide a living wage or health insurance benefits, are factored into contracting decisions; and any other considerations the committee deems appropriate.

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

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, and the state library on or before November 1, 2007.

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

AMENDED ANALYSIS

This bill establishes a committee to study the cost, quality, accountability, and oversight standards used by the state when contacting with private entities for delivery of public services.

HB 733-FN, relative to certain authority and procedures of the department of revenue administration. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Pamela V. Manney for Executive Departments and Administration: This bill was submitted at the request of the department of revenue administration. It seeks to specify under what federal tax code and for what purpose the department of revenue administration is authorized to require submission of a social security number. It specifies at what dollar amount, "more than \$10," the department of revenue must credit an overpayment of taxes. It adds that "unless the taxpayer has requested the refund" the department can disregard the overpayment, "\$10 or less" if the cost to the state to refund would exceed the amount involved. The department states this bill may allow for savings in the processing costs of refunds that may decrease state general fund expenditures by an interminable amount. It also includes some housekeeping details requested by the department of revenue administration. Vote 15-0.

Amendment (0554h)

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

1 Department of Revenue Administration; Authority to Require Social Security Numbers. Amend RSA 21-J:27-a to read as follows:

21-J:27-a Federal Tax Identification. ***For the purpose of administering any state tax as allowed under 42 U.S.C. section 405***, the commissioner of the department of revenue administration is authorized to require the submission of a social security number, a federal employer identification number, or any other identifying number used in filing or preparing federal tax returns by individuals, businesses, or return preparers.

2 Processing Refunds of \$10 or Less. Amend RSA 21-J:28-a, IV and V to read as follows:

IV. In the case of any refund or credit of ***more than \$10 for*** overpayment of taxes administered by the department, the department shall apply the refund or credit as an offset to any liability with respect to any tax administered by the department. The department shall notify the taxpayer in the event of any such offset in tax.

V. In all cases where it appears that a taxpayer has overpaid his ***or her*** tax and the overpayment is ***\$10 or less*** [~~than \$1~~], the department may, in its discretion, disregard the overpayment if the cost to the state to refund the overpayment would exceed the amount involved, ***unless the taxpayer has requested the refund***.

3 New Paragraph; Bankruptcy; Affect on Lien Term. Amend RSA 21-J:28-c by inserting after paragraph IV the following new paragraph:

V. A bankruptcy filing by a taxpayer shall not affect the validity of any lien properly filed or renewed in accordance with this section.

4 New Paragraph; Statute of Limitations on Collections. Amend RSA 21-J:29 by inserting after paragraph III the following new paragraph:

IV. Where the assessment of any tax administered by the department has been made within the applicable period of limitation, such tax may be collected by lien or by a proceeding in court, but only if the lien is made or the proceeding commenced within 12 years of the assessment of the tax.

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

AMENDED ANALYSIS

This bill:

I. Authorizes the department of revenue administration to disregard overpayments of taxes of \$10 or less, unless the taxpayer requests a refund.

II. Clarifies the department's authority to require social security numbers.

III. Establishes that a bankruptcy filing by a taxpayer does not affect the validity of a lien properly filed or renewed by the department.

IV. Establishes a 12-year statute of limitations on collection of assessments.

V. Is a request of the department of revenue administration.

HB 749, changing the position of forensic toxicologist within the department of safety from an unclassified to a classified position. **OUGHT TO PASS.**

Rep. Pamela V. Manney for Executive Departments and Administration: This bill was requested by the department of safety and seeks to change the position of forensic toxicologist with the department of safety from an unclassified to a classified position. The need to change from the appointed unclassified position to the classified was because the commissioner of safety was having difficulty filling the politically appointed position because candidates for the position had reservations about accepting a job that would be up for renewal every four years, especially if they had to move their family from another state. Vote 13-1.

HB 758-FN, establishing a new state defined contribution retirement plan for new state employees and establishing a committee to study the transition of current employees into the new plan and administration of the new plan. **INEXPEDIENT TO LEGISLATE.**

Rep. Daniel J. Sullivan for Executive Departments and Administration: This bill would have completely revamped the New Hampshire Retirement System from a defined benefit system to a defined contribution system. It also would have established a committee to study the transition. The effect of this bill would eliminate any further contributions to the current retirement system by the employees, but would then leave the funding needed to satisfy promised benefits only to the employers (state, towns, cities) which could possibly be in the millions that would have to be raised by property taxes. Vote 15-1.

HB 761-FN, establishing the licensure and regulation of municipal real estate appraisers. **INEXPEDIENT TO LEGISLATE.**

Rep. Russell C. Day for Executive Departments and Administration: This bill would establish a board of municipal real estate appraisers for regulation and licensure of persons engaged in the practice of appraising real property for property tax purposes. While there has been much discussion of certain property appraisals, especially included the much discussed "view tax", the majority of the committee felt that this bill was not complete enough to fully describe the licensing process, required education, fees assessed and examinations used. Values of property are considered in the purchase price of such property and there exists means of requesting abatements and appeals in contested appraisals of the property. There are credential requirements of the division of revenue administration for those persons who perform municipal real estate appraisals which communities are obligated

to abide by. Vote 14-0.

HB 787-FN, relative to procedures for and requirements applicable to municipal appraisers for property tax purposes. **INEXPEDIENT TO LEGISLATE.**

Rep. Ken Hawkins for Executive Departments and Administration: This bill would hamper the assessing standards board in its work. The assessing standards board sets the rules, regulations and standards for how appraisers shall function. This bill would put into RSA's requirements that would require manuals, and contract language that if put into the RSA's cannot be enforced. This bill was introduced because of the so called "view tax." It is the understanding of the committee that appraisers value a property by the value that the property could be sold for. Appraisers are currently required to be certified by the Department of Revenue Administration and the property owner has the ability to contest his re-evaluation to both the appraisers and the town. There is also an appeal process to the tax appeals board that can order a revaluation on an entire town or just one property in that town. Vote 15-0.

HB 788-FN, relative to games of chance. **INEXPEDIENT TO LEGISLATE.**

Rep. Ken Hawkins for Executive Departments and Administration: This committee had three bills regarding games of chance (HB 229, HB 788, and HB 922). We combined all three bills into one bill so this bill should be inexpedient to legislate. Vote 15-0.

HB 821, establishing a committee to study establishing a permanent Latino affairs commission. **INEXPEDIENT TO LEGISLATE.**

Rep. Hector M. Velez for Executive Departments and Administration: The committee had a very positive outlook and dialogue within the committee regarding the study. The prime sponsor asked the committee to find the bill inexpedient to legislate because it was premature and wished to include other individuals across the state to contribute in the development of a bill that is more representative of diverse populations. Vote 16-0.

HB 876-FN-L, relative to eliminating the special account, changing the definition of earnable compensation, and revising the calculation of employee and employer contribution rates and cost-of-living adjustments in the retirement system, and assigning all new employees to group I. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Patricia M. McMahon for Executive Departments and Administration: The committee achieved the first step to stabilize the New Hampshire Retirement System with HB 653, as amended, and recommends a second phase as a study commission that will address the remaining issues for the NHRS. Vote 14-0.

Amendment (0950h)

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

AN ACT establishing a commission to make recommendations to ensure the long-term viability and sustainability of the New Hampshire retirement system.

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

1 Commission Established. There is established a commission to make recommendations to ensure the long-term viability and sustainability of the New Hampshire retirement system.

2 Membership and Compensation.

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

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

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

(c) The chairman of the New Hampshire retirement system board of trustees, or

designee.

(d) Three representatives of group I of the retirement system, one of whom shall represent the state employee's association, one of whom shall represent the American Federation of Teachers, and one of whom shall represent the New Hampshire Education Association, appointed by the governor.

(e) Three representatives of group II of the retirement system, one of whom shall represent the New Hampshire State Permanent Firemen's Association, one of whom shall represent the Professional Firefighters of New Hampshire, and one of whom shall represent the New Hampshire Patrolman's Association, appointed by the governor.

(f) Three representatives of municipal and school employers in the retirement system, appointed by the governor.

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:

I. Study the history of funding and benefits in the New Hampshire retirement system.

II. Analyze the current financial status of the retirement system, and the challenges facing the system in the future.

III. Assess the changes to federal accounting standards and their potential effect on the retirement system.

IV. Make recommendations for ensuring the long-term viability of the retirement system.

V. Study other matters deemed necessary by the commission.

VI. Seek technical assistance as necessary from the New Hampshire retirement system and from other independent financial, actuarial, and retirement experts.

4 Chairperson; Meetings. The governor, in consultation with the president of the senate and the speaker of the house of representatives, shall designate a chairperson from among the members. The first meeting of the commission shall be called by the chairperson. 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.

AMENDED ANALYSIS

This bill establishes a commission to make recommendations to ensure the long-term viability and sustainability of the New Hampshire retirement system.

HB 885-FN, relative to the deputy commissioner of the department of employment security. **INEXPEDIENT TO LEGISLATE.**

Rep. Pamela V. Manney for Executive Departments and Administration: This bill seeks to convert the deputy commissioner position and the three bureau directors (unemployment compensation bureau, employment service bureau and economic and labor market information bureau) from classified to unclassified positions. The department has historically maintained these four senior management positions as classified in order to ensure consistency and continuity in senior management and maintain that these positions would be free from political influence. Historical knowledge of a job and long time experience needed to run an efficient department would be lost should these positions become classified. All testimony heard, save the sponsor, was opposed to the bill. Vote 17-0.

HB 895-FN, relative to licensure of court reporters. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Alida I. Millham for Executive Departments and Administration: This bill will move court reporters from the jurisdiction of the court system to an independent board under the joint board of licensure and certification. Court reporters are individuals who are skilled at capturing, storing, retrieving and transcribing trial, pre-trial proceedings, speeches, legal proceedings, meetings and other events when written accounts of spoken words are necessary for correspondence, records or legal proof. The courts are now using electronic recorders instead of "court reporters" so no longer want to certify or oversee the practice of court reporters. This legislation authorizes a board under the joint board of licensure and certification for the purpose of licensing court reporters. The name court reporter remains because that is the long established title of the profession. Vote 11-0.

Amendment (0958h)

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

1 New Subdivision; Court Reporters. Amend RSA 310-A by inserting after section 160 the following new subdivision:

310-A:161 Purpose. The purpose of this subdivision is to set appropriate standards for the proper licensure of court reporters, and to establish and maintain a standard of competency for individuals engaged in the practice of court reporting, to maintain the integrity of the transcription of the spoken word, and to contribute to the protection of the general public thereby.

310-A:162 Definitions. In this subdivision:

- I. "Board" means the board of court reporters as created by this subdivision.
- II. "Court reporter" means a person who has met the requirements set forth in this subdivision and is licensed to engage in shorthand reporting or voice writing.
- III. "Machine writing" means the making of a verbatim record of the spoken word by means of the use of phonetic entries into a stenotype machine.
- IV. "Secretary" shall mean the secretary of the board.
- V. "Shorthand reporting" means the making by means of written symbols or abbreviations in shorthand or machine writing a verbatim record of the spoken word.
- VI. "Voice reporting" means the making of a verbatim record of the spoken word by means of voice writing.
- VII. "Voice writing" means the making of a verbatim record of the spoken word by means of an individual repeating the words of the speaker into a device either capable of digital translation into English text, or a device capable of creating a tape or digital recording.

310-A:163 Board.

I. There is hereby established a board of court reporters. The board shall consist of 5 members who shall be citizens of the United States and residents of this state appointed by the governor and council, 3 of whom shall be court reporters, one of whom shall be a public member and one of whom shall be admitted to practice law in the state of New Hampshire. The public member of the board shall be a person who is not, and never was, a member of the court reporting 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 court reporting services or an activity directly related to court reporting, including the representation of the board or profession for a fee at any time during the 5 years preceding appointment. Each court reporter member shall have actively practiced court reporting for the chief means of livelihood for at least 10 years prior to appointment and shall have held a responsible position in charge of such work for at least 5 years prior to appointment, which may include the teaching of court reporting. Members shall be appointed for 5-year terms, except that no more than one appointed member's term may expire in any one calendar year. Appointments for terms of less than 5 years may be made in order to comply with this limitation. No appointed member shall be eligible to serve more than 2 full consecutive terms, provided that, for this purpose only, a period actually served which exceeds 1/2 of the 5-year term shall be deemed a

full term. Upon expiration of a member's term, the member shall serve until a successor is qualified and appointed. The successor's term shall be 5 years from the date of expiration of the predecessor's appointment, regardless of the date of the successor's appointment. Vacancies occurring prior to the expiration of a specific term shall be filled by appointment for the unexpired term. The governor and council may remove a board member for cause. Members of the board shall receive \$25 for each day actually engaged in the duties of their office and shall be reimbursed for all actual travel, incidental, and clerical expenses necessarily incurred in carrying out the provisions of this subdivision.

II. The board shall hold at least 3 regular meetings each year and special meetings at such times as it may deem necessary. Notice of all meetings shall be given in such a manner as rules adopted by the board may provide. The board shall biennially elect or appoint a chairperson, vice-chairperson, and secretary. Three members shall constitute a quorum.

III. The board shall keep a record of its proceedings and a register of all applications for licensure, which shall show:

- (a) The name, age, and residence of each applicant.
- (b) The date of application.
- (c) The place of business of such applicant.
- (d) The applicant's educational and other qualifications.
- (e) Whether or not an examination was required.
- (f) Whether the applicant was rejected and the reasons for such rejection.
- (g) Whether a license was granted.
- (h) The date of the action of the board.
- (i) Such other information as may be deemed necessary by the board.

IV. The records of the board shall be prima facie evidence of the proceedings of the board, and a transcript of such records certified by the secretary of the board under seal shall be admissible in evidence with the same force and effect as if the original were produced.

V. Biennially, on or before December 31, the board shall submit to the governor a report of the transactions of the preceding biennium, and a complete statement of the receipts and expenditures of the board. The secretary of the board shall publish a roster listing the names and places of business of all court reporters licensed under the board during February of each even-numbered year. Copies of this roster shall be mailed to each person so licensed, placed on file with the secretary of state, and furnished to the public upon request at a fee to be established by the board. The board may include in such roster any other information it deems appropriate.

310-A:164 Rulemaking. The board shall adopt rules, pursuant to RSA 541-A, relative to:

- I. The application procedure for a license to practice under this subdivision.
- II. The qualifications of applicants in addition to those requirements set by statute, including the qualifications for satisfactory evidence of good professional character.
- III. How an applicant shall be examined, including the time and place of the examination.

IV. How a license to practice under this subdivision shall be renewed or reinstated, including late fees and any requirements for continuing education.

V. Ethical and professional standards required to be met by each holder of a license under this subdivision and how disciplinary actions by the board shall be implemented for violations of these standards.

VI. Matters related to the proper administration of this subdivision.

VII. Procedures for the conduct of hearings consistent with the requirements of due process.

VIII. The design of an official seal.

310-A:165 Designation as Certified Court Reporter. Any person holding a valid license as a court reporter as herein provided shall be styled and known as a licensed court reporter. No other person shall assume or use the title "licensed court reporter."

310-A:166 Prohibition of Use of Title. No person may assume or use the title or

designation court reporter, licensed court reporter, court recorder, shorthand reporter, licensed shorthand reporter, shorthand court reporter, licensed shorthand court reporter, shorthand court recorder, verbatim reporter, verbatim court reporter, licensed verbatim court reporter, shorthand court recorder, verbatim court recorder, licensed court recorder, court stenographer, verbatim court stenographer, or any abbreviation, title, designation, words, letters, sign, card, or device tending to indicate that the person is such unless the person holds a valid license as prescribed in this subdivision. A court reporter may use the word "shorthand" in his or her title only if that person is licensed in the shorthand reporting method and a court reporter may use the word "verbatim" in his or her title only if that person is licensed in the voice writing method.

310-A:167 Standards of Practice. Court reporters, who play a role in judicial proceedings and at meetings where the spoken word must be preserved in written transcript, shall demonstrate competence in:

I. The use of verbatim methods and equipment to capture, store, retrieve, and transcribe pretrial and trial proceedings or other information.

II. Create verbatim transcripts of speeches, conversations, legal proceedings, meetings, and other events when written accounts of spoken words are necessary for correspondence, records, or legal proof.

III. Ensuring a complete, accurate, and secure legal record.

IV. Working in varieties of settings, such as taking depositions in attorney's offices, documenting proceedings of meetings, conventions, and other private activities, and documenting proceedings taking place in government agencies at all levels from the United States Congress to the state and local government bodies.

310-A:168 License Required. Any person engaging in, offering to engage in, or appearing to engage in court reporting shall hold a valid license issued under this subdivision, designating the method by which the reporter is licensed to practice.

310-A:169 Inactive License Status. Any licensee may surrender his or her license to the board for placement on inactive status. The board shall place the licensee on inactive status only upon application by the licensee. Any licensee on inactive license status may have the license reinstated to active status by demonstrating compliance in the previous biennium with the continuing education requirements adopted by the board and applying to change status from inactive to active and providing evidence of a surety bond as required by RSA 310-A:177.

310-A:170 Requirements for Licensure. The board shall issue a license to any qualified applicant who meets the standards established under this subdivision and who holds one of the following titles:

I. Registered Professional Reporter (RPR), from the National Court Reporters Association; or

II. Certified Voice Reporter (CVR), from the National Verbatim Reporters Association.

310-A:171 Qualifications for Applicant for Licensing. The board shall consider any applicant for licensing who has:

I. Applied for licensing;

II. Paid the fee required by this subdivision; and

III. Submitted proof satisfactory to the secretary that he or she:

(a) Is not less than 18 years of age;

(b) Is a citizen of the United States or legally able to work;

(c) Is of good moral character; and

(d) Has a high school education, or the equivalent thereof, as defined by the department of education.

310-A:172 Application Fee. There shall be paid to the secretary by each applicant for a license, a fee of \$250 which shall accompany the application.

310-A:173 Individual Seals Required. Every licensed court reporter under this

subdivision shall have a seal containing the name of the licensed court reporter, his or her place of business, and the words "Licensed Court Reporter, State of New Hampshire" with which he or she shall stamp all transcripts prepared by him or her or under his or her supervision for use in this state. No licensed court reporter shall affix or permit to be affixed his or her seal to any transcript not prepared by him or her or under his or her supervision, nor shall any such reporter use his or her seal or do any other act as a licensed court reporter unless holding at the time a valid license under this subdivision. Licensed court reporter's seals shall indicate the reporting method utilized as defined in RSA 310-A:162.

310-A:174 Term of License; Renewal. The term of licensure under this chapter shall be every 2 years. All licenses issued by the board shall expire on the last day of the month of the licensee's birth in the year 2 years following the year of issuance. The secretary of the board shall notify every licensee of the date of the expiration of the license and the amount of the fee that shall be required for its renewal for 2 years, such amount to be not less than \$200. Such notice shall be mailed at least one month in advance of the date of expiration. Renewal may be effected at any time during the month of expiration by the payment of the fee established by the board and submission of evidence satisfactory to the board showing fulfillment of continuing education requirements. If a licensee fails to renew such license within the 12 months after the date of expiration, it shall become null and void and the licensee shall be required to reapply for licensure. Renewal fees shall be computed on a pro-rata basis as necessary as determined by the board.

310-A:175 Disciplinary Action.

I. The board may undertake disciplinary proceedings:

(a) Upon his or her own initiative; or

(b) Upon written complaint of any person which charges that a person licensed by the board has committed misconduct under paragraph II and which specifies the grounds therefor.

II. Misconduct sufficient to support disciplinary proceedings under this section shall include:

(a) The practice of fraud or deceit in procuring or attempting to procure a license to practice under this subdivision.

(b) The practice of court reporting using a reporting method for which the person is not licensed.

(c) Conviction of a felony.

(d) Any unprofessional conduct, or dishonorable conduct unworthy of, and affecting the practice of, the profession.

(e) Unfitness or incompetency by reason of negligent habits or other causes.

(f) Addiction to the use of alcohol or other habit-forming drugs to a degree which renders him or her unfit to practice under this subdivision.

(g) Mental or physical incompetency to practice under this subdivision.

(h) Willful or repeated violation of the provisions of this subdivision.

(i) Suspension or revocation of a license, similar to one issued under this subdivision, in another jurisdiction and not reinstated.

III. The board may take disciplinary action in any one or more of the following ways:

(a) By reprimand.

(b) By suspension, limitation, or restriction of license for a period of up to 5 years.

(c) By revocation of license.

(d) By requiring the person to participate in a program of continuing education in the area or areas in which he or she has been found deficient.

(e) By assessing administrative fines in amounts established by the board which shall not exceed \$2,000 per offense, or, in the case of continuing offenses, \$200 for each day up to a total not exceeding \$2,000.

310-A:176 Hearings. The board shall take no disciplinary action without a hearing. At

least 14 days prior to the hearing, the board shall serve all parties in a disciplinary proceeding, either personally or by registered mail, with a written copy of the complaint filed and notice of the time and place for hearing. All complaints shall be objectively received and fairly heard by the board, but no complaint shall be acted upon unless in writing. A hearing shall be held on all written complaints received by the board within 3 months of the date notice of a complaint was received by the accused, unless otherwise agreed to by the parties. Written notice of all disciplinary decisions made by the board shall be given to all parties to the proceeding upon their issuance.

310-A:177 Penalties.

I. Any person who shall practice or offer to practice as a licensed court reporter in this state for others without being licensed in accordance with this subdivision shall be guilty of a class A misdemeanor if a natural person, or guilty of a felony if a business organization.

II. Any person who violates any other provision of this subdivision shall be guilty of a class A misdemeanor.

310-A:178 Surety Bond Required. There shall be filed with each original application for licensure a bond in the form of a surety, by a reputable company engaged in the bonding business, authorized to do business in the state, for the penal sum of \$1,000 with one or more sureties, to be approved by the attorney general and conditioned that the applicant conform to and not violate any of the duties, terms, conditions, provisions, or requirements of this subdivision. If any person shall be aggrieved by the misconduct of any such licensee, such person may maintain an action in his or her own name upon the bond of said licensee in any court having jurisdiction of the amount claimed. All such claims shall be assignable, and the assignee shall be entitled to the same upon the bond of such licensee or otherwise, as the person aggrieved would have been entitled to if such claim had not been assigned. Any claim or claims so assigned may be enforced in the name of such assignee. Any remedies given by this chapter shall not be exclusive of any other remedy which would otherwise exist.

310-A:179 Continuing Education Required. Any person holding a license shall be required to be in compliance with the continuing education requirements of the National Court Reporters Association or the National Verbatim Reporters Association depending on their method of court reporting as specified in RSA 310-A:162. Each person shall be responsible for maintaining evidence of his or her continuing education units and shall submit such evidence of continuing education units to the board annually upon renewal of their license.

310-A:180 License Number Required. The board shall issue license numbers and all licensees shall display their license number on any transcripts produced by the licensee and on all business cards and other such information made available to the public or as dictated by the board.

310-A:181 Code of Ethics. The board shall adopt the National Court Reporters Association Code of Ethics as the New Hampshire board of court reporters code of ethics, including all provisions relating to giving, directly or indirectly, any gift, incentive, reward or anything of value to attorneys, clients, witnesses, insurance companies, or any other persons or entities associated with the litigation or to the representatives or agents of any of the foregoing except for:

I. Items that do not exceed \$100 in the aggregate per recipient each year; or

II. Pro bono services as defined by the New Hampshire Bar Association.

310-A:182 Limited Notarial Function. Any licensee under this subdivision may be permitted, in the performance of his or her court reporting duties, to place any person under oath without the separate requirement of being designated a notary public, justice of the peace, or commissioner of deeds, as specified in RSA 455.

2 Reference Changes. RSA 326-I:7, IV(f) is repealed and reenacted to read as follows:

(f) Court reporters licensed under RSA 310-A:161 – RSA 310-A:182 while employed as court reporters as defined in RSA 310-A:162, II.

3 Reference to Joint Board. Amend RSA 5:13 to read as follows:

5:13 Commissions and Boards Functioning Within Department. The ballot law commission, the boxing and wrestling commission, the board of accountancy and the joint board of ~~[engineers, architects, land surveyors, and natural scientists]~~ **licensure and certification** shall each function within the department of state as a separate organizational entity and with all the powers and duties as heretofore provided, except as otherwise provided by law.

4 Chapter Heading; Joint Board. The chapter heading preceding RSA 310-A is repealed and reenacted to read as follows:

JOINT BOARD OF LICENSURE AND CERTIFICATION

5 Joint Board Established. Amend RSA 310-A:1 to read as follows:

310-A:1 Joint Board Established. There shall be a joint board of **licensure and certification for** professional engineers, architects, land surveyors, foresters, professional geologists, natural scientists, ~~[and]~~ landscape architects, **and court reporters** consisting of each of the members of the board of professional engineers, board of architects, state board of licensure for land surveyors, foresters' board, board of professional geologists, the board of natural scientists, ~~[and]~~ the board of landscape architects, **and the board of court reporters**. The joint board shall meet at least quarterly to carry out its duties established under this chapter.

6 Initial License; Fees. For one year following the effective date of this act, the board of court reporters may grant an initial license to any court reporter holding a valid certified court reporter certificate, provided the board determines that the person meets the criteria for applicants for licensure under RSA 310-A:161 - RSA 310-A:182. Applicants shall be responsible for fees as determined by the board.

7 Repeal. The following are repealed:

I. RSA 310-A:97, relative to the joint board chapter title reference.

II. RSA 331-B, relative to court reporting.

8 Effective Date. This act shall take effect July 1, 2007.

AMENDED ANALYSIS

This bill requires court reporters to be licensed by a board of court reporters and establishes the board of court reporters as part of the joint board of licensure and certification. Currently, court reporters are certified by the chief justice of the superior court.

HB 922-FN, relative to licensing for games of chance. **INEXPEDIENT TO LEGISLATE.**

Rep. Ken Hawkins for Executive Departments and Administration: The committee had three bills regarding games of chance, HB 229, HB 788 and HB 922. We combined all three bills into HB 229 via amendments allowing us to vote inexpedient to legislate on this bill. We did use most of the items in this bill in the final bill. Vote 13-0.

HB 451-FN, increasing the state's portion of special education funding. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Kenneth L. Weyler for Finance: Of our 200,000 students, approximately 30,000 of them have Individual Education Programs (IEP's). This designates them as Special Education (SPED) students. Of the 30,000 SPED students, about 1,500 have very costly programs. The state helps to fund these programs through Catastrophic Aid. The triggers for Catastrophic Aid are 3 and one half times the statewide average pupil cost. That cost for the present school year is \$9,774.53 per student. The 3.5 trigger is then \$34,210.85. Above that trigger, the Catastrophic Aid pays 80% and the district, 20%. The next trigger is at ten times the average pupil cost or \$97,745.30. Above the ten times trigger, Catastrophic Aid pays 100%. The original bill called for changing the two triggers to 3 times and 8 times. The committee held discussions with the Department of Education which disclosed that some districts used only their funds exclusive of state and federal contributions when calculating the triggers. But, others included all funds, even private insurance, in computations. The committee termed this "double-dipping." We amended the original bill to require that every application

for Catastrophic Aid must list all payments for that individual student identified as to source, i.e. state, federal, etc. Although this was not the intent of the sponsors, the committee felt that it could not make progress on adjusting Catastrophic Aid until the accounting was more transparent and accurate. This is a necessary step. Vote 23-0.

Amendment (0830h)

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

AN ACT relative to the application of non-state sources of funding to catastrophic special education costs.

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

1 Special Education; State Aid. Amend RSA 186-C:18, III to read as follows:

III.(a) The state board of education, through the commissioner[~~]~~ **of the** department of education, shall distribute aid available under this paragraph as entitlement to such school districts as have a special education pupil for whose costs they are responsible, for whom the costs of special education, ***less any pupil-specific aid received by the school district*** in the fiscal year, exceed 3½ times the estimated state average expenditure per pupil for the school year preceding the year of distribution. If in any year, the amount appropriated for distribution as catastrophic special education [~~186-C:18~~] aid in accordance with this section is insufficient therefor, the appropriation shall be prorated proportionally based on entitlement among the districts entitled to a grant. If there are unexpended funds appropriated under this paragraph at the end of any fiscal year, such funds shall be distributed for court-ordered placements under RSA 186-C:19-b. The state may designate up to \$250,000 of the funds which are appropriated as required by this paragraph, for each fiscal year, to assist those school districts which, under guidelines established by rules of the state board of education, may qualify for emergency assistance for special education costs. Upon application to the commissioner of education, and approval by the commissioner, such funds may be accepted and expended by school districts in accordance with this chapter; provided, however, that if a school district has received emergency assistance funds for certain educationally disabled children, it shall not receive catastrophic special education aid for those same educationally disabled children. If any of the funds designated for emergency assistance under this paragraph are not used for such emergency assistance purposes, the funds shall be used to assist school districts in meeting catastrophic cost increases in their special education programs as provided by this paragraph.

(b) The school district shall be liable for 3½ times the estimated state average expenditure per pupil for the school year preceding the year of distribution, plus 20 percent of the additional cost, up to 10 times the estimated state average expenditure per pupil for the school year preceding the year of distribution.

(c) The department of education shall be liable for 80 percent of the cost above the 3½ times the estimated state average expenditure per pupil for the school year preceding the year of distribution, up to 10 times the estimated state average expenditure per pupil for the school year preceding the year of distribution. The department of education shall be liable for all costs in excess of 10 times the estimated state average expenditure per pupil for the school year preceding the year of distribution.

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

AMENDED ANALYSIS

This bill provides that pupil-specific aid received by a school district from non-state sources shall be deducted from the total cost of a special education pupil in calculating catastrophic aid payments.

HB 667-FN-A, making an appropriation for the purposes of the catastrophic illness program. **INEXPEDIENT TO LEGISLATE.**

Rep. Fran Wendelboe for Finance: This bill made an appropriation of \$400,000 per year for the purpose of the catastrophic illness program. Upon review, the committee saw that this

program has been funded in excess of that amount in the past and is in the budget for '08 and '09 already in excess of \$400,000. Therefore, this bill was not necessary. Vote 24-0.

HB 801, establishing a committee to study the feasibility of the state assuming responsibility for fully funding special education costs for children receiving special education services in the state. **INEXPEDIENT TO LEGISLATE.**

Rep. Linda T. Foster for Finance: The committee believes that such a study committee has merit. The committee also knows, however, that we do not have accurate and/or complete information to bring to such a study. The committee has offered an amendment to HB 451-FN which, if passed by the House, will require more accurate reporting of the actual district costs for special education students. Moreover, the committee has passed HB 661-FN, one of the bills that is the result of the work done by the Special Education Task Force, which established an Executive Planning Commission on special education and makes a small appropriation therefore. Vote 23-0.

HB 824-FN, establishing a death benefit to be paid to the family of a police officer, firefighter, or highway worker killed in the line of duty. **INEXPEDIENT TO LEGISLATE.**

Rep. Bernard L. Benn for Finance: The bill establishes a \$100,000 death benefit to be paid to the family of a police officer, firefighters, or highway worker killed in the line of duty to be paid through the retirement system. Currently all full time employees are covered by a \$20,000 life policy. The committee heard testimony both in favor and opposed to the bill; some thought the benefit should be limited to only police and firefighters as proposed in SB 169, but others felt the benefit should be expanded to include not only highway workers but also volunteer firefighters, EMT responders, prison guards, and school teachers. The committee felt that the \$100,000 benefit amount was significant and a more realistic help to a fallen's family than the current \$20,000 benefit. Who should be covered, how much coverage would cost the state, and the best method to fund the benefit are still to be determined. Therefore the committee recommends ITL at this time. Vote 22-0.

HB 835-FN, relative to funding the modular building program. **INEXPEDIENT TO LEGISLATE.**

Rep. Daniel A. Eaton for Finance: The committee agrees with the bill but would prefer to address the need in HB 1 and HB 2 so that we may accurately budget within the Department of Safety. Vote 22-1.

HB 434, relative to fishing in the Connecticut River. **INEXPEDIENT TO LEGISLATE.**

Rep. Robert J. L'Heureux for Fish and Game: This bill would have clarified the locations in the Connecticut River where persons with Vermont or New Hampshire fishing licenses could legally fish. A subcommittee was formed to research the issues in question. It was the determination of the subcommittee and the full committee concurred that passing this legislation would create more problems than it would solve. The committee was unanimous in its recommendation that this bill be inexpedient to legislate. Vote 14-0.

HB 134, relative to electronic prescribing for prescription drugs. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Frank G. Case for Health, Human Services and Elderly Affairs: This bill will update and modernize the Pharmacy Act. HB 134 is relative to electronic technology and its applications for the delivery of prescription medication for the residents of New Hampshire. This legislation gives the Board of Pharmacy the authority to regulate e-prescribing in New Hampshire. At the prescriber level, e-prescribing will provide a computerized system check for possible interactions and contraindications, so that at the pharmacy, drug interaction and allergic complications will be flagged. This new technology could have a significant reduction in drug and dispensing errors, resulting in fewer hospitalizations and misadventures in the

process of drug prescribing and dispensing. As amended, the bill provides heightened privacy protections for patients. Vote 19-0.

Amendment (0823h)

Amend RSA 318:47-c as inserted by section 2 of the bill by replacing it with the following:
318:47-c Prescriptions.

I.(a) A prescription may be written, oral, or electronically transmitted. All oral prescriptions shall be immediately reduced to writing by the pharmacist or authorized technician receiving the oral prescription and shall indicate at least the name of the patient; the name, strength, and quantity of the drug prescribed; any directions specified by the prescriber; the name of the practitioner prescribing the medication; the date the prescription was ordered; a statement that the prescription was presented orally; and the name of the pharmacist who took the verbal order. The pharmacist who dispensed an original prescription shall indicate on the face of the prescription at least the assigned prescription identification number; the date of dispensing; the quantity actually dispensed; and his or her name or initials. The prescription shall be filed numerically by the assigned identification number for a period not less than 4 years. Such prescription files shall be open to inspection by the pharmacy board and its agents.

(b) *A patient shall be entitled to receive a paper prescription instead of an oral or electronically transmitted prescription.*

II.(a) *A prescription that is electronically generated by a licensed prescriber, transmitted and received at the pharmacy by computer systems shall contain at least the name of the patient, the name, strength, and quantity of the drug prescribed, any directions specified by the prescriber, the name of the practitioner prescribing the medication, and shall be dated and signed by the prescribing practitioner on the day issued, and such signature shall be in an electronic format as defined in RSA 294-E:2, VIII.*

(b) *Electronic prescribing shall not interfere with a patient's freedom to choose a pharmacy.*

(c) *Electronic prescribing software shall not use any means or permit any other person to use any means, including, but not limited to, advertising, instant messaging, and pop-up ads, to influence or attempt to influence, through economic incentives or otherwise, the prescribing decision of a prescribing practitioner at the point of care. Such means shall not be triggered or in specific response to the input, selection, or act of a prescribing practitioner or his or her agent in prescribing a certain pharmaceutical or directing a patient to a certain pharmacy.*

(d) *Electronic prescribing software may show information regarding a payor's formulary, co-payment, or benefit plan as long as nothing is designed to preclude or make more difficult the act of a prescribing practitioner or patient selecting any particular pharmacy or pharmaceutical.*

(e) *No person transmitting or facilitating the transmission of prescriptions electronically between the licensed practitioner generating the prescription and the pharmacy receiving the prescription, or any intermediary, shall retain the prescription or any information it contains for longer than is mandated by federal law or state statute, or 15 days if no mandate requires a longer period of time, after which time the prescription and the information it contains shall be destroyed. No person shall sell, use, or otherwise make available the prescription and the information it contains for any purpose other than transmission and verification.*

HB 491, establishing the public health improvement services council. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Ruth Z. Bleyler for Health, Human Services and Elderly Affairs: As amended, this bill institutionalizes the public health planning improvement process to assure quality public health services in New Hampshire. The council will monitor the implementation of existing plans and develop a public health improvement plan. A final report will be made by November 1, 2009 with findings and recommendations. Vote 18-0.

Amendment (0887h)

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

AN ACT establishing a public health improvement services council.

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

1 Statement of Purpose.

I. The general court finds that the public health functions of community assessment, policy development, and assurance of service delivery are essential elements in achieving the objectives of public health in New Hampshire. The general court further finds that the population-based services provided by state and local health departments and other public health partners are effective strategies to promote the health of New Hampshire residents and to protect them from illness and injury.

II. The general court recognizes that the division of public health services, department of health and human services, coordinates a public health improvement process in conjunction with public health partners throughout the state culminating in a performance improvement plan for the public health system. The general court finds that in order to sustain a public health planning improvement process to assure quality public health services in New Hampshire, it is necessary to institutionalize that process through the development of the public health improvement services council and a required performance improvement planning process. Therefore, the general court hereby establishes a public health improvement services council to improve the New Hampshire public health system's capacity to provide essential services, with the fundamental purpose to improve the public's health.

2 Council Established. There is established a public health improvement services council to monitor the implementation of existing public health improvement plans and to develop a public health improvement plan.

3 Membership and Compensation.

I. The council shall consist of the following members and, to the extent possible, ensure geographic distribution:

(a) One member 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) The commissioner of health and human services, or designee.

(d) The commissioner of the department of education, or designee.

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

(f) Two clinicians with public health experience, one each from the Nashua and Manchester health departments, appointed by the commissioner of health and human services.

(g) Two representatives from the New Hampshire Public Health Network, appointed by the commissioner of health and human services.

(h) A representative from the New Hampshire Public Health Association, appointed by the association.

(i) A New Hampshire health insurer, appointed by the governor.

(j) A physician licensed under RSA 329, appointed by the governor.

(k) A representative from a community health center, appointed by the commissioner of health and human services.

(l) A representative from a philanthropic organization, appointed by the governor.

(m) A nurse licensed under RSA 326-B who is a public health nurse, appointed by the commissioner of health and human services.

(n) A representative of the Community Health Institute, appointed by the institute.

(o) A representative of the New Hampshire Local Government Center, appointed by the center.

(p) A representative of the New Hampshire Hospital Association, appointed by the association.

II. Legislative members of the council shall receive mileage at the legislative rate when attending to the duties of the council.

4 Duties.

I. The council shall:

(a) Develop a public health improvement plan which shall be based on the 10 essential public health services and shall recommend priorities and strategies to improve the public health system and health status of New Hampshire residents, taking into consideration national health objectives and systems standards such as the National Public Health Performance Standards, as frameworks for assessment.

(1) The 10 essential public health services are to:

(A) Monitor health status to identify and solve community health problems.

(B) Diagnose and investigate health problems and health hazards in the community.

(C) Inform, educate, and empower people about health issues.

(D) Mobilize community partnerships and action to identify and solve health problems.

(E) Develop policies and plans that support individual and community health efforts.

(F) Enforce laws and regulations that protect health and ensure safety.

(G) Link people to necessary personal health services and provide health care when otherwise unavailable.

(H) Assure a competent public and personal health care workforce.

(I) Evaluate effectiveness, accessibility, and quality of personal and population-based health services.

(J) Research for new insights and innovative solutions to health problems.

(2) The plan shall also take into consideration priorities and strategies developed through previous public health planning processes, related health planning initiatives, and local public health planning. The plan shall focus on prevention as a key strategy for long-term health improvement in New Hampshire. The plan shall contain recommendations on the contributions and strategies of the public and private sectors for improving health status and the public health system in the state. In addition, the plan shall include recommendations regarding priorities and strategies for reducing and eliminating health disparities in New Hampshire; including racial, ethnic, gender, age, socio-economic, and geographic disparities.

(b) Monitor the implementation of existing public health improvement plans.

II. The council may establish subcommittees as it deems necessary.

5 Chairperson; Quorum. The members of the council shall elect a chairperson from among the members. The first meeting of the council shall be called by the house member. The first meeting of the council shall be held within 45 days of the effective date of this section. Seven members of the council shall constitute a quorum.

6 Report. The council shall make an interim report on or before January 1, 2008 and a final report on or before November 1, 2009 with 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.

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

AMENDED ANALYSIS

This bill establishes a public health improvement services council to establish and

monitor the implementation of a public health improvement plan.

HB 688, establishing the council on the relationship between public health and the environment. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Barbara C. French for Health, Human Services and Elderly Affairs: This council has been in effect as a study committee since 2000. This legislation establishes a statutory council, to be reviewed by the Health and Human Services Oversight Committee every two years. The council has worked on public health concerns such as: restaurant services, school environment and public indoor smoking. The council is made up of a group of very dedicated professionals from Health and Human Services, Department of Environmental Services, Department of Education, Department of Agriculture, N.H. Lung Association and other appropriate government and private agencies. Vote 18-0.

Amendment (0693h)

Amend RSA 125-P:1, I as inserted by section 2 of the bill by replacing it with the following:

I. A council, to be known as the council on the relationship between public health and the environment, is hereby created and established. The council shall consist of the following members and, to the extent possible, ensure geographic distribution:

- (a) Three members of the house of representatives, appointed by the speaker of the house of representatives.
- (b) Two members of the senate, appointed by the president of the senate.
- (c) A licensed physician knowledgeable in occupational and environmental medicine, appointed by the governor.
- (d) A representative of the New Hampshire Public Health Association, appointed by such association.
- (e) A representative of the New Hampshire Health Officers Association, appointed by such association.
- (f) The commissioner of the department of health and human services, or designee.
- (g) The commissioner of the department of environmental services, or designee.
- (h) The commissioner of the department of insurance, or designee.
- (i) The commissioner of the department of agriculture, markets, and food, or designee.
- (j) The commissioner of the department of transportation, or designee.
- (k) The commissioner of the department of education, or designee.
- (l) A representative of the Foundation for Healthy Communities, appointed by the foundation.
- (m) A representative of the Jordan Institute, appointed by the Institute.
- (n) A representative of the Business and Industry Association of New Hampshire, appointed by the association.
- (o) At least one director from a city health department, or designee, appointed by the governor.
- (p) Two public health nurses, appointed by the New Hampshire Nurses' Association.
- (q) Additional public members not to exceed 7, representing advocacy, academia, philanthropy, and other professional organizations, all appointed by the governor.

Amend RSA 125-P as inserted by section 2 of the bill by inserting after RSA 125-P:3 the following:

125-P:4 Review. The council shall be reviewed by the oversight committee on health and human services, established in RSA 126-A:13, every 2 years after the effective date of this chapter to determine the effectiveness of the council, including the makeup of the council and the scope of its duties.

Amend the bill by replacing section 4 with the following:

4 Oversight Committee on Health and Human Services; Duty Added. Amend RSA 126-A:15, I to read as follows:

I. The committee shall provide legislative oversight of and informational meetings on the programs, policies, and rules of the department of health and human services as brought to its attention by committee members, legislators, department personnel, or others. The committee's work may include, but is not limited to, analyzing the efficacy of selected programs, studying the characteristics of target populations, researching trends affecting program costs and participation, and reviewing alternate approaches to programmatic and administrative concerns. The committee shall monitor the on-going medicaid modernization plan. The committee shall monitor the recommendations of the committee to study the HIV/AIDS service delivery (2005, 47) and determine whether such recommendations have been implemented. ***The committee shall review the council on the relationship between public health and the environment, established in RSA 125-P:1, every 2 years as provided in RSA 125-P:4.*** The committee shall provide informational meetings on such topics to the general court. The committee shall maintain communications with the department of health and human services, and any other departments, as necessary to accomplish its work.

AMENDED ANALYSIS

This bill establishes the council on the relationship between public health and the environment.

This bill requires the oversight committee on health and human services to review the council every 2 years to determine its effectiveness.

HB 727-FN, relative to certain disclosures during the certificate of need process. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Charles E. McMahon for Health, Human Services and Elderly Affairs: This bill, as amended, proposes a 13 member commission to study current practices in the construction industry relative to employer provided health insurance. Among topics to be studied are why there has been a decrease in company-sponsored health insurance in the construction sector in New Hampshire and what impediments there might be in current policies that contribute to this situation. The goal is to work with stakeholders to identify the causal reasons and to propose reasonable courses of action to be considered in the future should they be found.
Vote 19-0.

Amendment (0758h)

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

AN ACT establishing a commission to study health insurance coverage in the construction industry.

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

1 Commission Established. There is established a commission to study current practices in the construction industry relative to employer-provided health insurance.

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) The insurance commissioner, or designee.

(d) The director of the division of charitable trusts, department of justice, or designee.

(e) One member of the health facilities planning and review board, appointed by the board.

(f) A representative of the New Hampshire Local Government Center, appointed by the center.

(g) A representative of the New Hampshire Hospital Association, appointed by the association.

(h) A representative of the New Hampshire Citizens Health Initiative, appointed by such organization.

(i) Two members representing construction contractors, one representing union contractors and one representing non-union contractors, appointed by the speaker of the house of representatives and the president of the senate.

(j) Two members representing construction workers, one representing union workers and one representing non-union workers, appointed by the speaker of the house of representatives and the president of the senate.

II. Legislative members of the commission shall receive mileage at the legislative rate when attending to the duties of the commission.

3 Duties; Methods; Confidentiality.

I.(a) The commission shall study:

(1) Any decreased availability of employer-provided health insurance within the commercial construction sector, as reported by the Centers for Medicare and Medicaid Services, to determine any link between this decrease and the construction procurement policies or practices of public or publicly-funded or regulated entities.

(2) Review applicable ordinances, policies, rules and laws to determine if structural impediments exist.

(3) Whether an unlevel competitive bidding playing field exists within the public or publicly-regulated construction sector in relation to health insurance costs incurred by contractors.

(4) Policy models from other jurisdictions that encourage construction contractors in their efforts to provide worker's health insurance benefits without sacrificing competitiveness.

(5) Health care cost-shifting and uncompensated care issues related to this sector.

(b) In carrying out its duties, the commission shall consider:

(1) Existing procurement policies and procedures.

(2) Health care facility certificate of need policy.

(3) The community benefit requirements of RSA 7:32.

(4) The records or findings of the study committee established by 2005, 132.

(5) The work of the Citizens Health Initiative.

(6) Any other study related to health care access or health care cost-shifting within the state.

II. The commission shall accept testimony at properly-noticed meetings. The commission shall also seek input from the commissioners of the department of transportation, administrative services and other agencies as appropriate and any other person or entity the commission deems relevant to its study.

III. The commission shall strike any identifying data from the contracts and other records it reviews for the purposes of its study.

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

5 Report. The commission shall make an interim report with its findings, including an overview of the data, and any proposals for legislation on or before November 1, 2007, and a final report, including a final overview of the data, together with any proposals for legislation on November 3, 2008 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.

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

AMENDED ANALYSIS

This bill establishes a commission to study health insurance coverage in the construction industry.

HB 926-FN, relative to the regulation of pharmacies and pharmacists. **OUGHT TO PASS.**
Rep. Frank G. Case for Health, Human Services and Elderly Affairs: This bill makes several changes in the Pharmacy Practice Act. As such, it clarifies and updates the statute. The first reclassifies the retailers of medical gases and prescription devices as “Limited Retail Drug Distributors.” Change #2 adds the word “certified” to the existing definition of a pharmacy technician. Change #3 is a new definition of “prescription device or legend device.” Change #4 increases the pay to board members from \$50 to \$100 per day without increase to the state budget as the Board of Pharmacy is a 125% board. Change #5 adds the word “certified” to the section as applied to pharmacy technicians. This recognizes that “certified pharmacy technicians” have voluntarily achieved advanced training and certification. Change #6 amends the board’s rulemaking authority by recognizing the “automated pharmacy systems” dispensing system to dispense unit dose medication as needed by patients in clinics, emergency rooms and nursing homes. Vote 17-0.

HB 69, relative to the solemnization of marriages. **INEXPEDIENT TO LEGISLATE.**
Rep. Bette R. Lasky for Judiciary: This bill raises an interesting concept with regard to civil and religious marriage. The committee felt this subject matter and its ramifications needs and deserves more careful study which we are sure will happen in the upcoming session. Vote 16-0.

HB 82, relative to communications outside meetings under the right-to-know law. **INEXPEDIENT TO LEGISLATE.**
Rep. Maureen C. Mooney for Judiciary: This bill relates to inserting a separate section within the Right to Know Law relative to communications outside of meetings. This is a very important issue with regard to a quorum of members of a public body communicating on matters of public concern. The committee modified the language of HB 82 and incorporated it into the adopted amendment to HB 377. Vote 16-0.

HB 149, allowing a purchaser at a mortgage foreclosure sale to terminate a tenancy of the property by a notice to quit. **INEXPEDIENT TO LEGISLATE.**
Rep. Maureen C. Mooney for Judiciary: The bill adds the term "purchaser at a mortgage foreclosure sale" as defined as "successful bidder." As such, it authorizes the purchaser to start eviction proceedings before the property closes and title transfers. HB 149 needs considerable work and study before a final form can be appropriately adopted. Vote 17-0.

HB 212, relative to possessory actions against tenants. **INEXPEDIENT TO LEGISLATE.**
Rep. Paul L. Hackel for Judiciary: This bill provides the procedure for a lessor, owner or purchaser at a mortgage foreclosure sale to terminate the tenancy or otherwise recover possession of a property. The committee voted Inexpedient to Legislate because tenants not involved in foreclosure sales can be evicted without adequate notice or procedures. Vote 17-0.

HB 244, relative to withholding or withdrawing of medically administered nutrition and hydration and hydration and developmentally disabled persons. **OUGHT TO PASS WITH AMENDMENT.**
Rep. Stephen J. Shurtleff for Judiciary: This bill, and a companion bill, HB 370 would have made changes to RSA 137-J:10 IV (b). This law regulates the life-sustaining treatment for those with developmental disabilities. The input from the bill’s sponsors, and advocates for those with developmental disabilities, showed this law to be archaic and outdated. The bill was amended to strike this section of RSA 137-J:10 from New Hampshire state law. Vote 17-0.

Amendment (0600h)

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

AN ACT repealing a certain provision of law regarding advance directives and mentally incompetent or developmentally disabled persons.

Amend the bill by replacing section 1 with the following:

1 Repeal. RSA 137-J:10, IV(b), relative to withholding or withdrawing of medically administered nutrition and hydration from mentally incompetent or developmentally disabled persons, is repealed.

AMENDED ANALYSIS

This bill repeals a provision of the law regarding advance directives relating to withholding or withdrawing of medically administered nutrition and hydration or life-sustaining treatments from mentally incompetent or developmentally disabled persons.

HB 268, relative to cellular telephone number directories. **INEXPEDIENT TO LEGISLATE.**

Rep. Stephen J. Shurtleff for Judiciary: The committee heard testimony from the telecommunications industry as well as the Attorney General's office. The cellular telephone companies have never published a directory of cell phone numbers, nor do they plan to. Furthermore, the subject of this bill and the remedies sought, have been addressed in another bill currently before the House, HB 227. Vote 20-0.

HB 303, repealing the restrictions on Sunday dancing and repealing the prohibition on transporting moving picture films aboard passenger train cars. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Stephen J. Shurtleff for Judiciary: This bill corrects an antiquated "blue law" that prohibited dancing on Sundays and the transportation of picture films on trains. Vote 17-1.

Amendment (0839h)

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

AN ACT allowing Sunday dancing and repealing the prohibition on transporting moving picture films aboard passenger train cars.

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

1 Sunday Dancing Permitted. Amend RSA 332-D:6 to read as follows:

332-D:6 Sunday Dancing Permitted. Notwithstanding the provisions of RSA 332-D:4, public dancing shall be permitted [after 2 p.m.] on Sundays [in hotels and restaurants licensed under RSA, 178:21, II(a) and (b), and in ballrooms licensed under RSA 178:22, V(e), provided that such dancing shall have the approval of the state liquor commission].

2 Repeal. RSA 158:15, relative to transportation of picture films in the passenger cabin of trains, is repealed.

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

AMENDED ANALYSIS

This bill allows dancing on Sunday and repeals the prohibition on transporting moving picture films aboard passenger train cars.

HB 370, relative to withholding or withdrawal of life-sustaining treatment. **INEXPEDIENT TO LEGISLATE.**

Rep. Stephen J. Shurtleff for Judiciary: This bill sought to make a change to RSA 137-J:10, IV (b), which deals with life-sustaining treatment. The issues raised by this bill were addressed by the committee with the passage of HB 244 as amended. With the concurrence of the sponsor of HB 370, the committee voted unanimously to vote this bill Inexpedient to Legislate. Vote 17-0.

HB 394-FN, relative to notice to defendants in small claims actions. **OUGHT TO PASS**

WITH AMENDMENT.

Rep. Paul L. Hackel for Judiciary: This bill requires first class mail notice to defendants in small claims action. The committee supports the bill since it reduces the cost of certified mail, reduces the labor of verifying return receipt of certified mail and eliminates the inconvenience of receiving certified mail. At the same time, procedures are in place to insure notice is received since if no response in writing is received in 30 days, the court shall direct the plaintiff to complete service on the defendant at the expense of the plaintiff. Vote 19-0.

Amendment (0610h)

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

2 Report Required. On or before July 1, 2009, the administrative judge of the district court shall submit a report on the district courts' experience with the notice requirement under RSA 503:6 as inserted by section 1 of this act to the governor, the speaker of the house of representatives, the senate president, the chairpersons of the house and senate judiciary committees, and the chief justice of the supreme court.

AMENDED ANALYSIS

This bill requires first class mail notice to defendants in small claims actions. The bill also requires the administrative judge of the district court to make a report on the district courts' experience with this notice requirement.

***HB 621-FN*, relative to speedy trial time frames. INEXPEDIENT TO LEGISLATE.**

Rep. Stephen J. Shurtleff for Judiciary: This bill as presented would have required all persons charged with a crime, except capital murder, be brought to trial within 120 days. It was pointed out to the bill's sponsor that some individuals are not arrested until quite some time after the alleged offense. The sponsor said that his intent was that the 120-day period would not begin until after the defendant's arraignment. The testimony before the committee was that there are currently no unnecessary delays in criminal prosecutions; also, that this bill would have caused a hardship on both prosecutors and defense attorneys. Vote 17-0.

***HB 854-L*, relative to remedies under the right-to-know law. INEXPEDIENT TO LEGISLATE.**

Rep. Maureen C. Mooney for Judiciary: This bill relates to the remedies under the Right to Know law. RSA 91-A:8 already addresses remedies available for violations of the Right to Know law. Further amendments to this section of the current law require careful study and consideration prior to adoption. HB 854 is too premature without tedious and appropriate consideration at this time. Vote 18-0.

***HB 909*, relative to oaths required of public officers. INEXPEDIENT TO LEGISLATE.**

Rep. Donald R. Buxton for Judiciary: This bill provided for removal from office for violation of an oath of office by governor and council or the General Court. The governor and council cannot remove a member of the General Court or their employees, but the General Court may remove governor and council from office. This bill is in violation of the New Hampshire Constitution. Vote 16-0.

***HB 123*, 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 certain occupations that deal with the public safety should have a required time off between shifts. However, this bill requires a ten hour rest period between shifts for all employees regardless of industry or occupation. There was considerable opposition to this bill by many groups in the service and hospitality industry who would be severely burdened

by this legislation. There was no indication that there were any serious problems that exist in the workplace that necessitates this legislation. Vote 14-0.

HB 129, relative to outsourcing of jobs. **INEXPEDIENT TO LEGISLATE.**

Rep. Jason M. Bedrick for Labor, Industrial and Rehabilitative Services: This bill seeks to exclude companies that have outsourced jobs from New Hampshire to foreign countries from state contracts and economic aid. While well intentioned, the bill contained a number of serious flaws. No provision was made for exceptions when only one company can provide the state with a given service. The requirements on the Labor Department were too burdensome. The fines for non-compliance were unreasonable. One provision might exclude a company with a great number of New Hampshire employees from state contracts while allowing companies with fewer New Hampshire employees that outsourced up to 49 New Hampshire jobs. Vote 14-1.

HB 336, requiring notice of the classifications of employee and independent contractor. **OUGHT TO PASS.**

Rep. Mary J. Gorman for Labor, Industrial and Rehabilitative Services: This bill requires that information regarding classification of workers as employees or independent contractors be posted as part of the "Know Your Rights" notice in every place of employment. Easy public display of the distinct criteria for defining employee and independent contractor eliminates confusion in the work place. Vote 16-0.

HB 337, relative to penalties for failure to have workers' compensation coverage. **OUGHT TO PASS WITH AMENDMENT.**

Rep. John K. Knowles for Labor, Industrial and Rehabilitative Services: This bill changes the starting date for penalties on employers for not carrying workers' compensation insurance from the date the Labor Commissioner notes the violation to the date the violation actually began (capped at one year). Fines are deposited in a workers' compensation fraud fund, which is established by this bill. A similar change is made to penalties on insurers that do not file timely notice of changes or lapses in workers' compensation coverage. Vote 15-1.

Amendment (0632h)

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

AN ACT relative to penalties for failure to have workers' compensation coverage and continually appropriating a special fund.

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

1 Liability of Employer Failing to Comply; Penalty Assessment Period Changed; Fund Established. RSA 281-A:7, I is repealed and reenacted to read as follows:

I.(a)(1) An employer subject to this chapter who fails without sufficient cause as determined by the commissioner to comply with the provisions of RSA 281-A:5 by not securing payment of compensation shall be assessed a civil penalty of up to \$2,500; in addition, such an employer shall be assessed a civil penalty of \$100 per employee for each day of noncompliance. The penalties shall be assessed from the first day of the infraction not to exceed one year. Notwithstanding any provision of law to the contrary, the chief executive officer, chief financial officer, and the manager of limited liability companies shall be held personally liable for the payment of penalties.

(2) There is hereby established a nonlapsing workers' compensation fraud fund in the office of the state treasurer. All funds collected under this subparagraph shall be deposited in such fund and continually appropriated to the commissioner of labor to be used for investigations and compliance activities required under this subparagraph and related sections pertaining to labor and insurance law.

(b) An insurance carrier which insures an employer and fails to file with the commissioner a notice of coverage within a reasonable period of time as prescribed by rule

shall be assessed a civil penalty of \$50 for each day of noncompliance. The commissioner shall deposit all moneys collected under this subparagraph with the state treasurer for deposit into the general fund.

2 Administration Fund; Reference Change. Amend RSA 281-A:59, IV to read as follows:

IV. The civil penalties collected under RSA 281-A:7, **I(b)**, 23, 24, 42, 43, and 53 shall be forwarded to the state treasurer and deposited in the general fund.

3 New Subparagraph; Workers' Compensation Fraud Fund. Amend RSA 6:12, I by inserting after subparagraph (252) the following new subparagraph:

(253) Moneys deposited in the workers' compensation fraud fund established in RSA 281-A:7, I(a)(2).

4 Effective Date. This act shall take effect 30 days after its passage.

AMENDED ANALYSIS

This bill:

I. Changes the penalty assessment period for an employer who is in noncompliance with the workers' compensation law.

II. Changes the amount of the civil penalty assessed on an insurance carrier for failure to file notice of coverage.

III. Establishes a special fund into which some of the civil penalties are to be deposited. Referred to the Committee on Ways and Means.

HB 342-FN, relative to workers' compensation coverage for certain independent contractors. **INEXPEDIENT TO LEGISLATE.**

Rep. Randolph N. S. Holden for Labor, Industrial and Rehabilitative Services: The intent of this bill was to require some independent contractors to have workers' compensation coverage that covers them specifically. There are other bills in the House and Senate that would address this issue and the sponsor requested the bill be voted Inexpedient to Legislate. Vote 14-0.

HB 366-FN, relative to work on Thanksgiving and Christmas Day. **INEXPEDIENT TO LEGISLATE.**

Rep. Sally H. Kelly for Labor, Industrial and Rehabilitative Services: It was agreed that matters such as these are best served by an agreement between employer and employee rather than unnecessary legislation. Vote 15-0.

HB 533, relative to Occupational Safety and Health Administration certification requirements for state contracts. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Jeffrey P. Goley for Labor, Industrial and Rehabilitative Services: This bill as amended requires that any person signing a contract to work on any building or public work project by a state agency, municipality or instrumentality thereof, and costing \$100,000 or more, shall have an OSHA 10 hour construction safety program for their on site employees, and all employees are required to complete the program prior to the beginning of work. Vote 14-1.

Amendment (0688h)

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

1 New Section; Occupational Safety and Health Administration Certification. Amend RSA 277 by inserting after section 5 the following new section:

277:5-a Occupational Safety and Health Administration Certification.

I. Any person signing a contract to work on a construction, reconstruction, alteration, remodeling, installation, demolition, maintenance, or repair of any public work or building by a state agency, municipality, or instrumentality thereof, and with a total project cost of \$100,000 or more, shall have an Occupational Safety and Health Administration (OSHA) 10-hour construction safety program for their on-site employees. All employees are required to complete the program prior to beginning work. The training program shall

utilize an OSHA approved curriculum. Graduates shall receive a card from OSHA certifying the successful completion of the training program. This section shall apply to the construction, reconstruction, alteration, remodeling, installation, demolition, maintenance, or repair of any public work or building paid for in whole or in part with state funds.

II. Any employee required to complete the OSHA 10-hour construction safety program under this section who has not completed the program shall be subject to removal from the worksite if the employee does not provide documentation of having completed such program by the fifteenth day after the date the employee is found to be in noncompliance. Proof of such documentation provided by the employer shall constitute compliance with this section. The labor commissioner or commissioner's designee shall enforce this section.

III. The labor commissioner shall adopt rules under RSA 541-A relative to implementation and enforcement of this section. The commissioner may also assess a civil penalty of up to \$2,500; in addition, such an employer shall be assessed a civil penalty of \$100 per employee for each day of noncompliance. All funds collected under this section shall be deposited into the workers' compensation safety inspection fund established in RSA 281-A:64, IX. The labor commissioner shall appoint as many individuals as necessary to carry out the department's responsibilities under this section.

IV. The following individuals are exempt from the requirements of the OSHA 10-hour construction safety program:

- (a) Law enforcement officers involved with traffic control or jobsite security.
- (b) Flagging personnel who have completed the training required by the department of transportation.
- (c) All relevant federal, state, and municipal government employees and inspectors.

(d) All individuals who are not considered to be on the site of work under the federal Davis-Bacon Act, including, but not limited to, construction and non-construction delivery personnel and non-trade personnel.

2 Safety Enhancement Program. Amend RSA 281-A:67, I to read:

I. There is hereby established a safety enhancement program to be administered by the commissioner. Such program shall include regional training and safety seminars open to all interested **employees and** employers.

3 Applicability. This act shall apply to all contracts entered into on or after July 1, 2008.

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

AMENDED ANALYSIS

This bill requires bidders on state and local building and public works contracts over \$100,000 to certify that the employees have completed an Occupational Safety and Health Administration construction safety program.

HB 605, relative to employment eligibility verification by employers. **INEXPEDIENT TO LEGISLATE.**

Rep. Larry Converse for Labor, Industrial and Rehabilitative Services: This bill requires employers to participate in the Basic Verification Pilot Program regarding employment operated by the U.S. Department of Homeland Security. The National Immigration Law Center identified some of the problems with this Pilot Program. While touted as the vehicle to curb unauthorized employment, information on individuals is often wrong. In addition to the weaknesses of the core program, employers could face litigation for discriminatory use of the Basic Pilot Program. Vote 16-0.

HB 611, relative to payment of wages by automated pay card. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Randolph N. S. Holden for Labor, Industrial and Rehabilitative Services: The committee felt employees should not have to pay a fee to cash their paychecks. The bill as amended is a compromise among the Attorney General's office, the bank institutions, the

Labor Department and the sponsor. Vote 14-0.

Amendment (0809h)

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

AN ACT relative to payment of wages by automated pay card or cash voucher.

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

1 New Paragraphs; Definitions. Amend RSA 275:42 by inserting after paragraph VII the following new paragraphs:

VIII. "Payroll card" means an access device to access funds from the employee's payroll card account.

IX. "Payroll card account" means an account directly or indirectly established by an employer on behalf of an employee to which electronic fund transfers of the employee's wages, salary, or other employee compensation are made on a recurring basis. A payroll account does not include a savings account or a demand deposit account at a financial institution and shall conform to the definition in Regulation E (12 CFR 205 et seq, as amended). Disclosures, periodic statements or alternatives to periodic statements; notices; error resolution procedures; and limitations on liability, with respect to payroll cards, shall be in accordance with the federal Electronic Fund Transfer Act (15 U.S.C. section 1693 et seq.) and its implementing regulation, Regulation E (12 CFR 205 et seq, as amended).

2 Weekly. Amend RSA 275:43 to read as follows:

275:43 Weekly.

I. Every employer shall pay all wages due to employees within 8 days including Sunday after expiration of the week in which the work is performed, except when permitted to pay wages less frequently as authorized by the commissioner pursuant to paragraph II, on regular paydays designated in advance by the employer **and at no cost to the employee:**

(a) In lawful money of the United States[.];

(b) By electronic fund transfer at no cost to the employee[.];

(c) By direct deposit with written authorization of the employee to banks of the employee's choice[.or];

(d) By a payroll card provided that the employer shall provide to the employee at least one free means to withdraw up to and including the full amount of the employee balance in the employee's payroll card or payroll card account during each pay period at a financial institution convenient to the place of employment. None of the employer's costs associated with a payroll card or payroll card account shall be passed on to the employee;

(e) By a cash voucher redeemable only at a cash dispensing machine which does not reduce the face value of the voucher; or

~~[(d)]~~ **(f)** With checks on ~~[banks]~~ **a financial institution** convenient to the place of employment where suitable arrangements are made for the cashing of such checks by employees for the full amount of the wages due; provided, however, that if an employer elects to pay employees as specified in subparagraphs (b) ~~[or]~~, (c), **(d), or (e)**, the employer shall offer employees the option of being paid as specified in **this** subparagraph ~~[(d)]~~, and further provided that all wages in the nature of health and welfare fund or pension fund contributions required pursuant to a health and welfare fund trust agreement, pension fund trust agreement, collective bargaining agreement, or other agreement[.] adopted for the benefit of employees and agreed to by the employer shall be paid by every such employer within 30 days of the date of demand for such payment, the payment to be made to the administrator or other designated official of the applicable health and welfare or pension trust fund.

II. If an employer offers its employees the option of receiving wages by a payroll card, the employer shall:

(a) Provide to the employee written disclosure in plain language of all the employee's wage payment options. The written disclosure shall state the terms

and conditions of the payroll card account option, including, but not limited to, the requirements set forth in this section and a complete itemized list of all known fees that may be deducted from the employee's payroll card account by the employer or card issuer. The disclosure shall also state whether third parties may assess transaction fees in addition to the fees assessed by the employee's payroll card issuer or issuers. In no event shall the employer provide payment of wages to a payroll card that has an expiration date, unless the employer agrees to provide a replacement payroll card before the expiration date at no cost to the employee.

(b) Initiate payment of wages to an employee by electronic fund transfer to a payroll card account only after the employee has voluntarily consented in writing to that method of payment. Consent to payment of wages by electronic fund transfer to a payroll card account shall not be a condition of hire or of continued employment. The written consent signed by the employee shall include the terms and conditions of the payroll card account option.

(c) Provide written notice of any change to any of the terms and conditions of the payroll card or payroll card account, including but not limited to an itemized list of all fees that may have changed, and obtain written assent from the employee that the employee voluntarily consents to receive wages to a payroll card or payroll card account subject to the changes. The employer shall be responsible for any increase in fees charged to the employee before the employer provides written notice of such changes to the employee.

(d) Provide the employee the option to discontinue receipt of wages by a payroll card or payroll card account at any time, without penalty to the employee.

~~[I-a-]~~ **III.** If a subcontractor who is responsible for making health and welfare fund or pension fund contributions fails to make such contributions within the 30-day requirement of paragraph I, the person designated to receive such contributions shall, within 15 days of the date the contributions became due, notify in writing the labor commissioner that the contributions are overdue. The labor commissioner shall notify the prime or general contractor within 15 days from the date of receipt of such notice that such contributions are overdue. The department of labor may pursue the general or prime contractor for such contributions only after all reasonable efforts have been made to secure the contributions from the subcontractor.

~~[II-]~~ **IV.** The commissioner may, upon written petition showing good and sufficient reason, permit payment of wages less frequently than weekly, except that it shall be at least once each calendar month. In all instances, payment shall be made regularly on a predesignated date. The commissioner may prescribe the terms and conditions of such permission, and limit the duration thereof.

~~[III-]~~ **V.** Vacation pay, severance pay, personal days, holiday pay, sick pay and payment of employee expenses, when such benefits are a matter of employment practice or policy, or both, shall be considered wages pursuant to RSA 275:42, III, when due.

~~[IV-]~~ **VI.** Nothing in this section shall prevent an employer from compensating an employee on a draw against commission basis as defined in RSA 275:42, VII.

~~[V-]~~ **VII.** This section shall not be construed to preclude the use of compensatory time off as compensation.

(a) This paragraph applies to:

(1) Governmental entities.

(2) Public sector employees who are under a collective bargaining employment agreement or, if not negotiated through a union or other designated employee representatives, that the agreement or understanding must be reached between employer and employee before the performance of any work.

(b)(1) When the employee requests the use of accrued compensatory time, the request shall be honored within a reasonable period of time unless to do so would unduly

disrupt the operation of the employing agency. Mere inconvenience to the employer is an insufficient basis for denial of a request for compensatory time off.

(2) The employer shall not have a policy of requiring the use of compensatory time within a certain period or else the employee will lose it.

(3) Upon termination of employment for any reason, an employee shall be paid for unused compensatory time at the final regular rate received by such employee.

(c)(1) Limitations concerning the ceiling of accrual of compensatory time are as follows:

(A) Public safety, emergency response, or seasonal activity employees may accrue no more than 480 hours of compensatory time for 320 actual overtime hours worked. This limitation shall not apply to office personnel or civilian employees who may perform public safety activities on an emergency basis, even if such employees spend substantially all of their time in a particular work week engaged in such activities.

(B) Other public sector employees may accrue no more than 240 hours of compensatory time for 160 hours of actual time worked.

(2) If an employee has accrued more than the applicable ceiling for compensatory time, such employee shall be paid overtime pay at time and one half of the employee's regular rate of pay on the designated pay day.

(d) For the purposes of this paragraph:

(1) "Governmental entity" means any branch, department, commission, bureau, agency, or agent of the government of this state or a political subdivision of this state.

(2) "Public safety activities" includes law enforcement, firefighting, or related duties.

(3) "Emergency response activities" includes dispatching of emergency vehicles and personnel, rescue work and ambulance services.

(4) "Seasonal activity" includes duties performed by employees assigned to work during periods of significantly increased demands on a regular and recurring basis and during this period protected overtime may result in the accumulation of more than 240 compensatory time hours. These periods of short but intense activity shall not qualify as seasonal.

(e) Nothing in this paragraph modifies or affects any federal law regarding compensatory time off including the Fair Labor Standards Act of 1938, 29 USC section 207. The purpose of this paragraph is to make compensatory time off available as set forth above under New Hampshire law and not to limit already existing rights and protection. An employer shall provide compensatory time off under whichever statutory provision provides greater rights to employees.

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

AMENDED ANALYSIS

This bill permits an employer to use automated payroll cards or cash vouchers provided the employee can withdraw his or her net pay from a bank or automated teller machine location convenient to the place of employment without any cost.

This bill is a request of the department of labor.

HB 720, establishing a council on families and employment. **INEXPEDIENT TO LEGISLATE.**

Rep. Jason M. Bedrick for Labor, Industrial and Rehabilitative Services: The issues this bill seeks to address are covered in HB 306 which established a task force on work and family and was passed by the House. Also, there is no sunset provision in this bill and some committee members were concerned that this council would include the commission on the status of women, but not the commission on the status of men. Vote 13-2.

HB 808, relative to employees' rights to bring court action against employers.

INEXPEDIENT TO LEGISLATE.

Rep. Mary J. Gorman for Labor, Industrial and Rehabilitative Services: The purpose of this bill is to allow employees to bring civil actions against their employers. This is already being done. Employees can seek a redress of grievances from the Labor Department or through the court system. Therefore, the committee felt HB 808 is unnecessary. Vote 15-0.

HB 817, relative to the workers' compensation compliance statement. **INEXPEDIENT TO LEGISLATE.**

Rep. John K. Knowles for Labor, Industrial and Rehabilitative Services: The principal sponsor of this bill requested that it be withdrawn and that the committee vote it Inexpedient to Legislate since its intent is similar to Senate Bill 154. Vote 14-1.

HB 833, relative to workers employed within the United States in connection with state contracts. **OUGHT TO PASS WITH AMENDMENT.**

Rep. William J. Infantine for Labor, Industrial and Rehabilitative Services: This bill dealt with outsourcing of jobs and the issue of expending funds authorized by the General Court within the United States. The state currently employs Canadian contractors and international financial institutions and the committee felt that the bill should be amended to a study committee so not to adversely affect how the state operates. The study committee will focus on outsourcing state contracts in an effort to keep funds within the country whenever possible without harming the state and its ability to operate. Vote 15-0.

Amendment (0877h)

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

AN ACT establishing a committee to study the outsourcing of jobs involving state contracts.

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

1 Committee Established. There is established a committee to study the outsourcing of jobs involving state contracts.

2 Membership and Compensation.

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

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

(b) 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:

I. Study the outsourcing of jobs involving state contracts.

II. Solicit input from the departments of transportation, administrative services, fish and game, labor, and environmental services and any other person or entity the committee deems relevant to its study.

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, 2007.

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

AMENDED ANALYSIS

This bill establishes a committee to study the outsourcing of jobs involving state contracts.

HB 920, establishing a worker adjustment and retraining notification requirement. **INEXPEDIENT TO LEGISLATE.**

Rep. Mary Ann Knowles for Labor, Industrial and Rehabilitative Services: The principal sponsor of this bill requested that this bill be pulled and that the committee vote it Inexpedient to Legislate, due to insufficient information. Vote 15-0.

HB 223-FN, requiring the general court to hold sessions in the evening or on Saturday. **INEXPEDIENT TO LEGISLATE.**

Rep. Karen K. Hutchinson for Legislative Administration: Based on the number of legislative session days in 2005, we would have to schedule session every Saturday from January through July. Likewise, if we took our current committee meeting schedule (9am-12pm and 1 pm to 4 pm Tuesday through Thursday), and rescheduled for evening committee meetings, then we would have to schedule committee meetings Monday through Friday from 6pm to 11 pm every week through July. Thus this would not make it any easier for the public to run for legislative office. Vote 10-0.

HB 523, relative to lobbyist registration and statements. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Elizabeth S. Hager for Legislative Administration: This bill as amended clarifies the new ethics/lobbying registration and reporting bill which was enacted last year. It clarifies the language, changes the reporting from monthly to quarterly and removes the need to have each report notarized. The committee worked hard with the Attorney General's Office to make sure the language is clear and enforceable. Vote 10-0.

Amendment (0806h)

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

AN ACT relative to lobbyist registration and statements, and regulation of volunteer public service.

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

1 Lobbyist Registration; Registration Required. RSA 15:1, I is repealed and reenacted to read as follows:

I.(a) The following persons shall register as lobbyists with the secretary of state:

(1) Any person who works as an independent contractor or who provides services for a fee for another to represent the other for the purposes specified in paragraph II including, but not limited to, an attorney, or a legislative or government relations representative;

(2) Any person who is an employee of any other person or employer, and who works in a representative capacity exclusively for the purposes specified in paragraph II; and

(3) Any person who is an employee of any other person or employer, who is employed for purposes in addition to or other than the purposes specified in paragraph II, and who spends more than 200 hours in a calendar year working in a representative capacity for the purposes specified in paragraph II.

(b) Each person described in subparagraphs (a)(1) and (2) shall register prior to engaging in the activities specified in paragraph II. Each person described in subparagraph (a)(3) shall register no later than one week following completion of 200 hours of such work. Each registration shall report the existence of a relationship between a single client and either a single lobbyist or a partnership, firm, or corporation with one or more partners, members, or employees of a firm acting as a lobbyist.

2 Lobbying; Registration Required. Amend RSA 15:1, II(b) to read as follows:

(b) To promote or oppose, directly or indirectly, any action by the governor~~], or governor and council[, or any state agency, as defined in RSA 15-A:2]~~, where such action concerns legislation or contracts pending or proposed before the general court, any pending

or proposed administrative rule, or the procurement of goods or services that are being or may be purchased by the state, subject to the exclusions in paragraphs III and IV.

3 Expiration Date. Amend RSA 15:1, IV to read as follows:

IV. All registrations required under this section shall expire on December [4] **31**.

4 New Paragraph; Exclusions From Requirements. Amend RSA 15:1 by inserting after paragraph IV the following new paragraph:

V. The following communications are excluded from the regulation imposed by this chapter and shall not be considered in a determination of whether a person is required to register and report as a lobbyist:

- (a) Public testimony before a legislative committee or sub-committee;
- (b) Public testimony before any entity subject to RSA 91-A, the right-to-know law;
- (c) A written document filed in the course of a public proceeding or any other communication that is made on the record in a public proceeding;
- (d) Communication made by a public official acting in the public official's official capacity;
- (e) Communication made by a representative of a media organization if the purpose of the communication is gathering or disseminating news and information to the public;
- (f) Communication made in a speech, article, publication, or other material that is distributed and made available to the public, or through radio, television, cable television, the internet, or other medium of mass communication; and
- (g) Communication made in writing which becomes a public record subject to the provisions of RSA 91-A, the right-to-know law, provided in response to a written request by a legislative or executive branch official.

5 Lobbyist Statements. Amend RSA 15:6 to read as follows:

15:6 Statements.

I. Each lobbyist shall file with the secretary of state itemized statements under oath of:

- (a) All fees received from any lobbying client that are related, directly or indirectly, to lobbying, such as public advocacy, government relations, or public relations services including research, monitoring legislation, and related legal work.
- (b) All expenditures made from lobbying fees, including by whom paid or to whom charged.
- (c) Any ~~[honorarium or]~~ expense reimbursement, as defined in RSA 15-B, or political contribution, as defined in RSA 664, made by the lobbyist in his or her professional ~~[or personal]~~ capacity, on behalf of the lobbyist, the partnership, firm, or corporation or by the lobbyist on behalf of the client or employer ~~[or by a family member of the lobbyist]~~. The statements shall be open to public inspection. ~~[For the purposes of this chapter, "family member" shall mean any person related to and living in the same domicile as the lobbyist, who shares a common economic interest in the expenses of daily living, including, but not limited to, a spouse, child, or parents.]~~

II. Lobbyists shall file statements no later than the second Friday of each ~~[month]~~ **January, April, July, and October** covering all fees received and expenditures~~[, contributions, honorariums,]~~ or expense reimbursements made ~~[during the previous month,]~~ **since the last required filing**, from fees received at any time from a lobbying client or employer or from funds otherwise provided by the lobbyist, partnership, firm, or corporation, or from the client or employer.

III. In this chapter "value" means the amount at which property or services would change hands between a willing buyer and a willing seller when neither is under any compulsion to buy or sell and both have reasonable knowledge of the relevant facts.

~~[IV. A lobbyist, in his or her professional or personal capacity, or a family member of a lobbyist making a contribution, honorarium, or expense reimbursement, in a form other~~

~~than cash, check or negotiable instrument, to a person with a duty to report that contribution, honorarium, or expense reimbursement pursuant to RSA 15-B or RSA 664 shall provide the recipient with a written statement of the value of the contribution, honorarium, or expense reimbursement if the value is different than any price or value printed on the contribution, honorarium, or expense reimbursement or if the contribution, honorarium, or expense reimbursement does not have a price affixed to it.]~~

~~[V.]~~ **IV.** The lobbyist statement shall be in the form prescribed by the secretary of state, may be in paper or electronic form, and shall include at a minimum:

- (a) The full name of each lobbyist covered by the report.
- (b) The name of the lobbyist partnership, firm, or corporation, if any.
- (c) The business address and telephone number for the lobbyist, partnership, firm, or corporation.
- (d) For each lobbying client, the full name and business address of the client, the scope of the representation or lobbyist services being paid for, the gross amount of all fees received from that client, not reduced by any expenses, that are related, directly or indirectly, to lobbying, such as public advocacy, government relations, or public relations services including research, monitoring legislation, and related legal work, a statement of the aggregate total of fees received that are related, directly or indirectly, to lobbying services during the calendar year, and a statement of any fee payment due, but not yet paid.

(e) For each ~~[honorarium or]~~ expense reimbursement made, that is reportable pursuant to RSA 15-B:

- (1) The name of the client on whose behalf the expense reimbursement ~~[or honorarium]~~ was made, if any.
- (2) The name of the person receiving the ~~[honorarium or]~~ expense reimbursement.
- (3) A brief description of the event to which the ~~[honorarium or]~~ expense reimbursement relates.
- (4) The value of the ~~[honorarium or]~~ expense reimbursement.

(f) ~~[For each political contribution made that is reportable pursuant to RSA 664:~~

- ~~(1) The name of the candidate.~~
- ~~(2) The office the candidate is seeking.~~
- ~~(3) The value of the contribution.~~
- ~~(4) If the contribution is an in-kind contribution, a brief description of the contribution.~~

~~(g)]~~ For all expenditures for salaries, benefits, support staff, and office expenses, related directly or indirectly to lobbying, a statement of the total aggregate expenses for salaries, support staff, and office expenses related directly or indirectly to lobbying shall satisfy the requirement that an itemized statement of these expenses be filed.

~~[(h)]~~ **(g)** The following statement followed by a line for each person filing the form to sign and date the form: "I have read RSA 15~~[-RSA 15-B, and RSA 664]~~ and hereby swear or affirm that the foregoing information is true and complete to the best of my knowledge and belief." ~~[This statement shall be made under oath before a notary public or justice of the peace.]~~

~~[VI.]~~ **V.** The secretary of state shall maintain the statements required by this section for 6 years from the date of filing, after which time the statements may be destroyed. The public information on the forms shall be available to the public in the form of a photocopy or an electronic record. The secretary of state shall, as soon as is practical, implement an electronic record keeping system that makes lobbyist registration forms and fee and expense reports available to the public through the internet.

6 Gifts; Exclusion From Definition. Amend RSA 15-B:2, V(c)(5) and (6) to read as follows:

- (5) Objects **or services** which primarily serve an informational purpose provided in the ordinary course of business, such as reports, books, maps, or charts.

(6) Money in any form, an object, or an intangible thing **or service** of economic value, where the donor's act of giving is purely private and personal in nature and the money, object, or intangible thing **or service** of economic value would have been given and received even if the person were not an elected official, public official, public employee, constitutional official, or legislative employee.

7 New Subparagraph; Definition of Gift; Exclusion Added. Amend RSA 15-B:2, V(c) by inserting after subparagraph (12) the following new subparagraph:

(13) Information or advice concerning any state law or rule, any legislation pending or proposed before the general court, or any pending or proposed administrative rule.

8 Executive Branch; Code of Ethics; Volunteer Service. RSA 21-G:25 is repealed and reenacted to read as follows:

21-G:25 Ethical Standards for Volunteer Public Service. Volunteers shall not use public service for an executive branch agency, directly or indirectly, and whether for themselves or for their employers or business associates:

I. To obtain economic benefit; or

II. To advance personal or pecuniary interests through non-public communications with executive branch officials for the purpose of influencing the performance of their duties.

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

AMENDED ANALYSIS

This bill changes the registration requirements for lobbyists and the frequency and content of the statements required to be filed. The bill also repeals the restriction on simultaneous employment and public service.

HB 715, combining the state heritage collections committee and the joint legislative historical committee. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Michael J. Reuschel for Legislative Administration: The committee feels that studying combining the two current committees would help resolve questions of purview and also would help in establishing and clarifying policies and procedures so that our important historical assets are preserved and protected for future generations. Vote 10-0.

Amendment (0324h)

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

AN ACT establishing a committee to study the state heritage collections committee and the joint legislative historical committee.

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

1 Committee Established. There is established a committee to study the state heritage collections committee and the joint legislative historical committee.

2 Membership and Compensation.

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

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

(b) 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 review the existing policies and purview of the state heritage collections committee, established in RSA 227-C:18, and the joint legislative historical committee, established in RSA 17-I:1, to determine whether the committees may be combined into one historical heritage committee. The committee shall solicit information and testimony from members of the state heritage collections committee, members of the joint legislative historical committee, and such additional persons and organizations as may be helpful to the committee in the performance of its study.

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, 2007.

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

AMENDED ANALYSIS

This bill establishes a committee to study the possibility of combining the state heritage collections committee and the joint legislative historical committee.

HB 343, relative to religious organization property tax exemption requirements. **INEXPEDIENT TO LEGISLATE.**

Rep. Timothy Butterworth for Municipal and County Government: The relief requested – excusing tax exempt religious organizations from filing the BTLA form 4-9 annually – seemed minor compared to the benefits received from the taxpayers of the state. It also seemed that absence of this report would inoculate the organization from prosecution if the town ever tried to reclaim unpaid taxes through the courts. Vote 14-0.

HB 379, relative to the adoption, revision, and amendment of municipal charters. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Betsey L. Patten for Municipal and County Government: RSA 49-B covers the charter process for municipalities. Currently the time line and requirements are so complicated that few municipalities want to get into trying to make a change in their form of government. The committee has been studying the process for at least three years. The amendment removed how the names of the candidates would be placed on the ballot. The bill streamlines the charter process by dividing the chapter into the subdivisions of Adoption of Municipal Charter, Revision of Municipal Charter, Amendment of Municipal Charter and Provisions Applicable to All Charter Actions. The committee believes that this revised statute will enable local municipalities to have clearer guidelines to take them through to another form of government if they so choose. Vote 15-0.

Amendment (0719h)

Amend RSA 49-B:3, V as inserted by section 1 of the bill by replacing it with the following:

V. Immediately after the foregoing question, the names of the candidates for the charter commission shall be presented in accordance with RSA 49-B:4, I, together with a statement in substance as follows:

“If a majority of voters answer ‘yes’ to the preceding question, a charter commission shall be elected from among the following candidates. Regardless of how you voted on the preceding question, you should vote for candidates for the commission. Vote for not more than 9 candidates.”

Amend RSA 49-B:4, I as inserted by section 1 of the bill by replacing it with the following:

I. The charter commission shall consist of 9 members, all of whom shall be registered voters of the municipality. Members shall be elected at the municipal or biennial state election described in RSA 49-B:3, III in the same manner as the municipal officers except that they shall be elected at large and without party designation. Declarations of candidacy for the commission shall be filed in the manner and during the period specified in RSA 669:19.

HB 380, relative to the forms of government under town charters. **OUGHT TO PASS.**

Rep. Betsey L. Patten for Municipal and County Government: Currently most towns in New

Hampshire are governed by the general laws of the state relating to town government which gives statutory power and duties to the town meeting and board of selectmen. There is also an option for towns to adopt a charter which establishes a different form of government. However, there has been a requirement in the statutes that a charter HAS to provide for the appointment of a town manager. This bill gives the towns the option of appointing a town manager, appointing a town administrator or not appointing any such officer at all. Also the existing titles of the five optional forms of government are somewhat confusing and will be clarified by HB 380. The governing bodies are clearly identified for each of the forms of government – Town council, Official ballot-town council, Town meeting-town council, Official ballot-town meeting and Representative town meeting. The committee voted to pass HB 380 since it is an important step forward for municipalities that are interested in adopting a charter form of government. Vote 16-0.

HB 393*, relative to information filed by utilities paying the utility property tax. **OUGHT TO PASS.*

Rep. Betsey L. Patten for Municipal and County Government: Currently June 1 is the date by which all utilities have to file a list of changes made to the property since the prior April 1. The testimony from the Department of Revenue Administration states the current time lines are not adequate and there is not enough information to develop adequate basis for setting the utility property tax using the income approach for assessing. Currently there is no penalty for NOT filing any changes. In order to have enough time and information this bill was introduced to remedy the situation by changing the date to May 1 and requiring operating expenses, original cost and depreciation values by the utilities. An extension of time is allowed if requested and there is adequate justification. However it may not exceed 30 days per request and not more than two extensions in a given tax year are to be granted. Section 2 of HB 393 adds a penalty for failure to file of one percent of the property tax. Also if there will be a change of ownership the current taxpayer is required to notify the department with the details. The committee feels that utility property owners need to file adequate information so that the assessments at the local level are documented and transparent. Vote 14-0.

HB 423*, allowing municipalities to adopt a business incentive property tax credit. **INEXPEDIENT TO LEGISLATE.*

Rep. Bennett F. Moore for Municipal and County Government: This legislation does not have a requirement of a public benefit to qualify for the property tax credit. Other legislation (HB 692) reported by this committee as OTPA, will address similar needs with clear language and addresses public benefit. Vote 14-0.

HB 462*, relative to site plan review of agricultural operations. **INEXPEDIENT TO LEGISLATE.*

Rep. Anthony F. Simon for Municipal and County Government: This bill would prevent agriculture from “being limited by other governmental agencies or political bodies.” It would also effectively exempt agricultural operations from site plan review by a local planning board. The committee believes that the effect of these provisions is to improperly deny municipalities the authority to regulate an agricultural operation that could have a significant impact on a community. This destroys the careful balance that currently exists in state law that is designed to preserve and encourage agriculture in appropriate locations throughout the state. Vote 17-0.

HB 551*, allowing cities to use capital reserve funds for debt replacement. **OUGHT TO PASS WITH AMENDMENT.*

Rep. Larry Brown for Municipal and County Government: This bill, as amended, had the unanimous support of the committee which recognized both the variety and complexity of

funding sources, the particular specifications of the terms of repayment, and the need to conform to IRS rules. It properly restricts funding to a specific program and promotes transparency in expenditure and audit. No dangers were seen for smaller municipalities and the practical needs of cities were enhanced. Vote 16-0.

Amendment (0556h)

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

1 Municipalities; Establishment of Reserves. Amend RSA 34:1, V-VI to read as follows:

V. The acquisition of a tax map of such city; ~~or~~

VI. Municipal and regional transportation improvement projects including engineering, right-of-way acquisition and construction costs of transportation facilities, and for operating and capital costs for public transportation~~[-];~~ **or**

VII. The repayment of bonded debt issued for the purpose specified in the fund, in conformance with existing Internal Revenue Service rules.

2 Municipalities; Expenditures of Reserve. Amend RSA 34:10 to read as follows:

34:10 Expenditures.

I. The trustees of trust funds holding said capital reserve funds in trust, as hereinbefore provided, shall hold the same until such time as the city councils shall name agents of the city to carry out the objects designated by the city councils as prescribed by RSA 34:2. Expenditures from said capital reserve funds shall be made only for or in connection with the purposes for which said fund was established, or as amended as provided by RSA 34:11.

II. Notwithstanding the prohibition of debt retirement fund establishment in RSA 33:2, capital reserve funds may be used for multiple payments of lease purchase agreements for the purpose stated for the capital reserve provided the lease purchase agreement does not contain an “escape clause” or a “non-appropriation clause.”

III. Notwithstanding the prohibition of debt retirement fund establishment in RSA 33:2, capital reserve funds may be used to make multiple payments under a financing agreement for the purpose for which the capital reserve was established.

3 New Paragraph; Municipalities; Expenditure of Reserve. Amend RSA 35:15 by inserting after paragraph III the following new paragraph:

III-a.(a) Notwithstanding the prohibition of debt retirement fund establishment in RSA 33:2, capital reserve funds may be used to make multiple payments under a financing agreement for the purpose stated for the capital reserve.

(b) If agents have been named according to RSA 35:15, then no further vote is required to disburse funds.

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

HB 566-FN-L, relative to the housing of inmates in county correctional facilities. **OUGHT TO PASS.**

Rep. Betsey L. Patten for Municipal and County Government: Currently there is a requirement that each county have suitable correctional facilities as stated in RSA 23:3. HB 566 makes this requirement an option that will assist the counties in the housing of their inmates. The sponsor of this bill has concerns that his county does not have suitable facilities for female prisoners and there are legal opinions that may put the counties at risk. Currently the Commissioner of the Department of Corrections can enter into contracts with the counties, the governments of other states, and the federal government and appropriate private agencies or facilities as outlined in RSA 21-H:8, VI. HB 566 allows a county to contract with the state or another county for reception and confinement of prisoners committed to or who are ordered to be detained at a county correctional facility. This bill also removes the requirement of placing the offender in the county facility were the offense was committed and charges the county in which the offense was committed. The committee

believes that these changes will open up interesting options for the county correctional facilities. Vote 14-0.

HB 616-FN-L, exempting certain persons age 65 and older from 25 percent of the state and local education portion of property taxes. **INEXPEDIENT TO LEGISLATE.**

Rep. Larry Brown for Municipal and County Government: It was the unanimous opinion of the committee that it was unwise to establish a de-facto user fee system for public education, to set major groups in opposition to each other on what should be a settled issue of cherished common good. There also seemed to be insufficient consideration of demographic trends which may effect the economic vitality of the state or of the resources which the “any person who is age 65 or older” may have on how many persons over 65 may be counted per a primary residence. Vote 16-0.

HB 646-FN-L, establishing a fee for copies of police and fire reports. **INEXPEDIENT TO LEGISLATE.**

Rep. Anthony F. Simon for Municipal and County Government: This bill would establish a uniform statewide fee schedule for obtaining copies of “police or fire agency reports.” The committee feels that current law on this subject is reasonable, clear and explicit, that this is manifestly a local control issue and that any concerns or complaints about overcharges for such reports should be directed to the municipality involved. Vote 16-1.

HB 649, relative to the disposition of real estate given, devised, or bequeathed to a town for charitable or community purposes. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Andy Peterson for Municipal and County Government: The bill, as amended allows for greater public input prior to the court process which is required in order for a community to sell or change the use of real estate given, devised or bequeathed to a town. The amendment placed the language of the bill in a more appropriate section of the RSA’s and renewed the requirement for a town vote, as advised by the Attorney General’s office. Vote 16-0.

Amendment (0835h)

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

1 Cy Pres Doctrine. Amend RSA 498:4-a to read as follows:

498:4-a Cy Pres Doctrine.

I. If property is or has been given in trust to be applied to a charitable purpose, and said purpose or its application is or becomes impossible or impracticable or illegal or obsolete or ineffective or prejudicial to the public interest to carry out, the trust will not fail. Upon petition by the trustee or trustees or the attorney general, the superior court may direct the application of the property to some charitable purpose which is useful to the community, and which charitable purpose fulfills as nearly as possible the general charitable intent of the settlor or testator. In applying the doctrine of cy pres, the court may order the distribution of the trust assets to another charitable trust or to a charitable corporation to be held and administered by it in accordance with the terms of the governing instrument as said terms may be modified by the application of cy pres under this section and RSA 498:4-b.

II. Prior to any court proceeding on the intent to offer for sale or change the use of any land, buildings, or both, given, devised, or bequeathed to the town for charitable or community purposes, the municipality shall hold 2 public hearings at least 14 days apart.

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

AMENDED ANALYSIS

This bill requires a municipality to hold public hearings prior to any court proceeding concerning the disposition of land given to the town for charitable purposes.

HB 680, allowing municipalities to determine the hours for the Saturday session for

correction of the checklist. **INEXPEDIENT TO LEGISLATE.**

Rep. Joseph A. Guthrie for Municipal and County Government: This bill would allow the supervisors of the checklist to hold the session that is required on the Saturday 10 days prior to election day at hours that would be determined by the governing body. The supervisors of the check list can presently hold any session as they determine. This legislation was not considered to be necessary. Vote 13-0.

HB 691, excluding the value of a view from property tax assessments on working farms. **INEXPEDIENT TO LEGISLATE.**

Rep. Betsey L. Patten for Municipal and County Government: Property in New Hampshire is assessed at fair market value. The statutes and court rulings have defined fair market value as "the property's full and true value as the same would be appraised in payment of a just debt due from a solvent debtor." HB 691 takes one factor, view on working farms, out of the assessed town valuation. The intent was to protect our New Hampshire farmers from being taxed off their land. The Assessing Standards Board, the Current Use Board and the committee are trying to resolve this issue. HB 294 has been retained in order to work with all the stakeholders to find a solution. The ideas and definitions in HB 691 will be forwarded to both boards and will be taken up during the summer and fall as a subcommittee looks at all factors influencing fair market value. The committee noted that this issue needs to be studied and resolved. Vote 19-0.

HB 692, allowing municipalities to adopt a property tax exemption for industrial construction. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Anthony F. Simon for Municipal and County Government: This bill would re-establish a limited industrial construction exemption from property taxation to assist the economically depressed counties and municipalities within those counties in our state. Participation in this program is a local option, that to be implemented in any community, must first be approved by the voters. Vote 16-0.

Amendment (0816h)

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

AN ACT allowing certain municipalities in economically depressed counties to adopt a property tax exemption for industrial construction.

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

1 Statement of Intent. It is the purpose of this act to foster the economic development of economically depressed counties by enabling eligible, economically depressed municipalities to encourage new construction, rehabilitation, and improvement of property industrial use through the adoption of tax exemptions. It is the further purpose of this act to ensure that, once adopted, such exemptions shall be administered uniformly within the taxing districts so as to avoid the risk of unconstitutional ad hoc or discriminatory tax benefits.

2 New Subdivision; Industrial Construction Exemption. Amend RSA 72 by inserting after section 74 the following new subdivision:
Industrial Construction Exemption

72:75 Definitions. In this subdivision:

I. "Economically depressed county" shall mean any county of the state which meets the following 3 criteria as established by the director of the office of energy and planning:

(a) Is within the lowest 30 percent of counties based on equalized taxable valuation per person for the most recent year available prior to the vote taken to adopt the provisions of this subdivision;

(b) Is within the highest 30 percent of counties based on unemployment rate for the average of the 3 most recent years available prior to the vote taken to adopt the provisions of this subdivision; and

(c) Is within the lowest 30 percent of counties based on population growth for the most recent 5-year period available prior to the vote taken to adopt the provisions of this subdivision.

II. "Eligible municipality" shall mean any city or town located in an economically depressed county and which meets 2 of the following 3 criteria as established by the director of the office of energy and planning:

(a) Is within the lowest 30 percent of municipalities based on equalized taxable valuation per person for the most recent year available prior to the vote taken to adopt the provisions of this subdivision;

(b) Is within the highest 30 percent of municipalities based on unemployment rate for the average of the 3 most recent years available prior to the vote taken to adopt the provisions of this subdivision; and

(c) Is within the lowest 30 percent of municipalities based on population growth for the most recent 5-year period available prior to the vote taken to adopt the provisions of this subdivision.

II. "Industrial uses" shall include all manufacturing, production, assembling, warehousing or processing of goods or materials for sale or distribution, research and development activities, or processing of waste materials. A town or city adopting a tax exemption under this subdivision may adopt by reference an alternative or additional definition of industrial uses as may be contained in that town or city's zoning ordinance.

72:76 Property Tax Exemption for Industrial Construction.

I. A town or city may adopt, modify, or rescind a new construction property tax exemption for industrial uses, according to the procedures in RSA 72:27-a. A vote adopting the exemption under this section shall remain in effect for at least 2 tax years. For subsequent years it may be rescinded or modified in the same manner as specified for adoption; provided, however, that for any application which has already been granted prior to such rescission or modification, the exemption shall continue to apply at the rate and for the duration in effect at the time it was granted.

II. Procedures for application, decision, and appeal shall be governed by RSA 72:33, RSA 72:34, and RSA 72:34-a. The commissioner of revenue administration may adopt rules pursuant to RSA 541-A for the interpretation, construction, and uniform observance and enforcement of the industrial construction exemption.

III. The exemption shall apply only for local municipal and local school property taxes assessed by the municipality which shall exclude state education property taxes under RSA 76:3 and county taxes assessed against the municipality under RSA 29:11 and shall be a specified percentage on an annual basis of the increase in assessed value attributable to construction of new structures, and additions, renovations, or improvements to existing structures. The exemption may run for a maximum period of 10 years following the new construction; provided, however, that the exemption for all years shall cumulatively not exceed 500 percent of the increased assessed value. Once adopted by the local legislative body, the percentage rate and duration of the exemption shall be granted uniformly within that municipality to all new construction for which a proper application is filed.

IV. The exemption shall specify the percentage of new assessed value to be exempted, the number of years duration of the exemption following new construction, and a reference to zoning use category definitions, if applicable. The exemption shall take effect in the tax year beginning April 1 following its adoption.

V.(a) An owner may apply for the exemption prior to construction, but in no case more than 12 months before the beginning of the tax year for which the exemption is sought. In such cases the selectmen or assessors may anticipatorily grant the exemption, subject to adjustment when the actual increase in assessed value becomes known. If construction is partially complete on April 1 of any year, the exemption for that year shall be based on the increased assessed value attributable to the partial construction, but the duration of the

exemption shall be adjusted such that the cumulative amount of exemptions received, based on the construction as completed, is proportional to that received by other eligible properties.

(b) The selectmen or assessors may request such additional or updated information as is necessary to determine eligibility. If they are satisfied that the applicant has willfully made any false statement, or has refused to provide information after such a request, they may refuse to grant the exemption.

(c) If the municipality completes a revaluation during the period for which an exemption has been granted, the amount of the exemption shall be adjusted by the difference in equalization ratios applicable in the municipality before and after the revaluation.

72:77 Eligibility Criteria. The office of energy and planning established in RSA 4-C shall determine and make available the information necessary for the eligibility criteria in RSA 72:75.

3 Effective Date. This act shall take effect July 1, 2007.

AMENDED ANALYSIS

This bill allows certain municipalities in economically depressed counties to adopt a new construction property tax exemption for industrial uses.

HB 706, relative to requirements for highway agents. **INEXPEDIENT TO LEGISLATE.**

Rep. Timothy Butterworth for Municipal and County Government: While the committee agrees that training is important for highway agents, we believe that the essence of American democracy is that all our citizens can run for any office, with only limited restrictions on age and residency. When presidents, governors, US and state legislators, even honorable NH Representatives can run for office without education or training, it seems undemocratic to set up requirements that might discourage any child from dreaming to grow up to be a highway agent. Vote 15-0.

HB 709, making various changes to department of revenue administration authority concerning property tax administration. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Joseph A. Guthrie for Municipal and County Government: At the request of the department of revenue administration this bill clarifies the rulemaking authority of the Commissioner on certain property tax and revaluation matters. The bill also removes the penalty of \$100.00 per day for each late filing of municipal reports due the department of revenue. Vote 14-0.

Amendment (0732h)

Amend RSA 21-J:34, I as inserted by section 2 of the bill by replacing it with the following:

I. A report filed by the governing body of each city, town, or unincorporated place, shall certify the number of residents and total valuation of each class of property included in the inventory of residents and ratable estates. This report shall be filed by September 1 of each year, unless this filing date is extended by the commissioner for just cause.

~~[Municipalities which fail to timely file the report required by this paragraph due to willful neglect or intentional disregard of laws or rules and not reasonable cause shall pay a penalty to the state in the amount of \$100 for each day that the report is not timely filed. Within 30 days after the imposition of the penalty by the commissioner, officials of the city, town, or unincorporated place upon which the penalty was imposed may appeal by written application to the board of tax and land appeals or the superior court in the county in which the city, town, or unincorporated place is located. The board of tax and land appeals or the superior court, as the case may be, shall determine de novo the correctness of the commissioner's actions].~~

Amend RSA 72:36, I as inserted by section 5 of the bill by replacing it with the following:

I. The commissioner's interpretation of RSA 72:28, 72:29, 72:29-a, 72:30, 72:31, 72:32, 72:33, ~~[72:33-a]~~ 72:34, 72:34-a, 72:35, ~~[and]~~ 72:36-a, **72:37, 72:37-a, 72:37-b, 72:38-a, 72:38-b, 72:39-a, 72:39-b, 72:41, 72:62, 72:66, and 72:70;** and

HB 724, allowing municipalities to require the provision of income and expense information of business property to assessing officials. **INEXPEDIENT TO LEGISLATE.**

Rep. Betsey L. Patten for Municipal and County Government: In order to have enough information to complete or evaluate the market value of commercial or industrial property the assessors need to know information from the property owners. HB 724 is asking for “income and expense” information to be provided upon request to the assessors, the board of tax and land appeals or the courts. The committee realized that the information requested as written may cause concern and anxiety with business owners because it looks like income and expense from their own private businesses. Another bill, HB 73, has been retained to work on this issue and the information in HB 724 will be addressed during the summer and fall. The committee will be asking the help of the Assessing Standards Board for its input during their study. Vote 12-0.

HB 732-FN, changing the interest rate on late and delinquent property tax payments and subsequent tax payments. **INEXPEDIENT TO LEGISLATE.**

Rep. Timothy Butterworth for Municipal and County Government: The committee determined that this bill would impose too burdensome a requirement on town clerks who might have to make the adjustments eight times a year. It was also considered that the interest rate for delinquent taxes must remain well above the IRS rate so businesses and others don’t choose to pay other creditors first. Vote 12-0.

HB 736, relative to administrative enforcement of certain violations of municipal ordinances. **INEXPEDIENT TO LEGISLATE.**

Rep. Larry Brown for Municipal and County Government: It was the bi partisan conclusion of the committee that the discretion of the selectmen is a necessary and sometimes awkward responsibility in respect to violations which may be unaware or obdurate. Rote strictures dilute the community’s proper respect and support for zoning. Administrative enforcement and fine begins in guilt. Overall it is better to prove guilt after due process. Vote 12-2.

HB 741, relative to the zoning requirement for child day care providers. **INEXPEDIENT TO LEGISLATE.**

Rep. Betsey L. Patten for Municipal and County Government: Currently, permits for child care program licensing require compliance with local land use and safety codes. HB 741 removes “family day care homes” and “family group day care homes” from compliance with the local codes. Six children and up to three more children under the age of 10 years constitute a family day care home and 7 to 12 children and up to and additional five children under the age of 10 years constitute a group day care home. The committee feels that it is imperative that local municipalities still have the oversight and approval for these child care facilities since it becomes a local transportation and safety matter. Vote 14-0.

HB 742, relative to the issuance of building permits on class VI roads. **INEXPEDIENT TO LEGISLATE.**

Rep. Betsey L. Patten for Municipal and County Government: Building or not building on a Class VI highway has been the prerogative of the local governing body. Currently there is a process where the governing body may grant a building permit as long as the applicant knows that the municipality neither assumes responsibility for maintenance of the Class VI highway nor liability for any damages resulting from the use thereof and the applicant records that document in the Registry of Deeds. HB 742 would add another layer of approval in order for a permit for a non-commercial, seasonal or recreational use building to be issued by requiring the legislative body at a special or annual town meeting to approve the policy. The bill does not include any appeal process for applicants. Also there will be a negative effect on existing lots on Class VI highways that may be construed as a “taking” by the

municipality if approval is not granted. The committee knows that RSA 674:41 "Class VI Roads; Building Permits" is a well balanced statute that does not need to be amended. Vote 14-0.

HB 747*, relative to the special meeting requirements for municipalities. **INEXPEDIENT TO LEGISLATE.*

Rep. Robert J. Elliott for Municipal and County Government: The committee felt this legislation was unnecessary because under current statute (RSA 31:5 and RSA 41:14-a) the selectmen are required to first submit a proposed acquisition of or sale of any municipal land to the Planning Board before requesting a special meeting. The bill is a duplication of already existing statutes. Vote 13-0.

HB 769-FN*, relative to determination of town's shares of county taxes. **INEXPEDIENT TO LEGISLATE.*

Rep. Bennett F. Moore for Municipal and County Government: This bill would modify apportionment of county costs to municipalities by adding a population factor to the existing equalized property value calculation. A municipality's share of county costs could not exceed its proportion of county population by more than 2%. The committee's recommendation of ITL is based on the failure of the bill to address how any shortfall in county cost allocations would be assessed and no willingness to add a population statistic (and the costs associated with ensuring its accuracy) to our tax apportionment calculations. Issues concerning county government are now being studied by a county government task force. Its report is expected to address not only the functions of counties but also recommendations on the fairness of cost sharing. Vote 13-0.

HB 770*, requiring certain information in the financial reports of counties. **INEXPEDIENT TO LEGISLATE.*

Rep. Larry Brown for Municipal and County Government: This bill, as presented, requires a break out of information and a format of presentation which the committee could not tie to any failure of process significant on a statewide basis. The committee does support clarity and accountability in municipal spending and governance. There is a task force to study county government (SB 319, Chapter 221:1; laws of 2006) that is studying county governance. The committee would like this issue and file be given to that task force. Vote 13-0.

HB 785-FN*, relative to user charges for excessive consumption of police and nuisance enforcement services. **INEXPEDIENT TO LEGISLATE.*

Rep. Robert J. Watson for Municipal and County Government: This bill would establish user charges for "excessive consumption" of police and nuisance enforcement services. The majority believes that the issues this bill attempts to resolve can best be addressed as they are now by the enforcement of municipal ordinances. Furthermore, the bill is ambiguous and could open the door to unintended consequences. Vote 13-1.

HB 798*, allowing municipalities to adopt a property tax freeze for persons aged 65 and older. **INEXPEDIENT TO LEGISLATE.*

Rep. Larry Brown for Municipal and County Government: This bill like several the committee considered this session on tax relief is a bill of good will and seeks to protect the over age 65 residential home owner from the ravages of rising property taxes by setting an at age 65 freeze on the assessed value of their residence. However it is not means tested and requires additional and varied calculations of state and county taxes due and will have an unknown cost shifting burden on those outside the benefited group. On that basis the entire committee agreed that it was inexpedient to legislate. Vote 13-0.

HB 803, relative to the sale of tax-deeded property. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Betsey L. Patten for Municipal and County Government: Currently the municipality has a process for distributing proceeds from the sale of tax-deeded property. After three years of not paying taxes to the municipality, the property owner has three years to pay taxes before the property is deeded to the town and has a first option for the next three years to repurchase the property. That is a total of six years. HB 803 is a result of a subcommittee working group with the committee, tax collectors and other municipal officers. The requirement for notice has been changed from a range 120 days to 90 days to at least 90 days prior to the offering for sale. "Offering for sale" has been defined as the authorization by the municipality's governing body to its designee to sell the property. The committee agrees with the tax collectors that these changes will make the sale of tax-deeded property more efficient. Vote 14-0.

Amendment (0820h)

Amend the bill by replacing section 3 with the following:

3 Termination of Right. Amend RSA 80:89, VII and VIII to read as follows:

VII. ~~[For purposes of this section, the date of sale or conveyance of the property shall mean the date the municipality enters into a binding contract to convey the property to a third party buyer, whether or not such contract is subject to any contingencies.~~

~~VIII.]~~ The duty of the municipality to notify former owners and to distribute proceeds pursuant to RSA 80:88, and the former owners' right of repurchase under ~~[RSA 80:89,]~~ **this section** shall terminate 3 years after the date of recording of the deed.

HB 804, excluding the value of a view from property tax assessments. **INEXPEDIENT TO LEGISLATE.**

Rep. Larry Brown for Municipal and County Government: This committee has dealt with half a dozen or so bills on the issue of equitable property taxation and has carefully considered the impact of rising property taxes on several affected groups. In every case the committee has supported clarity in description, transparency in assessment procedures and full fair market valuations. Verbal blinders have no effect on what a willing buyer sees. This bill unreasonable seeks to skew and dilute the established standard of fair market value on which the property tax rests. The committee by a wide bi-partisan majority does not support this bill. Vote 11-1.

HB 829, establishing authority for a state property tax bank administered by the housing finance authority and requiring the housing finance authority board to develop a proposal and report to the general court. **INEXPEDIENT TO LEGISLATE.**

Rep. Jessie L. Osborne for Municipal and County Government: The committee felt that HB 829 had many technical problems including possible financial security problems with the financing sources. The agency chosen to administer the program, the New Hampshire Housing Authority, did not want to be involved with the bill, saying that they had significant concerns with the legislation and federal issues. Vote 14-0.

HB 892-FN, relative to bonding for subdivisions and condominium projects. **INEXPEDIENT TO LEGISLATE.**

Rep. Robert J. Watson for Municipal and County Government: This bill would place restrictions on when a municipality may require a developer to secure a bond in order to guarantee that certain required improvements are completed. It also mandates how the bonds will be administered, such as when a bond must be reduced for partial work completion. Although the intent of the bill may be constructive, the language is ambiguous and confusing. It could make it more difficult for our cities and towns to ensure that developers follow through on the improvements that they have promised to complete as part

of a development. Vote 14-0.

HB 896-FN-L, relative to authority to waive interest on late paid property tax bills. **INEXPEDIENT TO LEGISLATE.**

Rep. Laurie J. Boyce for Municipal and County Government: This bill is totally local control and should be left to that. The selectmen already have the power to waive interest for those that need it. Vote 13-0.

HB 224, expanding the restriction on advertising devices to include all state highways. **INEXPEDIENT TO LEGISLATE.**

Rep. Edmond D. Gionet for Public Works and Highways: The committee considered the testimony given by DOT, whereas, they already have the authority to remove signs within the highway right-of-way that constitute a hazard. There is no reason to pursue this bill. Vote 15-0.

HB 516, authorizing the Mount Washington Chamber of Commerce to erect a sign on Interstate 95 in Portsmouth. **INEXPEDIENT TO LEGISLATE.**

Rep. Kevin K. Waterhouse for Public Works and Highways: While the committee appreciates the Mt. Washington Valley's Chamber of Commerce and its desire to use a state highway directional sign to make the traveling public aware of it, the words "Mt. Washington Valley" would replace the words "White Mountain Region." This change would unfortunately draw the public's attention to only one part of the White Mountains to the detriment of the other five communities of the region. The committee is concerned that this sign could signal a change in policy that would encourage other chambers of commerce to request erection of more signs within the right-of-way. Additionally, the Commissioner of DOT testified that too many signs create chaos. As a safety issue more signs create a distraction to the motorist and should be kept to a minimum. Vote 16-0.

HB 538-FN-A, making an appropriation for the renovation of the state park system. **INEXPEDIENT TO LEGISLATE.**

Rep. David B. Campbell for Public Works and Highways: This bill was filed by the House and Senate members of the SB 5 Commission to study the State's park system, to fulfill the commission's recommendation to bond \$10 million dollars in each of the next two biennium's for strategic planning to meet critical and deferred maintenance needs and for revenue enhancement projects. The Governor proposed approximately 6.4 million dollars in his Capital Budget and the committee has made provisions for the state parks in HB 25, the Capital Budget bill. Therefore, this legislative vehicle is no longer necessary. Vote 15-0.

HB 681-FN-A, relative to full cent gas pricing and road tolls. **INEXPEDIENT TO LEGISLATE.**

Rep. David B. Campbell for Public Works and Highways: The effect of this bill would be to raise the road toll (gas tax) by one-tenth of a cent, which would raise Highway Fund revenue by about \$850,000 per annum. However, since the House has already passed HB 103, which establishes a commission to study the State Highway Trust Fund, the committee believes that the needs and funding levels of the Highway Fund are best studied in their entirety by this commission. Whole cent pricing will also be addressed by the study commission. Vote 13-2.

HB 731, relative to the use of vehicle information or location tracked by an electronic toll collection system. **OUGHT TO PASS WITH AMENDMENT.**

Rep. David B. Campbell for Public Works and Highways: This bill (and the clarifying amendment) adds one sentence to the RSA to prohibit the use of the transponders, which are used for toll collection, to gather personal information or movements at any location except at

the toll booths. Vote 11-2.

Amendment (0707h)

Amend the bill by replacing section 1 with the following:

1 New Paragraph; Evasion of Tolls and Charges. Amend RSA 236:31 by inserting after paragraph VI the following new paragraph:

VII. The transponders and the monitoring system used in electronic toll collection, shall not be used to track or determine the location of a vehicle or be used to collect the name, street address, post office box number, license or billing information, of the individual and vehicle associated with the transponder, except at each point where a toll is collected or incurred.

AMENDED ANALYSIS

This bill prohibits use of the electronic toll collection system and the electronic toll collection monitoring system to track or locate a vehicle except at the point where a toll is collected or incurred.

HB 219, relative to the membership of the wetlands council. **OUGHT TO PASS.**

Rep. James D. Aguiar for Resources, Recreation and Development: This bill increases the membership of the Wetlands Council from seven members to eight. The additional member would be an owner of farm land or forest land. The committee heard testimony that the decisions made by the Wetlands Council often have direct impact upon farm and/or forest land, hence the decision to give representation to these groups. Vote 16-0.

HB 319, relative to wetlands mitigation. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Susan R. Kepner for Resources, Recreation and Development: Currently, it is difficult for the state to expend funds from the Federal Emergency Watershed Protection Program within the required 220 days, since both federal and state permits are necessary. The federal permit process includes an eleven page environmental assessment that the state then reviews. Therefore, the committee felt there is not need for a lengthy, cumbersome state permit that is redundant. Vote 18-0.

Amendment (0566h)

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

AN ACT relative to emergency permits for projects funded through the Emergency Watershed Protection Program.

Amend the bill by replacing section 1 with the following:

1 New Paragraph; Fill and Dredge in Wetlands; Administrative Provisions. Amend RSA 482-A:11 by inserting after paragraph IX the following new paragraph:

X. The department shall have the authority to issue emergency permits for projects funded through the Emergency Watershed Protection Program of the Natural Resources Conservation Service, United States Department of Agriculture, when such projects are necessary to safeguard lives and property from floods and the products of erosion when a natural disaster is causing or has caused a sudden impairment of the watershed.

AMENDED ANALYSIS

This bill allows the department of environmental service to issue emergency permits for certain necessary projects.

HB 321, relative to river protection and restoration. **INEXPEDIENT TO LEGISLATE.**

Rep. Donald A. Brueggemann for Resources, Recreation and Development: This bill addresses the nominating process for participation in the Rivers Management and Protection Program. This popular program is a community driven process whereby rivers are nominated for additional protections based on resource characteristics such as environmental, recreational, wildlife and cultural qualities. This bill would add hydroelectric

energy production to the list of characteristics to be considered, which is inherently in conflict with many of the other qualities to be considered under the program. In addition, HB 321 requires a river or river segment to be included in the local master plan of a town participating in the nomination process. This essentially reverses the process since the inclusion of a river resource in local master plans is the hoped for result of the Rivers Management and Protection Program. Lastly, HB 321 alters the membership of the Rivers Management Advisory Committee (RMAC) with the addition of six legislators. The current membership of RMAC represents a diverse group of interests including agriculture, conservation, recreation, municipal and water supply. Although the addition of legislators is not objectionable, neither is it necessary since nominated rivers or river segments must gain legislative approval. The current process works admirably as indicated by the recent approval of the Ammonoosuc River. The case for changes to the Rivers Management and Protection Program has not been made. Vote 14-0.

HB 383, relative to waterfront buffer and woodland buffer requirements in the comprehensive shoreland protection act. **OUGHT TO PASS WITH AMENDMENT.** Rep. Donald A. Brueggemann for Resources, Recreation and Development: This bill is one of four bills recommended by the Shoreland Protection Commission. The bill simplifies and clarifies regulations regarding waterfront buffers, allowing property owners to more easily understand what activities may and may not be undertaken within this most sensitive shorefront area. This clarity will promote greater compliance. The first 50 feet from the shoreline is designated as the waterfront buffer and is subject to restrictions on the removal of ground cover and the cutting of trees. Within this area, an easily understood formula replaces a complicated method for calculating allowable alterations. The first 150 feet from the shoreline (including the waterfront buffer) is designated as the natural woodland buffer in which smaller areas must be maintained in an undisturbed state with the encouragement of other conservation measures. Lastly, for the first 250 feet from the shoreline (including the woodland buffer) the bill prescribes that no more than 20-30% of the total area may be covered with impervious surfaces, such as roofs, patios and most driveways. The majority of the committee felt this was a reasonable addition since the science indicates that watersheds are negatively affected by the disruption of as little as 10% of the area. Forest management and agriculture conducted in accordance with best management practices are exempted from these restrictions. The committee also looked at specific circumstances in order to be satisfied that these provisions do not constitute a taking, nor unreasonably restrict the ability of property owners to enjoy and develop their property. The committee believes HB 383 strikes a common sense balance between property rights and shoreland protection. Vote 18-1.

Amendment (0904h)

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

AN ACT relative to waterfront buffer and woodland buffer requirements in the comprehensive shoreland protection act.

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

1 New Paragraph; Definitions. Amend RSA 483-B:4 by inserting after paragraph VII the following new paragraph:

VII-a. "Impervious surface" means any area that is paved, compacted, or otherwise modified to prevent or restrict the infiltration of storm water. Examples of impervious surfaces include but are not limited to, roofs, decks, patios, and paved, gravel, or crushed stone driveways, parking areas, and walkways.

2 New Paragraph; Definitions. Amend RSA 483-B:4 by inserting after paragraph X the following new paragraph:

X-a. "Natural ground cover" means any herbaceous plant or any woody seedling or shrub less than 3 feet in height. Natural ground cover shall also include naturally occurring

leaf or needle litter, stumps, decaying woody debris, stones, and boulders. Natural ground cover shall not include lawns, invasive species as listed by the department of agriculture, markets and food in accordance with RSA 430:53, III or exempted by the department of environmental services in accordance with RSA 487:16-a, imported organic or stone mulches, or other artificial materials.

3 New Paragraph; Definitions. Amend RSA 483-B:4 by inserting after paragraph XXIV the following new paragraph:

XXIV-a. "Undisturbed state" means native vegetation allowed to grow without interference.

4 Waterfront Buffer. Amend RSA 483-B:9, V to read as follows:

V. The following minimum standards shall apply to **areas and activities within** the protected shoreland ~~[provided that]~~ **with the exception of** forest management **that is** not associated with shoreland development or land conversion, and **is** conducted in compliance with RSA 227-J:9; forestry ~~[involving]~~ **conducted by or under the direction of a water supplier for the purpose of managing a** water supply ~~[reservoir]~~ watershed ~~[management; or]~~; **and** agriculture conducted in accordance with best management practices~~]; shall be exempt from the provisions of this chapter]~~ **as required by RSA 483-B:3, III:**

(a) MAINTENANCE OF A WATERFRONT BUFFER.

(1) The waterfront buffer shall be those protected shorelands within 50 feet of the reference line. The purpose of this buffer shall be to protect the quality of public waters while allowing homeowner discretion with regard to water access, safety, viewscape maintenance, and lot design.

(2) Within the waterfront buffer all of the following prohibitions and limitations shall apply:

(A) No chemicals, including pesticides of any kind or fertilizers of any kind except those specified in RSA 483-B:9, II(d), shall be applied.

(B) Rocks and stumps and their root systems shall be left intact in the ground unless removal is specifically approved by the department, pursuant to RSA 482-A.

(C) No natural ground cover shall be removed unless removal is specifically approved by the department, pursuant to RSA 482-A.

(D) Starting from the northerly or easterly boundary of the property, and working along the shoreline, the waterfront buffer shall be divided into 50 foot segments. Within each segment a minimum combined tree and sapling score of at least 50 points shall be maintained. If there is insufficient area for a full segment, the number of points required to be maintained in that partial segment shall be proportional to that required of a full segment.

(i) Tree and sapling diameters shall be measured at 4½ feet above the ground and are scored as follows:

<u>Diameter</u>	<u>Score</u>
1 inch to 6 inches	1
greater than 6 inches to 12 inches	5
greater than 12 inches	10

(ii) Dead, diseased, or unsafe trees shall not be included in scoring.

(iii) If the total tree and sapling score in any 50 foot by 50 foot segment exceeds 50 points, then trees and saplings may be removed as long as the sum of the scores for the remaining trees and saplings in that segment does not total less than 50 points. Trees and saplings may be removed from partial segments provided that the sum of the scores for the remaining trees and saplings in that partial segment is equal to or greater than the proportional point requirement.

(iv) *The department may approve applications pursuant to RSA 482-A that include the planting of native trees and saplings as necessary to at least maintain either the existing combined tree and sapling score or the minimum score required. The department shall not approve any application that would result in a combined tree and sapling score less than the minimum score required.*

(v) *Owners of lots that were developed prior to the effective date of this paragraph may maintain but not enlarge cleared areas, including but not limited to existing lawns and beaches, within the waterfront buffer. Conversion to or planting of cleared areas with native species of ground cover, shrubs, saplings, and trees to comply with the point system shall not be required unless it is necessary to meet the requirements of RSA 483 B:9, V(g)(2) or RSA 483-B:9, V(g)(3).*

(vi) *Dead, diseased, or unsafe trees, saplings, or shrubs, that pose an imminent hazard to structures or have the potential for personal injury may be removed regardless of the score requirements of a segment. Such exception shall not be used to contravene the intent of the law.*

(vii) *Normal trimming, pruning, and thinning of branches to the extent necessary to protect structures, maintain clearances, and provide views is permitted. Trimming, pruning, and thinning of branches for the purpose of providing views shall be limited to the bottom 1/3 of the trees or saplings, or those portions of the natural ground cover exceeding 3 feet in height.*

(viii) *When necessary for the completion of construction activities permitted in accordance with RSA 483-B:6, a temporary 12 foot wide access path shall be allowed. The access path shall be completely restored and replanted with natural vegetation upon completion of construction except as allowed under RSA 483-B:9, V(a)(2)(D)(ix).*

(ix) *A permanent 6-foot wide foot path to the water body, configured in a manner that will not concentrate storm water runoff or contribute to erosion, is allowed.*

~~(a)~~ **(b) MAINTENANCE OF A NATURAL WOODLAND BUFFER.**

(1) ~~[Where existing,]~~ A natural woodland buffer shall be maintained within 150 feet of the reference line. ***The first 50 feet of this buffer is designated the waterfront buffer and is subject to the additional requirements of subparagraph (a).*** The purpose of ~~[this]~~ ***the natural woodland*** buffer shall be to protect the quality of public waters by minimizing erosion, preventing siltation and turbidity, stabilizing soils, preventing excess nutrient and chemical pollution, maintaining natural water temperatures, maintaining a healthy tree canopy and understory, preserving fish and wildlife habitat, and respecting the overall natural condition of the protected shoreland.

(2) Within the natural woodland buffer ~~[of the protected shoreland under conditions defined in RSA 483 B:9, V, all of the following prohibitions and limitations shall apply]:~~

(A) ~~[Not more than a maximum of 50 percent of the basal area of trees, and a maximum of 50 percent of the total number of saplings shall be removed for any purpose in a 20-year period. A healthy, well-distributed stand of trees, saplings, shrubs, ground cover, and their living, undamaged root systems shall be left in place.]~~ ***At least 50 percent of the area outside the permitted impervious surfaces of the lot as allowed under RSA 483-B:9, V(g) shall be maintained in an undisturbed state.***

(B) Any person applying to the department for a septic system construction approval or alteration of terrain permit pursuant to RSA 485-A, or an excavating and dredging permit pursuant to RSA 482-A, within the protected shoreland shall include photographic documentation of the natural woodland buffer.

(C) ~~[Structures, as defined in RSA 483 B:4, XXII, within the natural woodland buffer shall be afforded an opening for building construction that shall be excluded when computing the percentage limitations under subparagraph (a)(2)(A).]~~

~~(D)~~ Dead, diseased, **or** unsafe, ~~[or fallen]~~ trees, saplings, **or** shrubs~~[-or ground cover may be removed. Their removal shall not be used in computing the percentage limitations under subparagraph (a)(2)(A)]~~ **that pose an imminent hazard to structures or have the potential to cause personal injury may be removed regardless of the amount of area required to be maintained in an undisturbed state in the natural woodland buffer. Such exemptions shall not be used to contravene the intent of the law.**

~~[(E) Stumps and their root systems, which are located within 50 feet of the reference line, shall be left intact in the ground, unless removal is specifically approved by the department under RSA 482-A.~~

~~(F)~~ **(D)** Preservation of dead and living trees that provide dens and nesting places for wildlife is encouraged.

~~[(G)]~~ **(E)** Planting efforts that are beneficial to wildlife are encouraged.

~~[(b)]~~ **(c)** SEPTIC SYSTEMS.

(1) ~~[All new lots, including those in excess of 5 acres, created within the protected shoreland are]~~ **The subdivision of a parcel of land shall be subject to the requirements for subdivision [approval by] plan submission to the department of environmental services under RSA 485-A:29 if any portion of the land to be subdivided is within the protected shoreland.**

(2) The following conditions, based on the characteristics of the receiving soil as they relate to U.S. Department of Agriculture, Natural Resources Conservation Service drainage classes, shall dictate the setback requirements for all new leaching portions of new septic systems, as follows:

(A) Adjacent to ponds, lakes, estuaries, and the open ocean.

(i) Where the receiving soil downgradient of the leaching portions of a septic system is a porous sand and gravel material with a percolation rate equal to or faster than 2 minutes per inch, the setback shall be at least 125 feet from the reference line;

(ii) For soils with restrictive layers within 18 inches of the natural soil surface, the setback shall be at least 100 feet from the reference line; and

(iii) For all other soil conditions, the setback shall be at least 75 feet from the reference line.

(B) Adjacent to rivers the setback shall be no less than 75 feet.

(3) The placement of all septic tanks and leaching portions of septic systems for replacement systems shall comply with the requirements of subparagraph ~~[(b)(2)]~~ **(c)(2)**, to the maximum extent feasible.

~~[(e)]~~ **(d)** EROSION AND SILTATION.

(1) All new structures, modifications to existing structures, and excavation or earth moving within protected shoreland shall be designed and constructed in accordance with rules adopted by the department under RSA 541-A for terrain alteration under RSA 485-A:17, to manage stormwater and control erosion and sediment, during and after construction.

(2) New structures and all modifications to existing structures within the protected shoreland shall be designed and constructed to prevent the release of surface runoff across exposed mineral soils.

(3) A permit under RSA 485-A:17, I shall be required for improved, developed, or subdivided land whenever there is a contiguous disturbed area exceeding 50,000 square feet that is either partially or wholly within protected shoreland.

~~[(d)]~~ **(e)** MINIMUM LOTS AND RESIDENTIAL DEVELOPMENT. In the protected shoreland:

(1) The minimum size for new lots in areas dependent upon on-site septic systems shall be determined by soil type lot size determinations, as established by the department of environmental services under RSA 485-A and rules adopted to implement it.

(2) For projects in areas dependent upon on-site sewage and septic systems, the total number of residential units in the protected shoreland, whether built on individual lots or grouped as cluster or condominium development, shall not exceed:

(A) One unit per 150 feet of shoreland frontage; or

(B) For any lot that does not have direct frontage, one unit per 150 feet of lot width as measured parallel to the shoreland frontage that lies between the lot and the reference line.

(3) No lot ~~[dependent upon an on-site septic system,]~~ having frontage on public waters, shall be created with less than 150 feet of shoreland frontage.

(4) ~~[Lots in areas serviced by municipal sewers shall conform to municipal minimum lot standards, and shall not be subject to any shoreland frontage requirement, except as provided by municipal standards.]~~

~~(5)~~ Lots and residential units outside of the protected shoreland shall not be subject to this chapter.

~~(e)~~ **(f) MINIMUM LOTS AND NON-RESIDENTIAL DEVELOPMENT.** In the protected shoreland:

(1) The minimum size for new non-residential lots in areas dependent upon on-site septic systems shall be determined by soil type lot size determinations, as set forth under rules adopted under RSA 541-A.

(2) ~~[Non-residential development requiring on-site water, sewage, and septic systems shall not be constructed on lots less than 150 feet in width.]~~ ***No lot having frontage on public water shall be created with less than 150 feet of shoreland frontage.***

(3) ~~[Non-residential lots in areas serviced by municipal sewers shall conform to municipal minimum lot standards.]~~

(4) Non-residential lots outside of the protected shoreland shall not be subject to this chapter.

(g) IMPERVIOUS SURFACES. *Within 250 feet of the reference line, the maximum impervious surface area shall be:*

(1) *No more than 20 percent of the area of the lot located within the protected shoreland; or*

(2) *No more than 25 percent of the area of the lot located within the protected shoreland, provided:*

(A) *There is no tree cutting within the waterfront buffer if the waterfront buffer meets the 50-point tree score minimum; or*

(B) *Where the natural tree cover is less than a 50 point tree score in the waterfront buffer, additional tree planting is provided in the waterfront buffer to meet or exceed a 50-point tree score; and*

(C) *The lot shall be restricted by means of a permanent restriction recorded in the chain of title for the property to prohibit the cutting of vegetation within the waterfront buffer; or*

(3) *No more than 30 percent of the area of the lot located within the protected shorelands, provided:*

(A) *There is no tree cutting within the waterfront buffer if the waterfront buffer meets the 50 point tree score minimum, or*

(B) *Where the natural tree cover is less than a 50-point tree score in the waterfront buffer, additional tree planting is provided in the waterfront buffer to meet or exceed a 50-point tree score; and*

(C) *The lot shall be restricted by means of a permanent restriction recorded in the chain of title for the property to prohibit the cutting of vegetation within the waterfront buffer; and*

(D) *A stormwater management system designed to ensure that post-development total runoff volume shall not exceed the pre-development total*

runoff volume, and approved by the department of environmental services, shall be implemented.

~~[(e)]~~ **(h)** COMMON OWNERS AND RESIDENTIAL OR NON-RESIDENTIAL DEVELOPMENT. In the protected shoreland, waterfront parcels held in common by one or more owners of contiguous interior parcels may be developed, but only in a manner consistent with the provisions of this chapter. Care shall be taken for the adequate provision of parking, toilet facilities, and related support systems to minimize the project's impact on the public waters.

~~[(e)]~~ **(i)** The commissioner shall have the authority to grant variances from the minimum standards of this section. Such authority shall be exercised subject to the criteria which govern the grant of a variance by a zoning board of adjustment under RSA 674:33, I(b).

5 Prior Approval; Permits. Amend RSA 483-B:6, I(c) to read as follows:

(c) Install a septic system as described in RSA 483-B:9, V~~[(b)]~~ **(c)**(1)-(3) shall obtain all permits pursuant to RSA 485-A:29.

6 Prior Approval; Permits. Amend RSA 483-B:6, I(e) to read as follows:

(e) Subdivide land as described in RSA 483-B:9, V~~[(d)]~~ **(e)** and ~~[(e)]~~ **(f)** shall obtain approval pursuant to RSA 485-A:29.

7 Repeal. 2002, 114:2, relative to setback requirements.

8 Effective Date. This act shall take effect April 1, 2008.

AMENDED ANALYSIS

This bill adds a waterfront buffer requirement and modifies the natural woodland buffer requirement of the comprehensive shoreland protection act. This bill also repeals the authorization for certain municipalities to maintain defined primary building lines.

HB 459, relative to the identification of wells. **OUGHT TO PASS WITH AMENDMENT.** Rep. Frank A. Tupper for Resources, Recreation and Development: The purpose of this bill is to provide a method of recording the location of wells and technical information about their construction, such as depth, casing, etc. This will be valuable if there is water contamination in an area. Technical information will help future property owners who need to maintain or repair a well. The committee agreed with the amended version of this bill which now requires water well contractors and technical drillers of monitoring wells to supply a written record of specific technical and locational information to the Department of Environmental Services (DES). This will eliminate the need for locating by well tag identification, which well drillers testified was too onerous. Vote 15-0.

Amendment (0475h)

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

AN ACT relative to the identification of wells and monitoring wells.

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

1 Record of Wells. Amend RSA 482-B:10 to read as follows:

482-B:10 Record of Wells; ***Monitoring Wells.***

I. Within 90 days after completion of a well, ~~the~~ ***the*** water well contractor shall provide the board with a record of the well containing ~~[such]~~ ***the following*** information ~~[as is required by rule.]:~~

(a) Name of the owner of the property on which the well is situated.

(b) Name of the building contractor, if applicable.

(c) Location of the well by:

(1) Coordinates provided by global positioning technology in units of degrees and decimal minutes of latitude and longitude, with at least 3 decimal places of precision and referenced to the World Geodetic System 1984 (WGS84) datum or its successor;

(2) *Street address of the property as listed in the enhanced 911 street address guide to the extent it is publicly available on the date of submission of the report;*

(3) *Tax map and lot number of the property; and*

(4) *A drawing indicating the position of each well, if more than one well is located within the lot, relative to significant permanent man-made or natural features at a given site.*

(d) *Date well was completed.*

(e) *Proposed use of well.*

(f) *Reason for constructing well.*

(g) *Type of well.*

(h) *Total depth of well.*

(i) *Casing details.*

(j) *Method or methods of sealing casing into bedrock, if applicable.*

(k) *Screen details, if applicable.*

(l) *Results, method, and duration of yield test or tests conducted.*

(m) *Static water level, if encountered.*

(n) *Depth to bedrock.*

(o) *Description and depth intervals of unconsolidated surficial deposits encountered during the well drilling process.*

(p) *Yield test at various depths, if performed.*

(q) *Hydro fracturing or other well development details, if applicable.*

(r) *Name of water well contractor or technical driller.*

(s) *Additional well seals installed, if applicable.*

(t) *A statement specifying whether a water quality sample was collected by the driller.*

(u) *If the well location does not comply with setback requirements for wells under New Hampshire law or rules of the water well board, a statement identifying the law or rule with which the wells do not comply.*

v. *Date of the report.*

(w) *Any other information required by rules adopted by the water well board.*

II. At a minimum, the technical drillers shall comply with the requirements of paragraph I for the deepest monitoring well installed at each property or place of business and for each monitoring well installed into the bedrock at each property or place of business.

III. If the technical driller does not comply with the requirements of paragraph I for all the monitoring wells the driller installs at a single property or place of business, then the technical driller shall prepare and submit a map showing the location of each monitoring well installed by the technical driller relative to significant permanent man-made or natural features at a given site and relative to wells located with GPS coordinates in accordance with paragraph I.

2 Sharing of Data for the Purpose of Maintaining Records of Wells. Amend RSA 106-H:14 to read as follows:

106-H:14 Information Not Subject to Right-to-Know Law. Any information or records compiled under this chapter shall not be considered a public record for the purposes of RSA 91-A **regardless of the use of such information under paragraph I or II.** Notwithstanding any provision of law to the contrary, the bureau shall only make information or records compiled under this chapter available **as follows:**

I. On a case-by-case basis to a law enforcement agency that requires the information or records for investigative purposes[-]; **and**

II. To the department of environmental services solely for the purpose of estimating the location of wells subject to RSA 482-B. Information shared with the

department of environmental services under this provision shall be limited to geographic information systems data that will aid in locating such wells. The department of environmental services shall not release such shared data under RSA 91-A.

3 Effective Date. This act shall take effect 180 days after its passage.

AMENDED ANALYSIS

This bill:

I. Requires water well contractors and technical drillers of monitoring wells to supply specific information to the board.

II. Limits the availability of information or records compiled in the records of wells.

HB 648, establishing a commission to develop a comprehensive flood management plan.

OUGHT TO PASS WITH AMENDMENT.

Rep. Donald A. Brueggemann for Resources, Recreation and Development: This bill establishes a commission to develop a comprehensive flood management plan. The commission is composed of six House members, three Senate members and various other interests. Duties include the study of measures to minimize flood impacts on community and personal property. The amendment adds a member and the duty to consider proper management of public water resources. Vote 17-0.

Amendment (0601h)

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

2 Membership and Compensation.

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

(a) Six members of the house of representatives, including one member of the fish and game committee, one member of the environment and agriculture committee, one member of the resources, recreation and development committee, and one member of the science, technology and energy committee, appointed by the speaker of the house of representatives.

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

(c) Two representatives of the office of the governor, appointed by the governor.

(d) One member of the rivers management advisory committee, established in RSA 483:8, appointed by the committee.

(e) One member from the hydroelectric industry, appointed by the governor.

(f) One member of the New Hampshire Municipal Association, appointed by that organization.

(g) One member of the Nature Conservancy, appointed by that organization.

(h) One member of the Army Corps of Engineers, appointed by the corps.

(i) The director of homeland security and emergency management of the department of safety, or designee.

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

(k) One member representing the New Hampshire water works association appointed by that organization or, if the association fails to appoint a member, a public water supplier appointed by the governor.

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:

I. Study possible measures for controlling floods to minimize their impact on communities and individual properties throughout the state. These measures shall include but not be limited to:

(a) Land treatment to reduce flood runoff.

(b) Flood hazard assessment.

(c) Management of flood waters by means of dams and reservoirs.

- (d) Removal or preservation of dams as an element of flood management.
 - (e) Possible zoning and flood plain regulations.
 - (f) Cooperative efforts between private dam owners and New Hampshire emergency management in the event of serious flood threats.
 - (g) Flood forecasting practices.
- II. The commission may also consider issues associated with flood control, including:
- (a) Tax exemption for private dam owners to encourage dam maintenance and restoration.
 - (b) Expansion of hydroelectric power generation.
 - (c) Use of flood plain lands for agriculture.
 - (d) Wetland preservation.
 - (e) Affect of floods on storm sewers and waste treatment plants.
 - (f) Recreational use of water bodies used for flood control.
 - (g) Availability of grants for flood control and dam improvement and restoration.
 - (h) Recovery of moneys owed to the state for flood control dams.
 - (i) Proper management of public water resources.
 - (j) Other issues as the commission deems fit.
- III. The commission shall be administratively attached to the department of administrative services.

HB 665-FN*, relative to the comprehensive shoreland protection act. **OUGHT TO PASS WITH AMENDMENT.*

Rep. Donald A. Brueggemann for Resources, Recreation and Development: This bill is one of four bills recommended by the Shoreland Protection Commission. The bill changes the method by which streams are classified, now using the New Hampshire hydrography data set, and clarifies the language in the definition of a “water dependent structure.” In addition, HB 665 repeals legislation that exempted towns which had adopted a shoreland protection ordinance and certain designated rivers and river segments from the application of this act. Lastly, this bill adds third order streams to those water bodies to be protected by the shoreland protection act on January 1, 2009. The committee feels that this latter is an important step, but that a delayed enactment would give the Department of Environmental Services time to prepare the necessary groundwork for its implementation. Vote 18-1.

Amendment (0852h)

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

1 Definitions. Amend RSA 483-B:4, XVI(c) to read as follows:

(c) Rivers, meaning all year-round flowing waters of fourth order or higher[~~as shown on the now current version of the U.S. Geological Survey 7 1/2%2C topographic maps~~]. Stream order shall be determined using the ***New Hampshire hydrography dataset archived by the geographically referenced analysis and information transfer system (GRANIT) at the complex systems research center of the university of New Hampshire, and developed by GRANIT in collaboration with the department of environmental services.*** ~~[Strahler method, whereby the highest year round streams in a watershed are first order streams, their juncture yields second order streams, the juncture of second order streams yields third order streams, et seq.]~~ A listing of the streams of fourth order and higher shall be prepared and ~~[maintained]~~ ***periodically updated*** by the ~~[office of energy and planning]~~ ***GRANIT at the complex systems research center of the university of New Hampshire*** and delivered to the commissioner 30 days after the effective date of this act.

2 Definitions. Amend RSA 483-B:4, XXVI to read as follows:

XXVI. “Water dependent structure” means a structure that ~~[services and supports activities that require direct access to, or contact with the water, or both, as an operational necessity and that requires a permit under RSA 482 A, including but not limited to]~~ ***is a***

dock, wharf, pier, breakwater, beach, boathouse, retaining wall, or launching ramp ***or other similar structure, or any part thereof, built over, on, or in the waters of the state.***

3 Definitions. Amend RSA 483-B, XVI(c) to read as follows:

(c) Rivers, meaning all year-round flowing waters of ~~[fourth]~~ ***third*** order or higher. Stream order shall be determined using the New Hampshire hydrography dataset archived by the geographically referenced analysis and information transfer system (GRANIT) at the complex systems research center of the university of New Hampshire, and developed by GRANIT in collaboration with the department of environmental services. A listing of the streams of ~~[fourth]~~ ***third*** order and higher shall be prepared and periodically updated by the GRANIT at the complex systems research center of the university of New Hampshire and delivered to the commissioner 30 days after the effective date of this act.

4 Repeal. The following are repealed:

I. RSA 483-B:19, relative to relative to the applicability of the comprehensive shoreland protection act.

II. RSA 483-B:20, relative to the exemption of certain designated rivers.

5 Effective Date.

I. Section 3 of this act shall take effect January 1, 2009.

II. The remainder of this act shall take effect April 1, 2008.

HB 716, relative to subdivision and septic system application waivers. **INEXPEDIENT TO LEGISLATE.**

Rep. James D. Aguiar for Resources, Recreation and Development: The committee heard testimony that the prime sponsor of the bill no longer supported the proposal after learning that the Department of Environmental Services had resolved the underlying issues through alternate means. Vote 16-0.

HB 722, relative to the rivers management protection program. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Elisabeth N. Sanders for Resources, Recreation and Development: This bill adds members to the Rivers Management Advisory Committee and allows local river management committees to include tributary drainage areas in their local management plans. These plans are advisory, like a local master plan. The bill also expands the scope of the state's Long-Range Rivers Management Plan for state-owned lands to include tributary drainage areas for each designated river. The overall goals of the local management plans and the long-range plan are to restore and maintain ecological integrity to meet existing and future multiple uses for New Hampshire's state protected rivers. The committee felt that the expansion of the scope of plans is appropriate as tributaries are important to the river's water quality. Vote 16-0.

Amendment (0811h)

Amend RSA 483:3 as inserted by section 1 of the bill by replacing it with the following:

483:3 Rivers Coordinator. There is established in the ~~[office of planning]~~ department of environmental services, a state rivers coordinator, who shall be a classified employee qualified by reason of education and experience, and who shall administer the New Hampshire rivers management and protection program.

Amend RSA 483:10-a as inserted by section 7 of the bill by replacing it with the following:

483:10-a Long-Range River Management Plans. The department shall prepare and adopt a long-range comprehensive plan for each designated river or segment which shall address the management and protection of instream values and state lands within the corridor, ***and tributary drainage areas***. State land within the designated river corridor ***and tributary drainage areas*** shall be administered and managed in accordance with the plan, and state management of fisheries, streams, waters, wildlife, and boating shall be consistent with the plan. In developing this plan, the department shall cooperate with the

department of resources and economic development, the department of fish and game, the office of energy and planning, the department of agriculture, markets, and food, **the department of transportation**, and the local rivers management advisory committee. Amend the bill by replacing section 8 with the following:

8 Notification of Rivers Coordinator. Amend RSA 483:12-a to read as follows:

483:12-a State Action; Notification of Rivers Coordinator; Petition for Review.

I. Any state agency considering any action affecting any river or segment designated under this chapter shall notify the rivers coordinator prior to taking any such action. Such agency shall forward to the rivers coordinator for review and comment copies of all notices of public hearings, or, where a public hearing is not required, a copy of the application for issuance of a permit, certificate, or license within the designated river or corridor under **RSA 485-C**, RSA 485-A, **RSA 483-B**, RSA 12-E, RSA 270:12, RSA 482, RSA 482-A, RSA 149-M, or RSA 147-A. If an agency is notified by the rivers coordinator that a proposed activity would violate a protection measure under RSA 483:9, 483:9-a, **483:9-aa**, or 483:9-b, such agency shall deny the application.

I-a. The rivers coordinator shall develop, in conjunction with affected state agencies and local river management advisory committees, the procedure by which the state shall notify the appropriate local river management advisory committee when state action is being considered which affects a designated river.

II. If an application is denied solely because the proposed activity would violate a protection measure under RSA 483:9, 483:9-a, **483:9-aa**, or 483:9-b, the applicant may petition the commissioner for a review. Within 30 days of receiving such a petition, the commissioner, in consultation with the advisory committee and the appropriate local rivers management advisory committee, shall review the application. If the commissioner determines that the proposed activity is consistent with the character of the designated river or segment or that the proposed activity would provide a public benefit sufficient to outweigh the public benefit of a protection measure under this chapter, the commissioner shall submit to the speaker of the house and the president of the senate a recommendation that the proposed activity be allowed to proceed. Such recommendation shall require review and approval by the general court and shall be filed as a bill in the next legislative session following the petition.

Amend the bill by replacing section 9 with the following:

9 Lakes Management Advisory Committee. Amend RSA 483-A:6, II(d) to read as follows:

(d) [~~An elected~~] **A** municipal officer of a lakefront community nominated by the New Hampshire Municipal Association.

HB 813-FN, expanding the definition of income of the land conservation investment program monitoring endowment. **OUGHT TO PASS.**

Rep. Sid Lovett for Resources, Recreation and Development: Replacing the terms “revenue” and “interest” with the term “income” as it applies to RSA 162-C:8 helps the Department of Treasury to better manage the portfolio of the endowment of the Land Conservation Investment Program (a land protection program that preceded LCHIP). Vote 18-0.

HB 857-FN-L, relative to permitting responsibilities under the comprehensive shoreland protection act. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Donald A. Brueggemann for Resources, Recreation and Development: This bill is one of four bills recommended by the Shoreland Protection Commission. This bill clarifies permitting responsibilities under the comprehensive shoreland protection act. It is not uncommon for individuals to be unaware of what activities require a state permit and this bill clearly identifies those activities. In particular, an approval by a municipality is sometimes interpreted as a go-ahead for a project when state approval is also required. This bill clarifies that municipalities do not have the authority to offer waivers or variances to

state shoreland regulations. The amendment clarifies language, adds a definition for nonconforming lots and structures and specifies what activities would not necessitate a permit under this act. Vote 18-1.

Amendment (0836h)

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

1 Definitions. Amend RSA 483-B:4, XI-a to read as follows:

XI-a. "Nonconforming lot of record" means an existing lot which does not conform to the provisions of this chapter.

XI-b. "Nonconforming Structure" means a structure that does not conform to the provisions of this chapter.

XI-c. Ordinary high water mark" means the line on the shore, running parallel to the main stem of the river, established by the fluctuations of water and indicated by physical characteristics such as a clear, natural line impressed on the immediate bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, the presence of litter and debris, or other appropriate means that consider the characteristics of the surrounding areas. Where the ordinary high water mark is not easily discernable, the ordinary high water mark may be determined by the department of environmental services.

2 Prior Approval; Permits. Amend RSA 483-B:6 to read as follows:

483-B:6 Prior Approval; Permits.

I. Within the protected shoreland, any person intending to:

(a) Engage in any earth excavation activity shall obtain all necessary local approvals in compliance with RSA 155-E.

(b) Construct a water-dependent structure, alter the bank, or construct or replenish a beach shall obtain approval and all necessary permits pursuant to RSA 482-A.

(c) Install a septic system as described in RSA 483-B:9, V(b)(1)-(3) shall obtain all permits pursuant to RSA 485-A:29.

(d) Conduct an activity resulting in a contiguous disturbed area exceeding 50,000 square feet shall obtain a permit pursuant to RSA 485-A:17.

(e) Subdivide land as described in RSA 483-B:9, V(d) and (e) shall obtain approval pursuant to RSA 485-A:29.

(f) Conduct an activity regulated under a local zoning ordinance shall obtain all necessary local approvals.

I-a. In addition to paragraph I, no person shall commence any of the following activities within the protected shoreland without prior written approval from the department:

(a) Construction of any structure on a nonconforming lot of record under RSA 483 B:10.

(b) Redevelopment of any site that contains nonconforming structures or any expansions of existing nonconforming structures under RSA 483 B:11, II

(c) Commencement of any construction that would require a variance under RSA 483-B:9, V(g).

II. In applying for these approvals and permits, such persons shall demonstrate to the satisfaction of the department ***or municipality*** that the proposal meets or exceeds the development standards of this chapter. ***The department shall develop minimum standards for information to be required on or with all applications under paragraph I.*** The department ***or municipality*** shall grant, deny, or attach reasonable conditions to ~~a permit~~ ***approvals issued under paragraph I-a or a permit*** listed in subparagraphs I(a)-~~(e)~~ ***(f)***, to protect the public waters or the public health, safety or welfare. Such conditions shall be related to the purposes of this chapter.

III. The department shall have the sole authority to issue variances and waivers of the provisions of this chapter as specifically authorized by this chapter.

IV. No variance, permit, or approval issued by a municipality shall exempt the owner from obtaining any other necessary permit or approval from the department as required by this chapter.

3 Nonconforming Structures. Amend RSA 483-B:11 to read as follows:

483-B:11 Nonconforming Structures.

I. Except as otherwise prohibited by law, nonconforming structures~~[-erected prior to July 1, 1994,]~~ located within the protected shoreland may be repaired, renovated, or replaced in kind using modern technologies, provided the result is a functionally equivalent use. Such repair or replacement may alter the interior design or existing foundation, but **shall result in no expansion of the existing footprint or outside dimensions** ~~[shall be permitted]~~ **except as authorized by the department pursuant to paragraph II.** An expansion that increases the sewerage load to an on-site septic system, or changes or expands the use of a septic system or converts a structure to condominiums or any other project identified under RSA 485-A:29-44 and rules adopted to implement it shall require approval by the department. Between the primary building line and the reference line, no alteration shall extend the structure closer to the public water, except that the addition of a deck or open porch is permitted up to a maximum of 12 feet towards the reference line **for nonconforming structures erected prior to July 1, 1994.**

II. When reviewing requests for the redevelopment of sites that contain nonconforming structures ~~[-erected prior to July 1, 1994,]~~ **or any expansions of nonconforming structures,** the commissioner shall review proposals which are more nearly conforming than the existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to the public waters. For the purposes of this section, a proposal that is "'more nearly conforming" means a proposal for significant changes to the location or size of existing structures that bring the structures into greater conformity, or a proposal for changes to other aspects of the property, including but not limited to stormwater management, wastewater treatment or traffic volume or flow, or both types of proposal which significantly improve wildlife habitat or resource protection.

4 Effective Date. This act shall take effect April 1, 2008.

HB 903-FN, prohibiting delivery of oil to non-compliant underground storage facilities. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Chris Christensen for Resources, Recreation and Development: This bill was introduced at the request of the Department of Environmental Services (DES) and the Oil Fund Disbursement Board (ODB). It is their joint responsibility under RSA 146-D to monitor underground oil storage tanks and provide extra insurance in the case of leaks. The state receives nearly \$1,000,000 in federal funds in support of these programs. This bill brings New Hampshire into compliance with federal guidelines to prevent deliveries to non-compliant tanks. The amendment clarifies procedures for reinstating service and changes the effective date to July 1, 2007. Vote 17-0.

Amendment (0580h)

Amend the bill by replacing section 2 with the following:

2 New Sections; Delivery Prohibition. Amend RSA 146-C by inserting after section 13 the following new sections:

146-C:14 Delivery Prohibition. No person shall deliver or cause the delivery of oil to a non-compliant storage tank or facility which has been red-tagged.

146-C:15 Non-Compliant Storage Tanks or Facilities; Red-Tagging Procedure. The department shall apply the following procedure in determining whether to red-tag a storage tank or facility:

I. The department shall perform an on-site inspection to determine whether a storage tank or facility is noncompliant with department rules for spill prevention, overfill protection, release detection, leak monitoring, or corrosion protection.

II. Upon determining non-compliant status, the department shall provide written notification to the facility owner and facility operator on the nature of the operational deficiencies, the applicable regulatory requirements, options available for correcting the deficiencies, and the deadline for completion of the work.

III. Upon failure of a facility owner or operator to correct such operational deficiencies to the satisfaction of the department by the established deadline, the department shall issue a written notice of "Intent to Red-Tag" to the facility owner and facility operator, and shall provide notification to all oil delivery companies that have requested to receive such notifications. The notice shall include the deadline after which date department personnel will red-tag the noncompliant storage tank or facility.

IV. The department shall publish a current list of all red-tagged storage tanks and facilities in the state, and shall provide notification of list changes to all oil delivery companies that have requested to receive such notification. No person shall be liable for delivery of oil to a noncompliant storage tank or facility that is not included on the department list of red-tagged storage tanks or facilities.

146-C:16 Appeals.

I. A facility owner may request, in writing, that the department rescind the delivery prohibition imposed under RSA 146-C:14. The department, shall approve a request to rescind the delivery prohibition, upon determining the following:

(a) The facility owner or operator has corrected the operational deficiencies identified during the inspection conducted under RSA 146-C:15, I;

(b) Fines and penalties assessed by the department against the facility owner or operator, if any, have been paid; and

(c) The department has re-inspected the facility and determined the storage tank or facility is in compliance, or an owner or operator provided satisfactory documentation that operational deficiencies were corrected. The department may re-inspect the facility to verify the accuracy of such documentation after the delivery prohibition is rescinded.

II. Nothing in this section shall affect any authority of the department or the attorney general to enforce state law relative to oil discharges or storage tank compliance, or to seek injunctive relief, cost recovery, penalties, and any other sanctions for noncompliance with applicable requirements.

III. Any appeal of department action under this section shall not stay or suspend the department's action.

Amend the bill by replacing section 4 with the following:

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

HB 447, relative to net energy metering. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Jacqueline A. Cali-Pitts for Science, Technology and Energy: Current law permits electric customers to participate in a program to generate their own electricity while still remaining connected so as to receive electric service on an as-needed basis. When their own generation exceeds their own needs the excess is supplied to the grid and "the meter runs backwards." The participating customer pays for the net amount consumed. The bill as amended modifies the eligibility for net metering; it, very simply, encourages the use of alternative energy sources by modifying RSA 362 by raising the kilowatt hour limit from 25 to 100 as the maximum generation allowed for participation in the program. Vote 15-0.

Amendment (0258h)

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

1 Definitions. Amend RSA 362-A:1-a, II-b to read as follows:

II-b. "Eligible customer-generator" means an electric utility customer who owns and operates electrical generating facilities powered by ~~[solar, wind, and/or hydro]~~ **renewable** energy with a total peak generating capacity of not more than ~~[25]~~ **100** kilowatts that is located on the customer's premises, is interconnected and operates in parallel with the electric grid, and is intended primarily to offset part or all of the customer's own electricity requirements.

2 Net Energy Metering. Amend RSA 362-A:9, I to read as follows:

I. A standard contract or tariff providing for net energy metering shall be developed and made available to eligible customer-generators by each electric distribution utility within 90 days of the start of retail choice of electric suppliers, or within 90 days of the final approval of net metering regulations issued by the commission, whichever comes first. Such tariffs or contracts shall be available on a first-come, first-served basis within each electric utility service area under the jurisdiction of the commission until such time as the total rated generating capacity owned and operated by eligible customer-generators totals ~~[0.05]~~ **one** percent of the annual peak energy demand distributed by each such utility as determined by the commission from time to time.

3 New Energy Metering. Amend RSA 362-A:9, IV(c) to read as follows:

(c) Where the electricity generated by the customer-generator exceeds the electricity supplied by the electric grid, the customer-generator shall be credited ~~[during the next billing period]~~ **over subsequent billing periods** for the excess kilowatt hours generated in accordance with this section.

4 New Energy Metering. Amend RSA 362-A:9, V to read as follows:

V. The commission shall adopt rules, pursuant to RSA 541-A, to establish reasonable interconnection requirements for safety, reliability, and power quality as it determines the public interest requires. ***Such rules shall not exceed applicable test standards of the American National Standards Institute (ANSI) or Underwriters Laboratory (UL).***

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

AMENDED ANALYSIS

This bill:

I. Modifies the definition of eligible customer-generator.

II. Requires the public utilities commission to conform to certain standards when adopting safety rules.

HB 694, establishing a commission to study the feasibility of tidal power generation under the Little Bay and General Sullivan Bridges, in Dover. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Thomas R. Fargo for Science, Technology and Energy: This bill creates a 20-member commission to study the feasibility of tidal power generation, primarily under the Little Bay and General Sullivan bridges in Dover and Newington. Membership on the commission represents a diverse group of stakeholders representing the General Court, state and federal agencies, municipalities, non-governmental environmental protection and commercial fishing interests, and the University of New Hampshire. Duties include the review of permitting standards, the public's and business community's attitude toward the project, environmental and wildlife impacts, and the costs and benefits of the project. The commission may, by 2/3 majority vote, expand its review to power generation at other appropriate infrastructure under New Hampshire jurisdiction. Vote 16-0.

Amendment (0717h)

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

1 Commission Established. There is established a commission to study the feasibility of tidal power generation under the Little Bay and General Sullivan Bridges, in Dover.

2 Membership and Compensation.

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

- (a) Three members of the house of representatives, appointed by the speaker of the house of representatives.
- (b) Two members of the senate, appointed by the president of the senate.
- (c) The commissioner of the department of transportation, or designee.
- (d) The director of the office of energy and planning, or designee.
- (e) The executive director of the public utilities commission, or designee.
- (f) One member from the Northeast Regional Office of the National Marine Fisheries Service, designated by the regional administrator.
- (g) One representative from the city of Dover, designated by the city council.
- (h) One representative from the town of Newington, designated by the board of selectmen.
- (i) One member of the New Hampshire Estuaries Project, designated by the management committee.
- (j) The commissioner of the department of environmental services, or designee.
- (k) The chief of the fish and game department, division of marine fisheries, or designee.
- (l) The director of the Pease development authority, division of ports and harbors, or designee.
- (m) One member of the New Hampshire Commercial Fishermen's Association
- (n) One member of the public, appointed by the governor.
- (o) Two representatives of different environmental protection or advocacy organizations, appointed by the governor.
- (p) One representative 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.

I. The commission shall:

(a) Identify and collect technical and sociological data, and investigate regulatory requirements necessary to determine the feasibility of building a system for tidal power generation under the Little Bay and General Sullivan Bridges in Dover and Newington. These data shall include, but are not limited to:

- (1) Permitting standards, including regulatory barriers to permitting of such projects.
- (2) The public's and business community's attitudes toward the project.
- (3) The environmental and wildlife impacts.
- (4) The cost and benefits of the project and potential for compensation to the state and municipalities.

(b) Identify the lead state agency to coordinate the efforts of the commission.

II. The commission may, upon 2/3 majority vote of the commission, expand its scope to study the feasibility of tidal power generation at other appropriate infrastructures under New Hampshire jurisdiction, as long as such studies are completed on or before November 1, 2008.

4 Chairperson; Quorum. The members of the study 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. Nine members of the commission shall constitute a quorum.

5 Report. The commission shall make an initial report of its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2007, and shall make a final report on or before November 1, 2008.

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

HB 880-FN, requiring the department of resources and economic development to implement a feasibility study for the production of alternative forms of energy using natural resources of the state of New Hampshire and making an appropriation therefor. **INEXPEDIENT TO LEGISLATE.**

Rep. John H. Thomas for Science, Technology and Energy: The issues in this bill are encompassed in HB 467 which was passed by this committee. The bill is too explicit and restrictive as to who is to do the study. The Department of Resources and Economic Development (DRED) does not support the bill. There is no fiscal note. Vote 17-0.

HB 917, establishing a commission to study implementing a statewide emergency communications system. **OUGHT TO PASS WITH AMENDMENT.**

Rep. James M. Garrity for Science, Technology and Energy: This bill adds an additional duty to the existing standing Telecommunications Oversight Committee namely, to study the implementation of a statewide emergency notification system which is appropriate for both state and local needs. The committee shall consider a reverse 911 system and other means of notification. Originally this bill would have created a new study commission, but the committee felt that this topic could be adequately studied by an existing statutory study committee. The prime sponsor of this bill was in agreement with this approach. Vote 17-0.

Amendment (0728h)

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

AN ACT relative to the duties of the oversight committee on telecommunications.

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

1 New Paragraph; Oversight Committee on Telecommunications; Duties. Amend RSA 374:22-j by inserting after paragraph XVI the following new paragraph:

XVII. Studying the implementation of a statewide emergency notification system which is appropriate for both state and local needs and considering possible funding sources for such system. The committee shall consider a reverse 911-system and other means of notification.

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

AMENDED ANALYSIS

This bill requires the oversight committee on telecommunications to study implementing a statewide emergency notification system.

HCR 8, urging Congress to rename the Veterans Administration Hospital the Styles Bridges Veterans Administration Hospital. **OUGHT TO PASS.**

Rep. Alfred P. Baldasaro for State-Federal Relations and Veterans Affairs: In this period of higher concern about the quality and availability of the health care delivery system for our veterans, the committee believes that placing a name and future on our only veterans' medical center would enhance our ability to help keep the medical center open without any additional decrease in services. The committee believes that naming the hospital after a former Governor, U.S. Senator and reserve military officer who invested time, effort and personal resources in ensuring the initial construction of the medical facility would be prudent and possibly helpful in keeping the hospital operational. Vote 12-0.

HJR 1, urging that more veterans' mental health counseling centers be established in New Hampshire. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Kris E. Roberts for State-Federal Relations and Veterans Affairs: This is an extremely important resolution where we have not only the ability but the responsibility to make a difference in the lives of the men and women that we, as Americans, asked to go into harms' way. The resolution as amended not only asks that Congress continues to fund the Manchester Veterans' Center, the only one in the state of New Hampshire, but also to provide funding to establish a veterans' center in Berlin and in Keene. Veteran centers

provide our combat veterans a place to seek help, to seek guidance and sometimes a simple, “brother I understand I have been there, I have experienced that.” Veteran Centers around the country have given our combat veterans an opportunity to get their lives back, to get their families back, and to become productive members of society again. Every time a combat veteran in crisis has no where to go, no one to turn to, his or her chance of ending up in the criminal system increases sharply. Not only is it not the moral thing to allow, it is a waste of both taxpayers’ funds and human potential for it is always far cheaper to do the right thing and prevent the problem from expanding then to punish for the end result. New Hampshire has the second highest ratio of veterans in the country. One veterans’ center that could lose its funding next year just isn’t the ethical way for us to treat the men and women of New Hampshire that were faced with the real possibility of paying the final and ultimate price. Vote 14-0.

Amendment (0703h)

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

A RESOLUTION urging that more veterans’ mental health counseling centers be established in New Hampshire and urging that funding be continued for the Manchester Veterans’ Center.

Amend the resolution by replacing the first paragraph after the title with the following:

Whereas, New Hampshire has one veterans’ mental health counseling center in Manchester which must continue to be funded; and

Amend the resolution by replacing all after the resolving clause with the following:

That the general court hereby urges that funding be continued for the Manchester Veterans’ Center in Manchester, New Hampshire; and

That the general court hereby recommends and encourages the New Hampshire congressional delegation to support funding for the 2 additional veterans’ mental health counseling centers; and

That copies of this resolution be sent by house clerk to each member of the New Hampshire congressional delegation.

AMENDED ANALYSIS

This house joint resolution urges that the Manchester Veterans’ Center continue to be funded and that more veterans’ mental health counseling centers be established in New Hampshire.

HB 188, excluding certain watercraft from the definition of ski craft. OUGHT TO PASS WITH AMENDMENT.

Rep. Sherman A. Packard for Transportation: This bill removes from the “Ski Craft” RSP definitions a boat called Craig Cat. It has 2 pontoons and side by side seats. It certainly does not fit into the Ski Craft definition. Vote 16-0.

Amendment (0370h)

Amend the bill by replacing section 1 with the following:

1 Definitions; Ski Craft. Amend RSA 270:73, V to read as follows:

V. “Ski craft” means any motorized watercraft or private boat which is less than 13 feet in length as manufactured, is capable of exceeding a speed of 20 miles per hour, and has the capacity to carry not more than the operator and one other person while in operation. The term includes a jet ski, surf ski, fun ski, or other similar device. **“Ski craft” does not include any watercraft or boat with twin hulls and which is greater than 11 feet long and greater than 5 feet wide.**

AMENDED ANALYSIS

This bill excludes any watercraft with twin hulls and which is greater than 11 feet long and greater than 5 feet wide from the definition of ski craft.

HB 247, allowing surviving spouses to retain special number plates for veterans for one year. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Brenda L. Ferland for Transportation: This bill modifies the current veteran plate bill. It adds language to allow the surviving spouse the use of the plate for either the remainder of the current registration period after the death of the veteran or for 3 months if the registration expires during that 3 month period. Vote 17-0.

Amendment (0206h)

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

AN ACT allowing surviving spouses to retain temporarily special number plates for veterans.

Amend the bill by replacing section 1 with the following:

1 Special Number Plates for Veterans; Surviving Spouse. Amend RSA 261:87-b, I to read as follows:

I. The director is hereby authorized to issue special number plates to be used on motor vehicles owned by veterans of the United States armed services, in lieu of other number plates. The design of these special plates shall be determined by the commissioner, and shall be distinct from the design or designs of those plates issued under RSA 261:86. Such plates shall be issued only to veterans as defined in RSA 21:50, I(a) upon application, proof of veteran status in a form authorized by RSA 21:50, I(b), and payment of a one time \$25 fee to recover production and administrative costs that shall be in addition to the regular motor vehicle registration fee and any other number plate fees otherwise required. The director shall also issue such plates to any person providing proof of honorable discharge from the armed services of any nation allied with the United States during World War II and proof of such person's service during World War II. Renewals of such special number plates shall be charged the fee assessed for standard motor vehicles as prescribed under RSA 261:141. The plates furnished pursuant to this section are non-transferable and shall expire upon the death of the veteran, *except that the surviving spouse may use the plates for either the remainder of the registration period after the death of the veteran, or for 3 months after the death of the veteran if the registration expires during that 3-month period.*

AMENDED ANALYSIS

This bill allows surviving spouses to retain temporarily special number plates for veterans.

HB 279, establishing the alternative motto "scenic" for motor vehicle number plates. **INEXPEDIENT TO LEGISLATE.**

Rep. Peter F. Bergin for Transportation: The committee had ten special plate bills this session. This is nothing unusual as this has happened in past sessions. Our actions on this bill giving a motorist the opportunity to use "scenic" or "live free or die" on license plates should not be viewed contrary to the intentions of the sponsor. As a result the Committee has retained HB 355 to review all matters relating to special license plates and the concerns of the sponsor of the bill will be included. Vote 15-0.

HB 290, relative to safe operation of vessels on New Hampshire waters. **INEXPEDIENT TO LEGISLATE.**

Rep. Sherman A. Packard for Transportation: The committee voted to retain HB 847 – a lakes speed limit bill. This was done to give the Dept. of Safety time to implement a 45 mph daytime and a 25 mph nighttime speed limit on certain parts of Lake Winnepesaukee. The public is split on this issue. Since we have not had a rash of accidents on our lakes boating is one of the safest sports in N.H. Vote 16-0.

HB 301, relative to nonresident registration of motor vehicles. **OUGHT TO PASS.**

Rep. Michael B. O'Brien for Transportation: Current law enables DMV to issue a non-resident registration to vehicles if they are garaged "exclusively" in NH. This means the vehicle cannot leave the state at any time or be eligible for non-resident registration. This bill cures that problem by substituting "primary" for "exclusively" and further defines "primary" as being garaged here for 350 days of the year. Vote 17-0.

HB 311, establishing a committee to study the feasibility of setting liability limits for commuter rail operations. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Michael B. O'Brien for Transportation: This bill establishes a committee to study the feasibility of setting liability limits for commuter rail operations. The committee will be appointed by the Speaker of the House and President of the Senate. This bill is one of the first steps in obtaining commuter rail service in our state. Vote 17-0.

Amendment (0715h)

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

AN ACT establishing a committee to review liability issues for commuter rail operations.

Amend the bill by replacing section 1 with the following:

1 Committee Established. There is established a committee to review liability issues for commuter rail operations.

Amend the bill by replacing section 3 with the following:

3 Duties. The committee shall review liability issues for commuter rail operations.

AMENDED ANALYSIS

This bill establishes a committee to review liability issues for commuter rail operations.

HB 333, requiring driver education to include operation of manual transmission vehicles. **INEXPEDIENT TO LEGISLATE.**

Rep. C. Pennington Brown for Transportation: A practical consideration is the unavailability of manual transmission vehicles. The principles of operating these vehicles are already in the curriculum. Also, there are handicapped individuals who may not be physically able to operate a manual transmission. Vote 13-0.

HB 381, relative to the procedures for New Hampshire individuals taking driver education courses in Vermont. **INEXPEDIENT TO LEGISLATE.**

Rep. Paul H. Ingersoll for Transportation: This bill would have allowed New Hampshire residents to take driver education courses in Vermont. It was noted that Vermont motor vehicle laws are similar, but vary from New Hampshire law. It was also noted the difficulty of the New Hampshire DMV to monitor driver education courses in another state. Vote 15-0.

HB 382-FN, relative to vanity number plates for licensed amateur radio operators. **INEXPEDIENT TO LEGISLATE.**

Rep. Peter F. Bergin for Transportation: The committee had ten special plate bills this session. This is nothing unusual as this has happened in past sessions. Our actions on this bill giving a motorist the opportunity to denote "amateur radio" should not be viewed as contrary to the intentions of the sponsor. As a result the committee has retained HB 355 to review all matters relating to special license plates and the concerns of the sponsor of the bill will be included. Vote 16-0.

HB 397, relative to restricted drivers' licenses. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Carole J. Estes for Transportation: This bill recognizes and accepts the advances in eye surgery that eliminates the need for external corrective lenses. The advent of laser surgery provides visual acuity of 20/40 or better at minimal cost and effort. Vote 17-0.

Amendment (0699h)

Amend the bill by replacing section 1 with the following:

1 New Paragraph; Restricted Licenses; Corrective Eye Surgery. Amend RSA 263:13 by inserting after paragraph V the following new paragraph:

VI. If the department issues a license restricting the holder's operation because a visual impairment or deficiency, the director shall enter a rescission of the restriction in the records of the department upon receiving verification from a licensed physician or optometrist in a form satisfactory to the director that the holder of the license has received surgery to correct his or her vision and now has a visual acuity of 20/40 or better.

HB 405, establishing a committee to study the disposal of end of life vehicles.

INEXPEDIENT TO LEGISLATE.

Rep. Brenda L. Ferland for Transportation: This bill was withdrawn at the request of the prime sponsor. The committee concurred. Vote 16-0.

HB 448-L, relative to early renewals of vehicle registrations. **OUGHT TO PASS WITH AMENDMENT.**

Rep. C. Pennington Brown for Transportation: This provides a convenience for vehicle owner renewing registrations and is supported by the New Hampshire City and Town Clerk's Association. Vote 16-0.

Amendment (0276h)

Amend the bill by replacing section 2 with the following:

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

HB 515-FN, relative to combat veteran stickers on number plates. **INEXPEDIENT TO LEGISLATE.**

Rep. Peter F. Bergin for Transportation: The committee had ten special plate bills this session. This is nothing unusual as this has happened in past sessions. Our actions on this bill giving the opportunity to put combat veteran stickers on license plates should not be viewed as contrary to the intentions of the sponsor. As a result the committee has retained HB 355 to review all matters relating to special license plates and the concerns of the sponsor of the bill will be included. Vote 17-0.

HB 547-FN, relative to the inspection of trucks. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Jean-Guy J. Bergeron for Transportation: The bill addresses truck inspection. Under the current statute a truck weighing 10,000 pounds gross vehicle weight has to be inspected twice a year. The committee was presented testimony indicating that truck weight 10,000 to 17,999 gross vehicle weight did not need to be inspected twice a year, as these vehicles are smaller trucks and as a result do not have to be inspected as frequently. These vehicles will be inspected once a year but vehicles over 18,000 pounds gross weight will have to be inspected twice a year. Vote 16-0.

Amendment (0842h)

Amend RSA 266:1, IX as inserted by section 1 of the bill by replacing it with the following:

IX. Notwithstanding any other provisions of this section to the contrary, all trucks exceeding ~~10,000~~ **18,000** pounds gross vehicle weight and all school buses **exceeding 10,000 pounds gross vehicle weight**, including buses owned or used by a religious organization or a nonprofit organization used exclusively as buses for the transportation of its members in connection with functions of the organization, shall be inspected semi-annually. The month for the first inspection shall be the month in which the birth date of the owner is observed, if the owner is a natural person; if the owner is other than a natural person, the first inspection shall be conducted during the month designated by the director

as the registration month for such legal entity. In either case, the second inspection shall be 6 months later.

AMENDED ANALYSIS

This bill increases the maximum weight of a truck or school bus requiring a semi-annual inspection.

HB 634-FN-A, establishing a dropout prevention number plate. **INEXPEDIENT TO LEGISLATE.**

Rep. Brenda L. Ferland for Transportation: This was another plate bill. The committee has for many years taken the stance that these bills generate no money for the causes and only cost the Department of Safety a great deal of money to implement. It should also be noted that there is a study committee that will take up all number plate issues. Vote 16-0.

HB 659-FN, exempting certain motor vehicles manufactured prior to 1941 from vehicle equipment and inspection requirements. **OUGHT TO PASS.**

Rep. Jennifer M. Brown for Transportation: This bill exempts motor vehicles manufactured prior to 1941 from vehicle equipment and inspection requirements. Vehicles in this category are equipped much differently than later models and as a result their inspection cannot be done by regular inspection stations. They drive very few miles and at very low speeds. Their owners often belong to a club and have to have extensive repair knowledge themselves. The committee felt that requiring inspections would be unnecessary. Vote 17-0.

HB 726-FN-A, establishing land and community heritage investment program number plates. **INEXPEDIENT TO LEGISLATE.**

Rep. Brenda L. Ferland for Transportation: All special license plate legislation now will be taken up by a sub-committee. Based on that fact the committee has chosen to ITL all plate bills at this time, except HB 355. Vote 15-2.

HB 772, relative to suspension or revocation of original drivers' licenses. **INEXPEDIENT TO LEGISLATE.**

Rep. Sherman A. Packard for Transportation: For over 12 years the commissioner of transportation has been working on graduated licensing laws along with drivers education improvements. We have found that the most effective deterrent to teens disobeying motor vehicle laws is the fact that they will lose their license for 20 days on the first offense. If a true hardship exists the Dept. of Safety will waive the 20 day suspension. Nothing could be more dangerous to our teen drivers than to reduce the suspension from 20 to 7 days. Vote 17-0.

HB 807, requiring headlight use when windshield wipers are in use. **INEXPEDIENT TO LEGISLATE.**

Rep. Brenda L. Ferland for Transportation: This bill would have required drivers to have their headlights on when windshield wipers are in continuous use because of inclement weather. Current law requires lights to be on whenever rain, snow or fog shall interfere with the proper view of the road. Most makes of vehicles today have automotive lights that are usually on or that come on when wipers are turned on. Some people just flip their wiper switch on to intermediate settings thereby violating the language of the bill if it becomes part of the current law. The committee has had bills similar to this for more than 10 years. All were found not necessary based on today's current law. Vote 17-0.

HB 918-FN, relative to motor vehicle registrations for manufacturers. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Jennifer M. Brown for Transportation: This bill will allow manufacturers of vehicles in New Hampshire to have up to 12 special plates to put on cars after final assembly so that

they can be test driven. We now have a manufacturing business in NH who make very small cars. It is necessary for them to drive these cars before sale and these plates will allow them to do that. Vote 16-0.

Amendment (0694h)

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

2 Rulemaking. Amend RSA 21-P:14, III(w) to read as follows:

(w) Registration by motor vehicle manufacturers or dealers, including the posting of bond by a dealer, as authorized by RSA 261:97[~~444~~] **through RSA 261:111-a.**

HB 501-FN-A, relative to keno and using keno revenues for college scholarships.

INEXPEDIENT TO LEGISLATE.

Rep. Michael G. Marsh for Ways and Means: While well intentioned, this legislation appears to have a number of technical problems that would cause problems were it to become law. The bill allows charitable organizations to run keno games of chance, and uses the revenues from these games to help fund college scholarships. The committee heard testimony from the lottery commission that the plan would be unworkable as proposed, because keno must be highly centralized, and doing this through occasional charity games would not work. There was also some question whether the prize limit per game of \$3500, taken from the bingo statute, would work with keno, where odds can run much higher. As all revenues are assigned to a college scholarship fund, there did not appear to be any incentive for charitable organizations to organize keno games. Finally, the committee was informed that directing all revenues to a college scholarship fund may violate Article 6b of Part 2 of the state constitution, which requires that all lottery money be used exclusively for the purpose of state aid to education. Vote 19-0.

HB 511, increasing the total prize value of a bingo game or series of games and establishing a study committee on increasing the price of lucky 7 tickets. **OUGHT TO PASS WITH AMENDMENT.**

Rep. William A. Hatch for Ways and Means: This bill would increase the value of bingo prizes and establish a study committee on increasing the price of lucky 7 tickets. After consulting with many players and organizations that sponsor the games the committee voted to increase bingo \$500 making a cap of \$4000 per game. The committee concluded an increase for lucky 7 is not appropriate and removed the study committee from the bill. Vote 18-0.

Amendment (0876h)

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

AN ACT increasing the total prize value of a bingo game or series of games.

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

1 Bingo Prizes. Amend RSA 287-E:7, XI to read as follows:

XI. Except as provided in paragraphs XIII and XV, all prizes, tokens, or awards used, given, offered or awarded in connection with any game or series of games conducted on one game date shall not exceed the total value of [~~\$3,500~~] **\$4,000.**

2 Bingo Prizes. RSA 287-E:7, XI is repealed and reenacted to read as follows:

XI. Except as provided in paragraphs XIII and XV, all prizes, tokens, or awards used, given, offered or awarded in connection with any game or series of games conducted on one game date shall not exceed the total value of \$3,500.

3 Study. The pari-mutuel commission shall study the impact of the increase in bingo prizes in RSA 287-E:7, XI and 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, 2008.

4 Effective Date.

I. Section 2 of this act shall take effect July 1, 2009.

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

AMENDED ANALYSIS

This bill increases the value of bingo prizes and requests a report from the pari-mutuel commission on increasing the value of bingo prizes.

HB 635-FN-A*, removing exemptions under the interest and dividends tax. **INEXPEDIENT TO LEGISLATE.*

Rep. Michael G. Marsh for Ways and Means: The purpose of this bill was to remove a loophole in current tax statutes that could allow a taxpayer to create more than one exemption to the interest and dividend tax by registering a number of limited liability companies or partnerships. The committee heard testimony from the Department of Revenue Administration that this was not a serious problem, as the cost of creating a limited liability company or partnership and filing taxes for it would probably exceed the tax benefit derived by the effort. The committee also heard testimony from two asset management companies that indicated this change could negatively impact the state's goal to attract financial service companies to the state. Finally, there was a concern that the bill might put in jeopardy the state's ability to collect any interest and dividend tax if it was found to be unconstitutional. Vote 18-0.

HB 784-FN-A*, requiring excess revenue stabilization reserve account funds to be used for a credit against business enterprise and business profits taxes. **INEXPEDIENT TO LEGISLATE.*

Rep. Frank W. Davis for Ways and Means: This bill would have required that if the balance in the revenue stabilization exceeded 10% of the general fund unrestricted revenues for the most recently completed fiscal year, then such excess would be used as a credit against business taxes. The committee concerns included the feeling that all taxpayers should be treated equally, and eligibility should not be restricted just to business tax credits, and that the stabilization account would not meet the level for distribution in the foreseeable future. The committee heard additional concerns from DRA including determining a) the increase in restricted revenue, b) the increase in state restricted expenditures, c) the need for additional clarification so that the program could be administered, and d) the additional administrative expenses required to verify and process the tax credits identified in the bill. Vote 17-2.

HB 844-FN*, authorizing the commissioner of revenue administration to issue demands for records for purposes of interest and dividends tax audits and to seize and destroy unstamped and invalidly stamped tobacco products. **OUGHT TO PASS WITH AMENDMENT.*

Rep. Norman L. Major for Ways and Means: This bill is a technical correction requested by the department of revenue administration. Section 1 of this bill creates Interest and Dividends tax record retention criteria similar to the Federal (I.R.S.) requirements and the New Hampshire Business tax laws. Section 2 of this bill puts a requirement on the Department to hold a hearing if tobacco products are seized. This fulfills the taxpayer's right to be heard in any case where unstamped cigarettes are seized. This provision will also help us to enforce the Tobacco Master Settlement Agreement. The amendment in section 1 changes the record retention requirement to 3 years from 5 years which is the same as the IRS standards for retaining records. Vote 18-0.

Amendment (0777h)

Amend RSA 77:37, I(b) as inserted by section 1 of the bill by replacing it with the following:

(b) Preserve such records for the period of 3 years or until any litigation or prosecution under this chapter is finally determined.

MOTION TO SPECIAL ORDER

Rep. DeJoie moved that **HB 697**, relative to responsible drug advertising be made a Special Order for today in the regular calendar order.
Adopted.

REGULAR CALENDAR

HB 289, relative to joint agreements for the payment of postsecondary education expenses.

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

Rep. Edward P. Moran for the Majority of Children and Family Law: The committee majority felt that subjecting an agreement to divorce court enforcement would create a disincentive to voluntary agreements, and that a better approach would be to encourage parties to contribute to a tax advantaged college savings plan on a best efforts basis, much the same way college or charitable pledges are made. New Hampshire has one of the most successful 529 college plans in America. Vote 11-7.

Rep. Carolyn M. Gargas for the Minority of Children and Family Law: The minority supports the ability of parents to make voluntary agreements to provide for post secondary education expenses for children in their divorce decree. This order can be modified if there is a change of circumstances. Current law prohibits parents from making these agreements.

Reps. Gargas, Walz and Matarazzo spoke against.

Reps. Moran and Grassie spoke in favor.

Rep. Dumaine requested a roll call; sufficiently seconded.

YEAS 237 NAYS 108

YEAS 237

BELKNAP

Allen, Janet
Nedeau, Stephen
Tilton, Franklin

Boyce, Laurie
Reever, Judith
Wendelboe, Fran

Millham, Alida
Russell, David
Whalley, Michael

Morrison, Gail
Thomas, John

CARROLL

Ahlgren, Christopher
Chandler, Gene
Martin, James

Bridgham, Robert
Cunningham, Howard
Merrow, Harry

Brown, Carolyn
Denley, William
Patten, Betsey

Buco, Thomas
Heard, Virginia
Stevens, Stanley

CHESHIRE

Burrige, Delmar
Hunt, John
Pelkey, Stephen

Butterworth, Timothy
Johnson, Jane
Robertson, Timothy

Chase, William
Lerandeau, Alfred

Dunn, J. Timothy
Mitchell, Bonnie

COOS

Hatch, William
Merrick, Scott
Thomas, Yvonne

Ingersoll, Paul Sr
Remick, William

Mears, Edgar
Stohl, Eric

Merrick, Evalyn
Tholl, John Jr

GRAFTON

Almy, Susan
Estes, Carole

Bleyler, Ruth
Gionet, Edmond

Bulis, Lyle
Hammond, Lee

Cooney, Mary
Ingbertson, Paul

Lovett, Sid
Sorg, Gregory

Mulholland, Catherine

Preston, Philip

Solomon, Peter

HILLSBOROUGH

Batula, Peter
Campbell, David
Coughlin, Pamela
Elliott, Nancy
Fontas, Jeffrey
Goley, Jeffrey
Haley, Robert
Hebert, Roger
Irwin, Anne-Marie
Kurk, Neal
Long, Patrick
McRae, Karen
O'Brien, Michael Sr
Pilotte, Maurice
Rosenwald, Cindy
Smith, David
Sullivan, Francis
Winters, Joel

Beck, Catriona
Christensen, Chris
Crane, Elenore Casey
Emerton, Larry
Forest, Armand
Gorman, Mary
Hammond, Jill
Hinkle, Peyton
Jasper, Shawn
L'Heureux, Robert
Mack, Ron
Mooney, Maureen
Ober, Lynne
Price, Pamela
Rowe, Robert
Soucy, Connie
Tahir, Saghir

Bergeron, Jean-Guy
Christiansen, Lars
Daniels, Gary
Essex, David
Garrity, Patrick
Graham, John
Harvey, Suzanne
Hogan, Edith
Kaelin, Michael
Lawrence, James
Manney, Pamela
Moran, Edward
Ober, Russell III
Reeves, Sandra
Shaw, Barbara
Spratt, Stephen
Vaillancourt, Steve

Brunelle, Michael
Clemons, Jane
Edwards, Andrew
Fletcher, Richard
Ginsburg, Ruth
Haefner, Robert
Hawkins, Ken
Holden, Randolph
Kelley, John
Levesque, Melanie
Marshall, Seth
Movsesian, Lori
Peterson, Andy
Renzullo, Andrew
Simon, Anthony
Stepanek, Stephen
Villeneuve, Maurice

MERRIMACK

Anderson, Eric

Baxley, Maureen

Beauchesne,
Suzanne

Bouchard, Candace

Brown, Carole
French, Barbara
MacKay, James
Shurtleff, Stephen

Brueggemann, Donald
Hess, David
McMahon, Patricia
Tilton, Joy

Clarke, Claire
Humphries, Charlie
Osborne, Jessie
Tupper, Frank

Davis, Frank
Kidder, David
Richardson, Gary
Wallner, Mary

ROCKINGHAM

Abbott, Dennis
Belanger, Ronald
Carson, Sharon
Devine, James
Fesh, Bob
Garcia, Marilinda
Grote, Otto
Howard, Doreen
Kappler, Lawrence
Lister, Charlotte
McCarthy, Linda
McMahon, Charles
Packard, Sherman
Rausch, James
Sanders, Elisabeth
Weare, Everett
Wickson, Rick

Allen, Mary
Bettencourt, David
Casey, Kimberley
Dumaine, Dudley
Flanders, John Sr
Garrity, James
Guthrie, Joseph
Ingram, Russell
Katsakiores, George
Lund, Howie
McEachern, Paul
Moore, Bennett
Pantelakos, Laura
Reagan, John
Serlin, Christopher
Welch, David
Winchell, George

Baldasaro, Alfred
Brown, C. Pennington
Dalrymple, David
Elliott, Robert
Flockhart, Eileen
Gould, Kenneth
Headd, James
Itse, Daniel
Katsakiores, Phyllis
Major, Norman
McKenna, Daniel
Nord, Susi
Pearson, Mark
Robertson, Carl
Snow, Richard
Wells, Roger

Bedrick, Jason
Camm, Kevin
Day, Judith
Emiro, Frank
Forsing, Robert
Griffin, Mary
Hopfgarten, Paul
Johnson, Robert
Kennedy, James
Marsh, Michael
McKinney, Betsy
Nowe, Ronald
Priestley, Anne
Russell, Trinka
Waterhouse, Kevin
Weyler, Kenneth

STRAFFORD

Berube, Roger
Brown, Julie
Grassie, Anne

Billian, Deborah
Burke, Rachel
Hofemann, Roland

Brown, George
DeChane, Marlene
Hubbard, Pamela

Brown, Jennifer
Goodwin, Earle
Kaen, Naida

Knowles, William
Spang, Judith
Watson, Robert

Mickelonis, Shawn
Sprague, Dale

Perry, Robert
Srnc, Robert

Rollo, Michael
Wall, Janet

SULLIVAN

Cloutier, John
Phinizy, James

Converse, Larry
Rodeschin, Beverly

Houde, Matthew

Jillette, Arthur Jr

NAYS 108

BELKNAP

Arsenault, Beth
Wood, Jane

Clark, Charles

Flanders, Donald

Pilliod, James

CARROLL

Butler, Edward

Knox, J. David

CHESHIRE

Allen, Peter
Emerson, Susan
Roberts, Kris

Butcher, Suzanne
Espiefs, Peter
Sad, Tara

Butynski, William
Parkhurst, Henry
Weber, Lucy

Eaton, Daniel
Richardson, Barbara
Weed, Charles

COOS

None

GRAFTON

Aguiar, James
McLeod, Martha

Benn, Bernard
Nordgren, Sharon

Friedrich, Carol
Pierce, David

Matheson, Robert

HILLSBOROUGH

Barry, Richard
Daler, Jennifer
Foster, Linda
Jean, Claudette
Kopka, Angeline
Martineau, Jesse

Bergin, Peter
Day, Russell
Gargasz, Carolyn
Katsiantonis, George
Lasky, Bette
Matarazzo, Anthony
Sr

Chase, Claudia
Dokmo, Cynthia
Hackel, Paul
Knowles, John
Leishman, Peter
Mesa, Lily

Cote, David
Drisko, Richard
Hall, Betty
Knowles, Mary Ann
Levasseur, Nickolas
Messier, Irene

O'Neil, James
Sullivan, Daniel

Reuschel, Michael
Ulery, Jordan

Schulze, Joan
Velez, Hector

Shattuck, Gilman

MERRIMACK

Blanchard, Elizabeth
Gile, Mary
Kjellman, Eleanor
Glynn
Potter, Frances
Webb, Leigh

DeJoie, John
Hager, Elizabeth
Lockwood, Priscilla

DeStefano, Stephen
Hamm, Christine
Owen, Derek

Ehlers, Eileen
Kelly, Sally
Porter, Margaret

Reardon, Tara
Wheeler, Deborah

Ryan, Jim
Williams, Robert

Walz, Mary
Yeaton, Charles

ROCKINGHAM

Borden, David

Buxton, Donald

Cali-Pitts, Jacqueline

Case, Frank

Charron, Gene
Moody, Marcia
Stiles, Nancy

DiFruscia, Anthony
Powers, James

Henson, John
Quandt, Matthew

Kepner, Susan
Splaine, James

STRAFFORD

Brown, Larry
Miller, Joseph
Smith, Marjorie

Cyr, James
Rollo, Deanna
Vachon, Dennis

Fargo, Thomas
Rous, Emma
Warren, Nancy

Hutz, Sarah
Schmidt, Peter

SULLIVAN

Donovan, Thomas
Gottling, Suzanne
and the majority committee report was adopted.

Ferland, Brenda
Nielsen, Ellen

Franklin, Peter
Skinder, Carla

Gagnon, Raymond

HB 519, requiring children 12 years of age or under to wear personal flotation devices.

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

Rep. Mary E. Walz for the Majority of Children and Family Law: This bill raises from five to twelve the age when children are required to wear personal flotation devices, also known as life jackets, any time they are outside an enclosed cabin on a moving boat or other vessel. Boats with a three foot high enclosed side rail are exempted. This bill passed the House last year. Vote 13-6.

Rep. Edward P. Moran for the Minority of Children and Family Law: New Hampshire Marine Patrol Statistics over the past eight years showed no children ages 12 and under drowned in boating related incidents (the object of this bill). Those 12 and under who did drown did so while swimming or as a result of falling off a dock or an embankment (not included in the bill). Some drowned with flotation devices on. Further evidence indicated that 2 of the 3 major categories of flotation devices would not prevent unconscious people from having their heads submerged, and that the most supportive was also the most constricting and expensive. The minority felt the statistics spoke eloquently about the level of responsibility shown by adult boaters for the children in their charge, and wondered if a perfect record of responsibility can't prevent legislative intrusion, what is required to be left alone? This seems a good example of where the citizenry who elect us are managing their affairs quite well, but the legislature, in its paternalistic wisdom feels compelled to coerce.

Majority Amendment (0350h)

Amend the bill by replacing section 1 with the following:

1 Persons 12 Years of Age or Under. Amend RSA 270:30-a to read as follows:

270:30-a Persons ~~[5]~~ **12** Years of Age or Under. ~~[No person operating or in control of a boat or vessel upon the public waters of the state shall transport a child 5 years of age or under]~~ **No child 12 years of age or under shall operate, control, or be transported on the deck of a boat or vessel which is underway upon the public waters of the state** unless said child is wearing a personal flotation device of a type approved by the United States Coast Guard; provided, however, boats, vessels, and ships with continuous side rails enclosing the perimeter of the boat, vessel, or ship, 3 feet or more in height and enclosed between the deck and the top of the railing in a way that would reasonably prevent passage of a small child are exempted from the provisions of this section.

On a division vote, 301 members having voted in the affirmative and 39 in the negative, the majority committee amendment was adopted.

The question now being the adoption of the majority committee report of Ought to Pass with Amendment.

Rep. Campbell requested a roll call; sufficiently seconded.

YEAS 204 NAYS 135

YEAS 204

BELKNAP

Arsenault, Beth
Wood, Jane

Morrison, Gail

Pilliod, James

Reever, Judith

CARROLL

Ahlgren, Christopher
Cunningham, Howard

Bridgham, Robert
Heard, Virginia

Buco, Thomas
Knox, J. David

Butler, Edward
Martin, James

CHESHIRE

Allen, Peter
Chase, William
Lerandeau, Alfred
Roberts, Kris
Weed, Charles

Burridge, Delmar
Dunn, J. Timothy
Mitchell, Bonnie
Robertson, Timothy

Butcher, Suzanne
Eaton, Daniel
Pelkey, Stephen
Sad, Tara

Butynski, William
Espieffs, Peter
Richardson, Barbara
Weber, Lucy

COOS

Hatch, William
Thomas, Yvonne

Ingersoll, Paul Sr

Mears, Edgar

Merrick, Evalyn

GRAFTON

Aguiar, James
Cooney, Mary
Lovett, Sid
Solomon, Peter

Almy, Susan
Estes, Carole
McLeod, Martha

Benn, Bernard
Friedrich, Carol
Mulholland, Catherine

Bleyler, Ruth
Harding, A Laurie
Pierce, David

HILLSBOROUGH

Beck, Catriona
Daler, Jennifer
Gargas, Carolyn
Hackel, Paul
Hebert, Roger
Katsiantonis, George
Kopka, Angeline
Levesque, Melanie
Martineau, Jesse

Bergin, Peter
Edwards, Andrew
Garrity, Patrick
Haley, Robert
Irwin, Anne-Marie
Kelley, John
Lasky, Bette
Long, Patrick
Matarazzo, Anthony
Sr

Campbell, David
Essex, David
Ginsburg, Ruth
Hammond, Jill
Jean, Claudette
Knowles, John
Leishman, Peter
Mack, Ron
Mesa, Lily

Cote, David
Fontas, Jeffrey
Gorman, Mary
Harvey, Suzanne
Kaelin, Michael
Knowles, Mary Ann
Levasseur, Nickolas
Marshall, Seth
Movsesian, Lori

O'Brien, Michael Sr
Rosenwald, Cindy
Spratt, Stephen

O'Neil, James
Schulze, Joan
Sullivan, Francis

Pilotte, Maurice
Shattuck, Gilman
Velez, Hector

Reuschel, Michael
Simon, Anthony

MERRIMACK

Baxley, Maureen
Brown, Carole
DeJoie, John
Gile, Mary
Kidder, David

Beauchesne, Suzanne
Brueggemann, Donald
DeStefano, Stephen
Hager, Elizabeth
Kjellman, Eleanor
Glynn

Blanchard, Elizabeth
Clarke, Claire
Ehlers, Eileen
Hamm, Christine
McMahon, Patricia

Bouchard, Candace
Davis, Frank
French, Barbara
Kelly, Sally
Osborne, Jessie

Owen, Derek
Richardson, Gary
Wallner, Mary
Williams, Robert

Porter, Margaret
Ryan, Jim
Walz, Mary
Yeaton, Charles

Potter, Frances
Shurtleff, Stephen
Webb, Leigh

Reardon, Tara
Tilton, Joy
Wheeler, Deborah

ROCKINGHAM

Abbott, Dennis
Cali-Pitts, Jacqueline
Flockhart, Eileen
Howard, Doreen
Kepner, Susan
McKenna, Daniel
Pantelakos, Laura
Russell, Trinkia
Weare, Everett

Borden, David
Casey, Kimberley
Gould, Kenneth
Johnson, Robert
Lister, Charlotte
Moody, Marcia
Pearson, Mark
Serlin, Christopher
Weyler, Kenneth

Brown, C. Pennington
Day, Judith
Grote, Otto
Katsakiores, George
Marsh, Michael
Moore, Bennett
Powers, James
Snow, Richard
Winchell, George

Buxton, Donald
DiFruscia, Anthony
Henson, John
Kennedy, James
McEachern, Paul
Nord, Susi
Robertson, Carl
Splaine, James

STRAFFORD

Billian, Deborah
Brown, Larry
Fargo, Thomas
Hutz, Sarah
Miller, Joseph
Rous, Emma
Srnc, Robert
Watson, Robert

Brown, George
Burke, Rachel
Grassie, Anne
Kaen, Naida
Perry, Robert
Schmidt, Peter
Vachon, Dennis

Brown, Jennifer
Cyr, James
Hofemann, Roland
Knowles, William
Rollo, Deanna
Smith, Marjorie
Wall, Janet

Brown, Julie
DeChane, Marlene
Hubbard, Pamela
Mickelonis, Shawn
Rollo, Michael
Sprague, Dale
Warren, Nancy

SULLIVAN

Cloutier, John
Gottling, Suzanne
Phinzy, James

Converse, Larry
Houde, Matthew
Rodeschin, Beverly

Donovan, Thomas
Jillette, Arthur Jr
Skinder, Carla

Franklin, Peter
Nielsen, Ellen

NAYS 135

BELKNAP

Allen, Janet
Millham, Alida
Tilton, Franklin

Boyce, Laurie
Nedeau, Stephen
Whalley, Michael

Clark, Charles
Russell, David

Flanders, Donald
Thomas, John

CARROLL

Brown, Carolyn
Patten, Betsey

Chandler, Gene
Stevens, Stanley

Denley, William

Merrow, Harry

CHESHIRE

Butterworth, Timothy
Parkhurst, Henry

Emerson, Susan

Hunt, John

Johnson, Jane

COOS

Merrick, Scott

Remick, William

Stohl, Eric

Tholl, John Jr

GRAFTON

Bulis, Lyle

Gionet, Edmond

Hammond, Lee

Ingbretson, Paul

Matheson, Robert

Preston, Philip

Sorg, Gregory

HILLSBOROUGH

Barry, Richard
Christensen, Chris
Daniels, Gary
Elliott, Nancy
Goley, Jeffrey
Hawkins, Ken
Jasper, Shawn
Manney, Pamela
Moran, Edward
Price, Pamela
Shaw, Barbara
Sullivan, Daniel
Villeneuve, Maurice

Batula, Peter
Christiansen, Lars
Day, Russell
Emerton, Larry
Graham, John
Hinkle, Peyton
Kurk, Neal
McRae, Karen
Ober, Lynne
Reeves, Sandra
Smith, David
Tahir, Saghir
Winters, Joel

Bergeron, Jean-Guy
Coughlin, Pamela
Dokmo, Cynthia
Fletcher, Richard
Haefner, Robert
Hogan, Edith
L'Heureux, Robert
Messier, Irene
Ober, Russell III
Renzullo, Andrew
Soucy, Connie
Ulery, Jordan

Brunelle, Michael
Crane, Elenore Casey
Drisko, Richard
Forest, Armand
Hall, Betty
Holden, Randolph
Lawrence, James
Mooney, Maureen
Peterson, Andy
Rowe, Robert
Stepanek, Stephen
Vaillancourt, Steve

MERRIMACK

Anderson, Eric
MacKay, James

Hess, David

Humphries, Charlie

Lockwood, Priscilla

ROCKINGHAM

Allen, Mary
Bettencourt, David
Charron, Gene
Elliott, Robert
Forsing, Robert
Guthrie, Joseph
Itse, Daniel
Major, Norman
Nowe, Ronald
Rausch, James
Waterhouse, Kevin

Baldasaro, Alfred
Camm, Kevin
Dalrymple, David
Emiro, Frank
Garcia, Marilinda
Headd, James
Kappler, Lawrence
McCarthy, Linda
Packard, Sherman
Reagan, John
Welch, David

Bedrick, Jason
Carson, Sharon
Devine, James
Fesh, Bob
Garritty, James
Hopfgarten, Paul
Katsakiores, Phyllis
McKinney, Betsy
Priestley, Anne
Sanders, Elisabeth
Wells, Roger

Belanger, Ronald
Case, Frank
Dumaine, Dudley
Flanders, John Sr
Griffin, Mary
Ingram, Russell
Lund, Howie
McMahon, Charles
Quandt, Matthew
Stiles, Nancy
Wickson, Rick

STRAFFORD

Goodwin, Earle

Spang, Judith

SULLIVAN

Ferland, Brenda
and the majority committee report was adopted.
Ordered to third reading.
Reps. Infantine and Wendelboe did not vote and notified the Clerk that they wished to be recorded against.

HB 232, prohibiting retaliatory rent increases in manufactured housing parks. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Paul McEachern for Commerce: This bill addresses a particularly onerous practice of isolated manufactured housing park owners raising rents due to adverse judgments gained by tenants. In essence it prohibits the practice. It also encourages mediation of disputes between owners and tenants. Vote 10-7.

Amendment (0844h)

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

AN ACT relative to retaliatory rent increases and mediation of manufactured housing park disputes.

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

1 New Paragraph; Manufactured House Parks; Prohibitions; Rent Increase. Amend RSA 205-A:2 by inserting after paragraph XII the following new paragraph:

XIII. Impose a rent increase that is based, in whole or in part, on the cost to the park owner of a judgment or settlement of a claim arising under this chapter. This paragraph applies to both judgments and settlements of claims arising under this chapter regardless of whether the claims were filed in court or with the board of manufactured housing. No action shall be brought by a tenant under this paragraph if the total amount of all rent increases since the park owner was found to have violated this paragraph is less than \$15.

2 New Section; Manufactured Housing Parks; Mediation. Amend RSA 205-A by inserting after section 2 the following new section:

205-A:2-a Mediation.

I. If a tenant seeks mediation of a dispute between the tenant and park owner relative to a violation of this chapter, and the park owner refuses the tenant's request to mediate or is deemed by the mediator not to have mediated in good faith, and the tenant subsequently prevails in court to remedy the violation of this chapter, the court may:

(a) Award reasonable attorney's fees.

(b) Order that the amount of the judgment be offset against any rent due from the tenant until such judgment is satisfied.

(c) Retain jurisdiction over the case for one year from the judgment.

II. If the tenant files an action in court against the park owner relative to a violation of this chapter without first seeking to mediate the dispute, the tenant shall not be entitled to an award of attorneys fees regardless of the outcome of the litigation.

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

AMENDED ANALYSIS

This bill prohibits rent increases based on judgments in manufactured housing park disputes. The bill also expands the type of relief available in manufactured housing disputes if the parties first seek to mediate the dispute in good faith.

Amendment adopted.

The question now being adoption of the committee report of Ought to Pass with Amendment. Rep. Nancy Elliott requested a roll call; sufficiently seconded.

YEAS 251 NAYS 97

YEAS 251

BELKNAP

Arsenault, Beth
Nedeau, Stephen
Thomas, John

Flanders, Donald
Pilliod, James
Wood, Jane

Millham, Alida
Reever, Judith

Morrison, Gail
Russell, David

CARROLL

Ahlgren, Christopher
Cunningham, Howard
Morrow, Harry

Bridgham, Robert
Heard, Virginia

Buco, Thomas
Knox, J. David

Butler, Edward
Martin, James

CHESHIRE

Allen, Peter

Burridge, Delmar

Butcher, Suzanne

Butterworth, Timothy

Butynski, William
Espiefs, Peter
Richardson, Barbara
Weber, Lucy

Chase, William
Lerandeau, Alfred
Roberts, Kris
Weed, Charles

Dunn, J. Timothy
Mitchell, Bonnie
Robertson, Timothy

Eaton, Daniel
Parkhurst, Henry
Sad, Tara

COOS

Hatch, William
Merrick, Scott
Tholl, John Jr

Ingersoll, Paul Sr
Remick, William
Thomas, Yvonne

Mears, Edgar
Stohl, Eric

Merrick, Evalyn
Theberge, Robert

GRAFTON

Aguiar, James
Bleyler, Ruth
Hammond, Lee
McLeod, Martha
Solomon, Peter

Almy, Susan
Cooney, Mary
Harding, A Laurie
Mulholland, Catherine

Andersen, Gene
Estes, Carole
Lovett, Sid
Pierce, David

Benn, Bernard
Friedrich, Carol
Matheson, Robert
Preston, Philip

HILLSBOROUGH

Barry, Richard
Chase, Claudia
Crane, Elenore Casey
Essex, David
Gargas, Carolyn
Gorman, Mary
Hall, Betty
Hebert, Roger
Kaelin, Michael
Knowles, Mary Ann
Levasseur, Nickolas
Marshall, Seth
Messier, Irene
O'Neil, James
Reuschel, Michael
Shaw, Barbara
Spratt, Stephen

Beck, Catriona
Christensen, Chris
Daler, Jennifer
Fletcher, Richard
Garrity, Patrick
Graham, John
Hammond, Jill
Holden, Randolph
Katsiantonis, George
Kopka, Angeline
Levesque, Melanie
Martineau, Jesse
Moran, Edward
Peterson, Andy
Rosenwald, Cindy
Shaw, Kimberly
Sullivan, Daniel

Brunelle, Michael
Clemons, Jane
Dokmo, Cynthia
Fontas, Jeffrey
Ginsburg, Ruth
Hackel, Paul
Harvey, Suzanne
Irwin, Anne-Marie
Kelley, John
Lasky, Bette
Long, Patrick
McRae, Karen
Movsesian, Lori
Pilotte, Maurice
Schulze, Joan
Simon, Anthony
Sullivan, Francis

Campbell, David
Cote, David
Edwards, Andrew
Forest, Armand
Goley, Jeffrey
Haley, Robert
Hawkins, Ken
Jean, Claudette
Knowles, John
Leishman, Peter
Mack, Ron
Mesa, Lily
O'Brien, Michael Sr
Reeves, Sandra
Shattuck, Gilman
Smith, David
Velez, Hector

MERRIMACK

Baxley, Maureen
Brown, Carole
DeJoie, John
Gile, Mary
Kidder, David

Osborne, Jessie
Reardon, Tara
Tilton, Joy
Webb, Leigh

Beauchesne, Suzanne
Brueggemann, Donald
Ehlers, Eileen
Hager, Elizabeth
Kjellman, Eleanor
Glynn

Owen, Derek
Richardson, Gary
Tupper, Frank
Wheeler, Deborah

Blanchard, Elizabeth
Clarke, Claire
Foos, Robert
Hamm, Christine
Lockwood, Priscilla

Porter, Margaret
Ryan, Jim
Wallner, Mary
Williams, Robert

Bouchard, Candace
Davis, Frank
French, Barbara
Kelly, Sally
McMahon, Patricia

Potter, Frances
Shurtleff, Stephen
Walz, Mary
Yeaton, Charles

ROCKINGHAM

Abbott, Dennis
Buxton, Donald
Charron, Gene
Forsing, Robert

Allen, Mary
Cali-Pitts, Jacqueline
Day, Judith
Gould, Kenneth

Borden, David
Case, Frank
Flanders, John Sr
Griffin, Mary

Brown, C. Pennington
Casey, Kimberley
Flockhart, Eileen
Grote, Otto

Henson, John
Kennedy, James
McCarthy, Linda
Moore, Bennett
Priestley, Anne
Serlin, Christopher
Winchell, George

Howard, Doreen
Kepner, Susan
McEachern, Paul
Nord, Susi
Robertson, Carl
Snow, Richard

Johnson, Robert
Lister, Charlotte
McKenna, Daniel
Pantelakos, Laura
Russell, Trink
Splaine, James

Katsakiores, George
Marsh, Michael
Moody, Marcia
Powers, James
Sanders, Elisabeth
Welch, David

STRAFFORD

Berube, Roger
Brown, Julie
DeChane, Marlene
Hubbard, Pamela
Mickelonis, Shawn
Rollo, Michael
Spang, Judith
Warren, Nancy

Billian, Deborah
Brown, Larry
Fargo, Thomas
Hutz, Sarah
Miller, Joseph
Rous, Emma
Sprague, Dale
Watson, Robert

Brown, George
Burke, Rachel
Grassie, Anne
Kaen, Naida
Perry, Robert
Schmidt, Peter
Srnc, Robert

Brown, Jennifer
Cyr, James
Hofemann, Roland
Knowles, William
Rollo, Deanna
Smith, Marjorie
Wall, Janet

SULLIVAN

Cloutier, John
Franklin, Peter
Jillette, Arthur Jr

Converse, Larry
Gagnon, Raymond
Nielsen, Ellen

Donovan, Thomas
Gottling, Suzanne
Phinzy, James

Ferland, Brenda
Houde, Matthew
Skinder, Carla

NAYS 97

BELKNAP

Allen, Janet
Wendelboe, Fran

Boyce, Laurie
Whalley, Michael

Clark, Charles

Tilton, Franklin

CARROLL

Brown, Carolyn
Stevens, Stanley

Chandler, Gene

Denley, William

Patten, Betsey

CHESHIRE

Emerson, Susan

Hunt, John

Johnson, Jane

Pelkey, Stephen

COOS

None

GRAFTON

Bulis, Lyle

Gionet, Edmond

Ingbretson, Paul

Sorg, Gregory

HILLSBOROUGH

Batula, Peter
Coughlin, Pamela
Elliott, Nancy
Hogan, Edith
L'Heureux, Robert

Bergeron, Jean-Guy
Daniels, Gary
Emerton, Larry
Infantine, William
Lawrence, James

Bergin, Peter
Day, Russell
Haefner, Robert
Jasper, Shawn
Manney, Pamela

Christiansen, Lars
Drisko, Richard
Hinkle, Peyton
Kurk, Neal
Matarazzo, Anthony
Sr

Mooney, Maureen
Renzullo, Andrew

Ober, Lynne
Rowe, Robert

Ober, Russell III
Soucy, Connie

Price, Pamela
Stepanek, Stephen

Tahir, Saghir
Winters, Joel

Ulery, Jordan

Vaillancourt, Steve

Villeneuve, Maurice

MERRIMACK

Anderson, Eric
MacKay, James

DeStefano, Stephen

Hess, David

Humphries, Charlie

ROCKINGHAM

Baldasaro, Alfred
Camm, Kevin
DiFruscia, Anthony
Fesh, Bob
Headd, James
Kappler, Lawrence
McKinney, Betsy
Pearson, Mark
Waterhouse, Kevin
Wickson, Rick

Bedrick, Jason
Carson, Sharon
Dumaine, Dudley
Garcia, Marilinda
Hopfgarten, Paul
Katsakiores, Phyllis
McMahon, Charles
Rausch, James
Weare, Everett

Belanger, Ronald
Dalrymple, David
Elliott, Robert
Garrity, James
Ingram, Russell
Lund, Howie
Nowe, Ronald
Reagan, John
Wells, Roger

Bettencourt, David
Devine, James
Emiro, Frank
Guthrie, Joseph
Itse, Daniel
Major, Norman
Packard, Sherman
Stiles, Nancy
Weyler, Kenneth

STRAFFORD

Goodwin, Earle

Vachon, Dennis

SULLIVAN

Rodeschin, Beverly
and the committee report was adopted.
Ordered to third reading.

HB 253, relative to the use of credit rating for automobile or homeowner insurance.
INEXPEDIENT TO LEGISLATE.

Rep. Stephen T. DeStefano for Commerce: This bill makes it a discriminatory and unfair insurance trade practice to charge higher premiums for automobile and homeowners insurance based on credit rating. Current law allows the use of credit reports but bad credit cannot be the sole reason for higher premiums. The input for the bill came from a citizen whose credit score was inaccurate and not corrected within 30 days as required by law. The committee felt that this bill was not needed because credit reports are not the only reason for higher rates. Vote 12-2.

Rep. Hatch spoke against.

Rep. DeStefano spoke in favor.

On a division vote, 238 members having voted in the affirmative and 109 in the negative, the committee report was adopted.

HB 263-FN, relative to health insurance riders. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Stephen P. Spratt for Commerce: This bill provides an alternative option in the individual insurance market for individuals whose only other option would be the high risk pool. The committee saw this as an alternative to becoming uninsured due to the cost of the high risk pool and limited exclusion riders to one specified condition. Vote 15-2.

Amendment (0784h)

Amend RSA 420-G:5, I as inserted by section 1 of the bill by inserting after subparagraph (k) the following new subparagraph:

(l) Prior to providing coverage under this section, the health carrier shall obtain an acceptance form signed by the member that contains all of the information required by

subparagraphs (c), (d), (g) and (i). Unless approved by the commissioner, the acceptance form shall use not less than 12-point type, and shall employ one of the following titles:

- (1) "Notice! See Elimination Rider Endorsement Included Herein."
- (2) "Notice! See Exclusion Rider Included Herein."
- (3) "Notice! See Exception Rider Included Herein."
- (4) "Notice! See Limitation Rider Included Herein."
- (5) "Notice! See Reduction Rider Included Herein."
- (6) "Notice! See Elimination Endorsement Included Herein."
- (7) "Notice! See Exclusion Endorsement Included Herein."
- (8) "Notice! See Exception Endorsement Included Herein."
- (9) "Notice! See Limitation Endorsement Included Herein."
- (10) "Notice! See Reduction Rider Included Herein."

Amendment adopted.

The question now being adoption of the committee report of Ought to Pass with Amendment. Rep. Nord spoke against.

Rep. Spratt spoke in favor.

On a division vote, 333 members having voted in the affirmative and 16 in the negative, the committee report was adopted.

Ordered to third reading.

HB 305, establishing a task force to develop legislation for expanding access to affordable health insurance for the 2008 legislative session. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Jill Shaffer Hammond for Commerce: The task force established by this bill brings together a group of legislators, state agencies, policy groups, health care providers, insurance carriers, and consumer interests to study the programs of other states such as Massachusetts and Vermont, and develop legislation for the coming sessions, expanding access to affordable health coverage in New Hampshire. Vote 12-4.

Amendment (0828h)

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

AN ACT establishing a task force to develop legislation for expanding access to affordable health insurance for the 2008 and 2009 legislative session.

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

1 Task Force. There is established a task force to develop a legislative proposal for expanding access to affordable health insurance for the 2008 and 2009 legislative sessions of the general court.

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

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

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

(c) The commissioner of the insurance department, or designee.

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

(e) A representative of the governor's office, appointed by the governor.

(f) A representative of the New Hampshire community health centers, appointed by the governor.

(g) A representative of the New Hampshire Hospital Association, appointed by the association.

(h) A representative of the New Hampshire Medical Society, appointed by the society.

- (i) A representative of the Endowment for Health, appointed by such organization.
- (j) A representative of the New Hampshire Center for Public Policy Studies, appointed by the center.
- (k) A representative of the Institute for Health, Law and Ethics at Franklin Pierce Law Center, appointed by the dean of the law center.
- (l) A representative of the health insurance industry, appointed by the insurance commissioner.
- (m) A representative of small business, appointed by the governor.
- (n) A representative of organized labor, appointed by the governor.
- (o) A representative of the New Hampshire healthy kids corporation, appointed by the corporation.
- (p) A representative of the New Hampshire Citizens Health Initiative, appointed by the governor.
- (q) A health care consumer, appointed by the governor.

II. The task force shall solicit information from any person or entity the task force deems relevant to its study.

III. Legislative members of the task force shall be voting members, and other members shall be non-voting members.

IV. Legislative members of the task force shall receive mileage at the legislative rate when attending to the duties of the task force.

3 Duties. The task force shall analyze and evaluate options and programs for expanding access to affordable health insurance and develop legislation to be proposed in the 2008 and 2009 legislative sessions. Such analysis and evaluation shall include the review of:

- I. Laws in other states regarding access to affordable health insurance.
- II. Expansion of the New Hampshire healthy kids corporation.
- III. Any other matters that the task force deems necessary.

4 Chairperson; Quorum. The members of the task force shall elect a chairperson from among the members. The first meeting of the task force shall be called by the first-named house member. The first meeting of the task force shall be held within 45 days of the effective date of this section. Four voting members, and eleven members of the task force in all, shall constitute a quorum.

5 Report. The task force shall make an interim report with its findings and any recommendations for proposed legislation for the 2008 legislative session on or before November 1, 2007, and a final report with its findings and any recommendations for legislation on or before November 1, 2009 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.

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

AMENDED ANALYSIS

This bill establishes a task force to develop legislation for expanding access to affordable health insurance for the 2008 and 2009 legislative sessions.

Amendment adopted.

Committee report adopted.

Ordered to third reading.

HB 676, relative to interest on deposits required under gasoline franchise agreements.

INEXPEDIENT TO LEGISLATE.

Rep. Stephen P. Spratt for Commerce: The committee felt that this bill addressed a unique situation and that its passage would legislate conditions of contractual agreements. With this in mind the committee voted inexpedient to legislate. Vote 13-4.
Committee report adopted.

HB 695, relative to regulation of wireless telephone service providers for consumer

protection. **INEXPEDIENT TO LEGISLATE.**

Rep. Stephen P. Spratt for Commerce: The committee believed this bill addressed issues which are currently being satisfactorily addressed by disclosures from the issuing companies. These issues are also addressed in CTIA, the consumer code for wireless service. Vote 14-3. Committee report adopted.

SPECIAL ORDER

HB 697, relative to responsible drug advertising. **INEXPEDIENT TO LEGISLATE.**

Rep. Jill Shaffer Hammond for Commerce: This bill sought to impose additional warnings on labels and advertising of prescription drugs. This is primarily regulated at the federal level. The amount of advertising originating in New Hampshire that might be affected would not be substantial and this measure would be hard to enforce. The sponsor of this bill brought a similar bill earlier in the session that was defeated by the House. Vote 14-3.

Rep. DeJoie spoke against and yielded to questions.

Rep. Jill Hammond spoke in favor.

Committee report adopted.

REGULAR CALENDAR (CONT'D)

HB 713-L, relative to displaying gasoline and diesel fuel prices. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Edward A. Butler for the Majority of Commerce: This bill was requested by the owner of several gas stations. He would like the opportunity to change gas prices remotely and electronically, which is not currently possible on the smaller price signs on the top of the pumps. The majority of the committee agreed that the signs on the top of the pumps are important to consumers. Vote 12-4.

Rep. Joel F. Winters for the Minority of Commerce: On gas pumps, stations are required to post the price of fuel in 4 inch high numbers. The amendment to HB 713 would allow gas stations to provide notice of the fuel price to customers in 10 inch high numbers on a street sign instead. They would still be required to do one or the other; customers would still know how much they were paying for gas. Having considered the facts, the Minority believes that the amended HB 713 is common sense, enabling legislation.

Majority committee report adopted.

HB 728, relative to access to wireless telephone records. **INEXPEDIENT TO LEGISLATE.**

Rep. Jill Shaffer Hammond for Commerce: This bill sought to give private persons access to their cell phone records in case of an emergency. While it is certainly advantageous for law enforcement to have this access when a crime is committed, letting private individuals get this information, possibly through deceptive means such as pretexting, that could then be used detrimentally by an estranged spouse or a stalker, did not seem appropriate. Law enforcement personnel testified at the hearing that the matter should be left to law enforcement professionals. Vote 13-3.

Committee report adopted.

HB 738, requiring insurance coverage for infertility treatments. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Robert F. Matheson for the Majority of Commerce: The bill requires insurance coverage for infertility diagnosis and treatment up to the birth of a child. The bill as presented leaves out many factors such as age of the women, number of times these procedures should be done if unsuccessful, who would be a likely candidate and other medical factors that are beyond the scope of the committee. Vote 9-4.

Rep. Jill Shaffer Hammond for the Minority of Commerce: Infertility treatments are no

longer "experimental medicine." They have a 20-year track record of efficacy and costs have stabilized. It is time that coverage is included for the disease of infertility.

Rep. Crane spoke against.

Rep. Reardon spoke in favor.

Rep. Crane requested a roll call; sufficiently seconded.

YEAS 237 NAYS 115

YEAS 237

BELKNAP

Allen, Janet	Boyce, Laurie	Clark, Charles	Flanders, Donald
Millham, Alida	Nedeau, Stephen	Reever, Judith	Russell, David
Thomas, John	Tobin, William	Wendelboe, Fran	Whalley, Michael

CARROLL

Bridgham, Robert	Butler, Edward	Chandler, Gene	Cunningham, Howard
Heard, Virginia	Knox, J. David	Martin, James	Morrow, Harry
Patten, Betsey	Stevens, Stanley		

CHESHIRE

Allen, Peter	Burridge, Delmar	Butcher, Suzanne	Butterworth, Timothy
Butynski, William	Chase, William	Dunn, J. Timothy	Eaton, Daniel
Emerson, Susan	Hunt, John	Lerandeau, Alfred	Mitchell, Bonnie
Parkhurst, Henry	Pelkey, Stephen	Richardson, Barbara	Roberts, Kris
Robertson, Timothy	Weber, Lucy	Weed, Charles	

COOS

Hatch, William	Ingersoll, Paul Sr	King, Frederick	Mears, Edgar
Merrick, Scott	Stohl, Eric	Tholl, John Jr	

GRAFTON

Aguiar, James	Almy, Susan	Andersen, Gene	Benn, Bernard
Bleyler, Ruth	Cooney, Mary	Estes, Carole	Gionet, Edmond
Hammond, Lee	Harding, A Laurie	Ingbretson, Paul	Lovett, Sid
Matheson, Robert	McLeod, Martha	Mulholland, Catherine	Nordgren, Sharon
Pierce, David	Preston, Philip	Solomon, Peter	Sorg, Gregory

HILLSBOROUGH

Barry, Richard	Bergeron, Jean-Guy	Bergin, Peter	Brunelle, Michael
Campbell, David	Chase, Claudia	Christensen, Chris	Christiansen, Lars
Clemons, Jane	Cote, David	Daniels, Gary	Day, Russell
Dokmo, Cynthia	Drisko, Richard	Edwards, Andrew	Elliott, Nancy
Emerton, Larry	Foster, Linda	Gargas, Carolyn	Garrity, Patrick
Goley, Jeffrey	Gorman, Mary	Graham, John	Haefner, Robert
Hansen, Ryan	Hawkins, Ken	Hinkle, Peyton	Hogan, Edith
Holden, Randolph	Hunter, Bruce	Infantine, William	Irwin, Anne-Marie
Jasper, Shawn	Kaelin, Michael	Kelley, John	Knowles, John
Knowles, Mary Ann	Kopka, Angeline	Kurk, Neal	L'Heureux, Robert
Long, Patrick	Mooney, Maureen	Moran, Edward	Movsesian, Lori
Ober, Lynne	Ober, Russell III	Peterson, Andy	Pilotte, Maurice
Price, Pamela	Reeves, Sandra	Reuschel, Michael	Rowe, Robert

Schulze, Joan
Spratt, Stephen
Vaillancourt, Steve

Shaw, Kimberly
Stepanek, Stephen
Velez, Hector

Simon, Anthony
Sullivan, Daniel
Villeneuve, Maurice

Soucy, Connie
Sullivan, Francis
Winters, Joel

MERRIMACK

Anderson, Eric

Baxley, Maureen

Beauchesne,
Suzanne

Bouchard, Candace

Brown, Carole
DeStefano, Stephen
Hager, Elizabeth
Kidder, David
Osborne, Jessie
Shurtleff, Stephen
Wheeler, Deborah

Brueggemann, Donald
Ehlers, Eileen
Hamm, Christine
Lockwood, Priscilla
Potter, Frances
Wallner, Mary
Williams, Robert

Clarke, Claire
Foose, Robert
Humphries, Charlie
MacKay, James
Reardon, Tara
Walz, Mary

Davis, Frank
French, Barbara
Kelly, Sally
McMahon, Patricia
Richardson, Gary
Webb, Leigh

ROCKINGHAM

Abbott, Dennis
Borden, David
Devine, James
Flanders, John Sr
Grote, Otto
Howard, Doreen
Kappler, Lawrence
Major, Norman
Moore, Bennett
Priestley, Anne
Sanders, Elisabeth
Wells, Roger

Bedrick, Jason
Brown, C. Pennington
Elliott, Robert
Forsing, Robert
Guthrie, Joseph
Ingram, Russell
Kennedy, James
McEachern, Paul
Nord, Susi
Rausch, James
Stiles, Nancy
Weyler, Kenneth

Belanger, Ronald
Camm, Kevin
Emiro, Frank
Gould, Kenneth
Headd, James
Itse, Daniel
Lister, Charlotte
McKinney, Betsy
Nowe, Ronald
Reagan, John
Waterhouse, Kevin
Wickson, Rick

Bettencourt, David
Carson, Sharon
Fesh, Bob
Griffin, Mary
Hopfgarten, Paul
Johnson, Robert
Lund, Howie
Moody, Marcia
Packard, Sherman
Robertson, Carl
Welch, David

STRAFFORD

Brown, George
Domingo, Baldwin
Knowles, William
Rollo, Deanna
Vachon, Dennis

Brown, Julie
Grassie, Anne
Mickelonis, Shawn
Smith, Marjorie
Wall, Janet

Brown, Larry
Hutz, Sarah
Miller, Joseph
Spang, Judith
Watson, Robert

Burke, Rachel
Kaen, Naida
Perry, Robert
Srnc, Robert

SULLIVAN

Converse, Larry
Gottling, Suzanne
Skinder, Carla

Ferland, Brenda
Houde, Matthew

Franklin, Peter
Phinizy, James

Gagnon, Raymond
Rodeschin, Beverly

NAYS 115

BELKNAP

Morrison, Gail

Pilliod, James

Tilton, Franklin

Wood, Jane

CARROLL

Ahlgren, Christopher

Brown, Carolyn

Buco, Thomas

Denley, William

CHESHIRE

Espieffs, Peter

Johnson, Jane

Sad, Tara

COOS

Merrick, Evalyn	Remick, William	Theberge, Robert	Thomas, Yvonne
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GRAFTON

Bulis, Lyle	Friedrich, Carol
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HILLSBOROUGH

Batula, Peter	Beck, Catriona	Coughlin, Pamela	Crane, Elenore Casey
Daler, Jennifer	Essex, David	Fletcher, Richard	Fontas, Jeffrey
Forest, Armand	Ginsburg, Ruth	Hackel, Paul	Haley, Robert
Hall, Betty	Hammond, Jill	Harvey, Suzanne	Hebert, Roger
Jean, Claudette	Katsiantonis, George	Lasky, Bette	Lawrence, James
Leishman, Peter	Levasseur, Nickolas	Levesque, Melanie	Mack, Ron
Manney, Pamela	Marshall, Seth	Martineau, Jesse	Matarazzo, Anthony Sr
McRae, Karen	Mesa, Lily	Messier, Irene	O'Brien, Michael Sr
O'Neil, James	Renzullo, Andrew	Shattuck, Gilman	Shaw, Barbara
Smith, David	Tahir, Saghir	Ulery, Jordan	

MERRIMACK

Blanchard, Elizabeth	Hess, David	Kjellman, Eleanor Glynn	Porter, Margaret
Ryan, Jim	Tilton, Joy	Tupper, Frank	Yeaton, Charles

ROCKINGHAM

Allen, Mary	Baldasaro, Alfred	Buxton, Donald	Cali-Pitts, Jacqueline
Case, Frank	Casey, Kimberley	Charron, Gene	Dalrymple, David
Day, Judith	DiFruscia, Anthony	Dumaine, Dudley	Flockhart, Eileen
Garcia, Marilinda	Garrity, James	Henson, John	Hutchinson, Karen
Katsakiores, George	Katsakiores, Phyllis	Kelley, Jane	Kepner, Susan
Marsh, Michael	McCarthy, Linda	McKenna, Daniel	McMahon, Charles
Pantelakos, Laura	Pearson, Mark	Powers, James	Quandt, Matthew
Serlin, Christopher	Snow, Richard	Splaine, James	Weare, Everett
Winchell, George			

STRAFFORD

Berube, Roger	Billian, Deborah	Brown, Jennifer	Cyr, James
DeChane, Marlene	Fargo, Thomas	Goodwin, Earle	Hofemann, Roland
Hubbard, Pamela	Rollo, Michael	Rous, Emma	Schmidt, Peter
Sprague, Dale	Warren, Nancy		

SULLIVAN

Cloutier, John	Donovan, Thomas	Jillette, Arthur Jr	Nielsen, Ellen
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and the majority committee report was adopted.

HB 767, relative to insurance for volunteer drivers. **OUGHT TO PASS.**

Rep. Stephen P. Spratt for Commerce: Due to the lack of public transportation in New Hampshire, charitable organizations rely heavily on volunteer transportation. This bill recognizes that fact and prohibits denial of insurance for automobiles or homeowner's insurance or a higher premium based on an individual's status as a volunteer driver. Vote 12-3.

Committee report adopted.
Ordered to third reading.

HB 790-FN, relative to dependent coverage under the healthy kids program and establishing the joint legislative oversight committee on insurance expansion initiatives. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Jill Shaffer Hammond for the Majority of Commerce: This bill expands health coverage in family plans to young adults by defining a dependant as one under 26, who is unmarried; has no dependents of his or her own; is a resident of New Hampshire or is enrolled as a full-time student at an institution of higher education. Young adults (18-25) as a group have a high percentage of uninsured while being one of the healthiest and least costly to the health care system. This measure would provide continued coverage to many in state who attend college part time and work part time. By keeping this group insured and in the system, costs overall will be kept down and accounted for; and help encourage this age group to stay in New Hampshire. This bill also includes the intent of HB 78. Vote 8-7.

Rep. John B. Hunt for the Minority of Commerce: This bill represents an insurance coverage mandate that will add significant cost exposure to the business community, which is already struggling to pay health care costs, and may jeopardize existing coverage that dependents up to age 18 presently enjoy today. Employers will be required to continue to pay for family policies for a longer period of time, up to 7 years, or may be forced to make the very difficult economic decision to either require more or all of the premium to be paid by their employers. HB 790 may also have damaging effects on the individual market, which is presently growing and vibrant. The minority considers this bill to be the largest single mandate on business in the past 20 years.

Majority Amendment (0800h)

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

AN ACT relative to dependent coverage for health insurance and establishing the joint legislative oversight committee on insurance expansion initiatives.

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

1 Insurance; Young Adults Added. Amend RSA 415:5, I(3) to read as follows:

(3) It purports to insure only one person, except that a policy may insure, originally or by subsequent amendment, upon the application of an adult member of a family who shall be deemed the policyholder, any 2 or more eligible members of that family, including husband, wife, dependent children or any ~~children under a specified age which shall not exceed 18 years and any other person dependent upon the policyholder~~ **dependent under age 26. In this section "dependent" means a subscriber's child by blood or by law, who:**

(a) Is less than 26 years of age.

(b) Is unmarried.

(c) Has no dependent of his or her own.

(d) Is a resident of New Hampshire or is enrolled as a full-time student at a public or private institution of higher education.

(e) Is not provided coverage as a name subscriber, insured, enrollee, or covered person under any other group or individual health benefits plan, group health plan, church plan or health benefits plan, or entitled to benefits under Title XVIII of the Social Security Act, Public Law 89-97, 42 U.S.C. 1395 et seq.

2 New Subparagraph; Insurance; Young Adults Added. Amend RSA 415:5, I by inserting after subparagraph (3-a) the following new subparagraph:

(3-b)(a) The health insurance contract that provides coverage for a subscriber's dependent, who is a resident of New Hampshire, under which coverage of the dependent terminates at a specific age before the dependent's 26th birthday, on or after the

effective date of this section, upon application of the dependent as set forth in subparagraph (c) provides coverage to the dependent after that specific age, until the dependent's 26th birthday.

(b) Nothing in this subparagraph shall be construed to require:

(1) Coverage for services provided to a dependent before the effective date of this section; or

(2) That an employer pay all or part of the cost of coverage for a dependent as provided pursuant to this section.

(c) A dependent covered by a subscriber's contract, which coverage under the contract terminates at a specific age before the dependent's 26th birthday, may make a written election for coverage as a dependent pursuant to this section, until the dependent's 26th birthday during an open enrollment period, as provided pursuant to the contract, if the dependent meets the requirements for dependent status of subparagraph I(3) of this section during the open enrollment period.

(d) Coverage for a dependent who makes a written election for coverage pursuant to subparagraph (c) of this subparagraph shall consist of coverage which is identical to the coverage provided to that dependent prior to the termination of coverage at the specific age provided in the contract. If coverage is modified under the contract for any similarly situated dependents for coverage prior to the termination of coverage at the specific age provided in the contract, the coverage shall also be modified in the same manner for the dependent.

(e) Coverage for a dependent provided pursuant to this subparagraph shall be provided until the earlier of the following:

(1) The dependent is disqualified for dependent status as set forth in subparagraph I(3) of this section;

(2) The date on which coverage ceases under the contract by reason of a failure to make timely payment of any premium required under the contract by the subscriber or dependent for coverage provided pursuant to this section. The payment of any premium shall be considered to be timely if made within 30 days after the due date or within a longer period as may be provided for by the contract; or

(3) The date upon which the employer under whose contract coverage is provided to a dependent ceases to provide coverage to the subscriber.

(f) Nothing in this subparagraph shall be construed to permit a health insurance carrier to refuse a written election for coverage by a dependent pursuant to subparagraph (c), based upon the dependent's prior disqualification pursuant to subparagraph (e)(1).

(g) Notice regarding coverage for a dependent as provided pursuant to this subparagraph shall be provided to a subscriber if:

(1) In the certificate of coverage prepared for subscribers on or about the date of commencement of coverage; and

(2) By the subscriber's employer:

(A) On or before the coverage of a subscriber's dependent terminates at the specific age as provided in the contract;

(B) At the time coverage of the dependent is no longer provided pursuant to this section because the dependent is disqualified for dependent status as set forth in subparagraph I(3), except this employer notice shall not be required when a dependent no longer qualifies based upon subparagraph I(3)(a) or (c);

(C) Before any open enrollment period permitting a dependent to make a written election for coverage pursuant to subparagraph I(3); and

(D) Immediately following the effective date of this subparagraph, with respect to information concerning a dependent's opportunity, for 12 months after the effective date of this subparagraph, to make a written election to reinstate coverage under a contract pursuant to subparagraph I(3-b)(c)(2).

3 New Section; Health Service Corporations; Dependent Coverage Added. Amend RSA 420-A by inserting after section 10 the following new section:

420-A:10-a Dependent Coverage.

I. A policy may insure, originally or by subsequent amendment, upon the application of an adult member of a family who shall be deemed the policyholder, any 2 or more eligible members of that family, including husband, wife, dependent children or any dependent under age 26. In this section "dependent" means a subscriber's child by blood or by law, who:

- (a) Is less than 26 years of age.
- (b) Is unmarried.
- (c) Has no dependent of his or her own.
- (d) Is a resident of New Hampshire or is enrolled as a full-time student at a public or private institution of higher education.
- (e) Is not provided coverage as a name subscriber, insured, enrollee, or covered person under any other group or individual health benefits plan, group health plan, church plan, or health benefits plan, or entitled to benefits under Title XVIII of the Social Security Act, Public Law 89-97, 42 U.S.C. 1395 et seq.

II. The health insurance contract that provides coverage for a subscriber's dependent, who is a resident of New Hampshire, under which coverage of the dependent terminates at a specific age before the dependent's 26th birthday, on or after the effective date of this section, upon application of the dependent as set forth in subparagraph (b) provides coverage to the dependent after that specific age, until the dependent's 26th birthday.

- (a) Nothing in this section shall be construed to require:
 - (1) Coverage for services provided to a dependent before the effective date of this section; or
 - (2) That an employer pay all or part of the cost of coverage for a dependent as provided pursuant to this section.
- (b) A dependent covered by a subscriber's contract, which coverage under the contract terminates at a specific age before the dependent's 26th birthday, may make a written election for coverage as a dependent pursuant to this section, until the dependent's 26th birthday during an open enrollment period, as provided pursuant to the contract, if the dependent meets the requirements for dependent status of paragraph I of this section during the open enrollment period.
- (c) Coverage for a dependent who makes a written election for coverage pursuant to subparagraph (b) shall consist of coverage which is identical to the coverage provided to that dependent prior to the termination of coverage at the specific age provided in the contract. If coverage is modified under the contract for any similarly situated dependents for coverage prior to the termination of coverage at the specific age provided in the contract, the coverage shall also be modified in the same manner for the dependent.
- (d) Coverage for a dependent provided pursuant to this section shall be provided until the earlier of the following:
 - (1) The dependent is disqualified for dependent status as set forth in paragraph I of this section;
 - (2) The date on which coverage ceases under the contract by reason of a failure to make timely payment of any premium required under the contract by the subscriber or dependent for coverage provided pursuant to this section. The payment of any premium shall be considered to be timely if made within 30 days after the due date or within a longer period as may be provided for by the contract; or
 - (3) The date upon which the employer under whose contract coverage is provided to a dependent ceases to provide coverage to the subscriber.
- (e) Nothing in this section shall be construed to permit a health insurance carrier to refuse a written election for coverage by a dependent pursuant to subparagraph (b), based upon the dependent's prior disqualification pursuant to subparagraph (d)(1).

(f) Notice regarding coverage for a dependent as provided pursuant to this section shall be provided to a subscriber if:

(1) In the certificate of coverage prepared for subscribers on or about the date of commencement of coverage; and

(2) By the subscriber's employer:

(A) On or before the coverage of a subscriber's dependent terminates at the specific age as provided in the contract;

(B) At the time coverage of the dependent is no longer provided pursuant to this section because the dependent is disqualified for dependent status as set forth in paragraph I, except this employer notice shall not be required when a dependent no longer qualifies based upon subparagraph I(a) or (c);

(C) Before any open enrollment period permitting a dependent to make a written election for coverage pursuant to paragraph I; and

(D) Immediately following the effective date of this subparagraph, with respect to information concerning a dependent's opportunity, for 12 months after the effective date of this subparagraph, to make a written election to reinstate coverage under a contract pursuant to subparagraph II(a)(2).

4 New Section; Health Maintenance Organizations; Dependent Coverage Added. Amend RSA 420-B by inserting after section 8-a the following new section:

420-B:8-aa Dependent Coverage.

I. A policy may insure, originally or by subsequent amendment, upon the application of an adult member of a family who shall be deemed the policyholder, any 2 or more eligible members of that family, including husband, wife, dependent children or any dependent under age 26. In this section "dependent" means a subscriber's child by blood or by law, who:

(a) Is less than 26 years of age.

(b) Is unmarried.

(c) Has no dependent of his or her own.

(d) Is a resident of New Hampshire or is enrolled as a full-time student at a public or private institution of higher education.

(e) Is not provided coverage as a name subscriber, insured, enrollee, or covered person under any other group or individual health benefits plan, group health plan, church plan, or health benefits plan, or entitled to benefits under Title XVIII of the Social Security Act, Public Law 89-97, 42 U.S.C. 1395 et seq.

II. The health insurance contract that provides coverage for a subscriber's dependent, who is a resident of New Hampshire, under which coverage of the dependent terminates at a specific age before the dependent's 26th birthday, on or after the effective date of this section, upon application of the dependent as set forth in subparagraph (b) provides coverage to the dependent after that specific age, until the dependent's 26th birthday.

(a) Nothing in this section shall be construed to require:

(1) Coverage for services provided to a dependent before the effective date of this section; or

(2) That an employer pay all or part of the cost of coverage for a dependent as provided pursuant to this section.

(b) A dependent covered by a subscriber's contract, which coverage under the contract terminates at a specific age before the dependent's 26th birthday, may make a written election for coverage as a dependent pursuant to this section, until the dependent's 26th birthday during an open enrollment period, as provided pursuant to the contract, if the dependent meets the requirements for dependent status of paragraph I of this section during the open enrollment period.

(c) Coverage for a dependent who makes a written election for coverage pursuant to subparagraph (b) shall consist of coverage which is identical to the coverage provided to that dependent prior to the termination of coverage at the specific age provided in the

contract. If coverage is modified under the contract for any similarly situated dependents for coverage prior to the termination of coverage at the specific age provided in the contract, the coverage shall also be modified in the same manner for the dependent.

(d) Coverage for a dependent provided pursuant to this section shall be provided until the earlier of the following:

(1) The dependent is disqualified for dependent status as set forth in paragraph I of this section;

(2) The date on which coverage ceases under the contract by reason of a failure to make timely payment of any premium required under the contract by the subscriber or dependent for coverage provided pursuant to this section. The payment of any premium shall be considered to be timely if made within 30 days after the due date or within a longer period as may be provided for by the contract; or

(3) The date upon which the employer under whose contract coverage is provided to a dependent ceases to provide coverage to the subscriber.

(e) Nothing in this section shall be construed to permit a health insurance carrier to refuse a written election for coverage by a dependent pursuant to subparagraph (b), based upon the dependent's prior disqualification pursuant to subparagraph (d)(1).

(f) Notice regarding coverage for a dependent as provided pursuant to this section shall be provided to a subscriber if:

(1) In the certificate of coverage prepared for subscribers on or about the date of commencement of coverage; and

(2) By the subscriber's employer:

(A) On or before the coverage of a subscriber's dependent terminates at the specific age as provided in the contract;

(B) At the time coverage of the dependent is no longer provided pursuant to this section because the dependent is disqualified for dependent status as set forth in paragraph I, except this employer notice shall not be required when a dependent no longer qualifies based upon subparagraph I(a) or (c);

(C) Before any open enrollment period permitting a dependent to make a written election for coverage pursuant to paragraph I; and

(D) Immediately following the effective date of this subparagraph, with respect to information concerning a dependent's opportunity, for 12 months after the effective date of this subparagraph, to make a written election to reinstate coverage under a contract pursuant to subparagraph II(a)(2).

5 New Section; Preferred Provider Agreements; Dependent Coverage Added. Amend RSA 420-C by inserting after section 4 the following new section:

420-C:4-a Dependent Coverage.

I. A policy may insure, originally or by subsequent amendment, upon the application of an adult member of a family who shall be deemed the policyholder, any 2 or more eligible members of that family, including husband, wife, dependent children or any dependent under age 26. In this section "dependent" means a subscriber's child by blood or by law, who:

(a) Is less than 26 years of age.

(b) Is unmarried.

(c) Has no dependent of his or her own.

(d) Is a resident of New Hampshire or is enrolled as a full-time student at a public or private institution of higher education.

(e) Is not provided coverage as a name subscriber, insured, enrollee, or covered person under any other group or individual health benefits plan, group health plan, church plan, or health benefits plan, or entitled to benefits under Title XVIII of the Social Security Act, Public Law 89-97, 42 U.S.C. 1395 et seq.

II. The health insurance contract that provides coverage for a subscriber's dependent, who is a resident of New Hampshire, under which coverage of the dependent terminates at a specific age before the dependent's 26th birthday, on or after the effective

date of this section, upon application of the dependent as set forth in subparagraph (b) provides coverage to the dependent after that specific age, until the dependent's 26th birthday.

(a) Nothing in this section shall be construed to require:

(1) Coverage for services provided to a dependent before the effective date of this section; or

(2) That an employer pay all or part of the cost of coverage for a dependent as provided pursuant to this section.

(b) A dependent covered by a subscriber's contract, which coverage under the contract terminates at a specific age before the dependent's 26th birthday, may make a written election for coverage as a dependent pursuant to this section, until the dependent's 26th birthday during an open enrollment period, as provided pursuant to the contract, if the dependent meets the requirements for dependent status of paragraph I of this section during the open enrollment period.

(c) Coverage for a dependent who makes a written election for coverage pursuant to subparagraph (b) of this subparagraph shall consist of coverage which is identical to the coverage provided to that dependent prior to the termination of coverage at the specific age provided in the contract. If coverage is modified under the contract for any similarly situated dependents for coverage prior to the termination of coverage at the specific age provided in the contract, the coverage shall also be modified in the same manner for the dependent.

(d) Coverage for a dependent provided pursuant to this section shall be provided until the earlier of the following:

(1) The dependent is disqualified for dependent status as set forth in paragraph I of this section;

(2) The date on which coverage ceases under the contract by reason of a failure to make timely payment of any premium required under the contract by the subscriber or dependent for coverage provided pursuant to this section. The payment of any premium shall be considered to be timely if made within 30 days after the due date or within a longer period as may be provided for by the contract; or

(3) The date upon which the employer under whose contract coverage is provided to a dependent ceases to provide coverage to the subscriber.

(e) Nothing in this section shall be construed to permit a health insurance carrier to refuse a written election for coverage by a dependent pursuant to subparagraph (b), based upon the dependent's prior disqualification pursuant to subparagraph (d)(1).

(f) Notice regarding coverage for a dependent as provided pursuant to this section shall be provided to a subscriber if:

(1) In the certificate of coverage prepared for subscribers on or about the date of commencement of coverage; and

(2) By the subscriber's employer:

(A) On or before the coverage of a subscriber's dependent terminates at the specific age as provided in the contract;

(B) At the time coverage of the dependent is no longer provided pursuant to this section because the dependent is disqualified for dependent status as set forth in paragraph I, except this employer notice shall not be required when a dependent no longer qualifies based upon paragraph I(a) or (c);

(C) Before any open enrollment period permitting a dependent to make a written election for coverage pursuant to paragraph I; and

(D) Immediately following the effective date of this subparagraph, with respect to information concerning a dependent's opportunity, for 12 months after the effective date of this subparagraph, to make a written election to reinstate coverage under a contract pursuant to subparagraph II(a)(2).

6 New Section; Delta Dental; Dependent Coverage Added. Amend RSA 420-F by inserting after section 5 the following new section:

420-F:5-a Dependent Coverage.

I. A policy may insure, originally or by subsequent amendment, upon the application of an adult member of a family who shall be deemed the policyholder, any 2 or more eligible members of that family, including husband, wife, dependent children or any dependent under age 26. In this section "dependent" means a subscriber's child by blood or by law, who:

- (a) Is less than 26 years of age.
- (b) Is unmarried.
- (c) Has no dependent of his or her own.
- (d) Is a resident of New Hampshire or is enrolled as a full-time student at a public or private institution of higher education.
- (e) Is not provided coverage as a name subscriber, insured, enrollee, or covered person under any other group or individual health benefits plan, group health plan, church plan, or health benefits plan, or entitled to benefits under Title XVIII of the Social Security Act, Public Law 89-97, 42 U.S.C. 1395 et seq.

II. The health insurance contract that provides coverage for a subscriber's dependent, who is a resident of New Hampshire, under which coverage of the dependent terminates at a specific age before the dependent's 26th birthday, on or after the effective date of this section, upon application of the dependent as set forth in subparagraph (b) provides coverage to the dependent after that specific age, until the dependent's 26th birthday.

(a) Nothing in this section shall be construed to require:

- (1) Coverage for services provided to a dependent before the effective date of this section; or

- (2) That an employer pay all or part of the cost of coverage for a dependent as provided pursuant to this section.

(b) A dependent covered by a subscriber's contract, which coverage under the contract terminates at a specific age before the dependent's 26th birthday, may make a written election for coverage as a dependent pursuant to this section, until the dependent's 26th birthday during an open enrollment period, as provided pursuant to the contract, if the dependent meets the requirements for dependent status of paragraph I of this section during the open enrollment period.

(c) Coverage for a dependent who makes a written election for coverage pursuant to subparagraph (b) shall consist of coverage which is identical to the coverage provided to that dependent prior to the termination of coverage at the specific age provided in the contract. If coverage is modified under the contract for any similarly situated dependents for coverage prior to the termination of coverage at the specific age provided in the contract, the coverage shall also be modified in the same manner for the dependent.

(d) Coverage for a dependent provided pursuant to this section shall be provided until the earlier of the following:

- (1) The dependent is disqualified for dependent status as set forth in paragraph I of this section;

- (2) The date on which coverage ceases under the contract by reason of a failure to make timely payment of any premium required under the contract by the subscriber or dependent for coverage provided pursuant to this section. The payment of any premium shall be considered to be timely if made within 30 days after the due date or within a longer period as may be provided for by the contract; or

- (3) The date upon which the employer under whose contract coverage is provided to a dependent ceases to provide coverage to the subscriber.

(e) Nothing in this section shall be construed to permit a health insurance carrier to refuse a written election for coverage by a dependent pursuant to subparagraph (b), based upon the dependent's prior disqualification pursuant to subparagraph (d)(1).

(f) Notice regarding coverage for a dependent as provided pursuant to this section shall be provided to a subscriber if:

(1) In the certificate of coverage prepared for subscribers on or about the date of commencement of coverage; and

(2) By the subscriber's employer:

(A) On or before the coverage of a subscriber's dependent terminates at the specific age as provided in the contract;

(B) At the time coverage of the dependent is no longer provided pursuant to this section because the dependent is disqualified for dependent status as set forth in paragraph I, except this employer notice shall not be required when a dependent no longer qualifies based upon subparagraph I(a) or (c);

(C) Before any open enrollment period permitting a dependent to make a written election for coverage pursuant to paragraph I; and

(D) Immediately following the effective date of this subparagraph, with respect to information concerning a dependent's opportunity, for 12 months after the effective date of this subparagraph, to make a written election to reinstate coverage under a contract pursuant to subparagraph II(a)(2).

7 New Section; Managed Care; Dependent Coverage Added. Amend RSA 420-J by inserting after section 8-b the following new section:

420-J:8-c Dependent Coverage.

I. A policy may insure, originally or by subsequent amendment, upon the application of an adult member of a family who shall be deemed the policyholder, any 2 or more eligible members of that family, including husband, wife, dependent children or any dependent under age 26. In this section "dependent" means a subscriber's child by blood or by law, who:

(a) Is less than 26 years of age.

(b) Is unmarried.

(c) Has no dependent of his or her own.

(d) Is a resident of New Hampshire or is enrolled as a full-time student at a public or private institution of higher education.

(e) Is not provided coverage as a name subscriber, insured, enrollee, or covered person under any other group or individual health benefits plan, group health plan, church plan, or health benefits plan, or entitled to benefits under Title XVIII of the Social Security Act, Public Law 89-97, 42 U.S.C. 1395 et seq.

II. The health insurance contract that provides coverage for a subscriber's dependent, who is a resident of New Hampshire, under which coverage of the dependent terminates at a specific age before the dependent's 26th birthday, on or after the effective date of this section, upon application of the dependent as set forth in subparagraph (b) provides coverage to the dependent after that specific age, until the dependent's 26th birthday.

(a) Nothing in this section shall be construed to require:

(1) Coverage for services provided to a dependent before the effective date of this section; or

(2) That an employer pay all or part of the cost of coverage for a dependent as provided pursuant to this section.

(b) A dependent covered by a subscriber's contract, which coverage under the contract terminates at a specific age before the dependent's 26th birthday, may make a written election for coverage as a dependent pursuant to this section, until the dependent's 26th birthday during an open enrollment period, as provided pursuant to the contract, if the dependent meets the requirements for dependent status of paragraph I of this section during the open enrollment period.

(c) Coverage for a dependent who makes a written election for coverage pursuant to subparagraph (b) shall consist of coverage which is identical to the coverage provided to that dependent prior to the termination of coverage at the specific age provided in the contract. If coverage is modified under the contract for any similarly situated dependents for

coverage prior to the termination of coverage at the specific age provided in the contract, the coverage shall also be modified in the same manner for the dependent.

(d) Coverage for a dependent provided pursuant to this section shall be provided until the earlier of the following:

(1) The dependent is disqualified for dependent status as set forth in paragraph I of this section;

(2) The date on which coverage ceases under the contract by reason of a failure to make timely payment of any premium required under the contract by the subscriber or dependent for coverage provided pursuant to this section. The payment of any premium shall be considered to be timely if made within 30 days after the due date or within a longer period as may be provided for by the contract; or

(3) The date upon which the employer under whose contract coverage is provided to a dependent ceases to provide coverage to the subscriber.

(e) Nothing in this section shall be construed to permit a health insurance carrier to refuse a written election for coverage by a dependent pursuant to subparagraph (b), based upon the dependent's prior disqualification pursuant to subparagraph (d)(1).

(f) Notice regarding coverage for a dependent as provided pursuant to this section shall be provided to a subscriber if:

(1) In the certificate of coverage prepared for subscribers on or about the date of commencement of coverage; and

(2) By the subscriber's employer:

(A) On or before the coverage of a subscriber's dependent terminates at the specific age as provided in the contract;

(B) At the time coverage of the dependent is no longer provided pursuant to this section because the dependent is disqualified for dependent status as set forth in paragraph I, except this employer notice shall not be required when a dependent no longer qualifies based upon paragraph I(a) or (c);

(C) Before any open enrollment period permitting a dependent to make a written election for coverage pursuant to paragraph I; and

(D) Immediately following the effective date of this section, with respect to information concerning a dependent's opportunity, for 12 months after the effective date of this subparagraph, to make a written election to reinstate coverage under a contract pursuant to subparagraph II(a)(2).

8 New Section; Special Enrollment Period. Persons newly qualified as dependents under RSA 415:5, I(3-b)(c), RSA 420-A:10-a, II(b), RSA 420-B:8-aa, II(b), RSA 420-C:4-b, II(b), RSA 420-F:5-a, II(b) and RSA 420-J:8-c, II(b) as of the effective date of this act shall be eligible to an enrollment period beginning on the effective date of this act and meeting the requirements of RSA 420-G:8.

9 New Section; Oversight Committee Established. Amend RSA 400-A by inserting after section 11 the following new section:

400-A:11-a Oversight Committee Established.

I. There is hereby established a joint legislative oversight committee on insurance expansion initiatives.

II. The committee shall consist of 5 members, 3 of whom shall be members of the house of representatives, appointed by the speaker of the house of representatives, and 2 of whom shall be senators, appointed by the president of the senate. Members shall be appointed for their term of office. All members shall be eligible for reappointment so long as they are qualified under this section. The members shall choose from their number a chairperson, provided that the chair shall rotate biennially between the house and senate members.

III. The committee shall review reports filed by the commissioner and the commissioner of the department of health and human services to monitor the effectiveness and cost of the insurance expansion program. The committee shall submit a written report

of its findings, together with any recommendations for legislation, to the speaker of the house of representatives, the president of the senate, and the chairpersons of the house commerce committee and the senate banks and insurance committee on or before November 1 of each year.

IV. Members of the committee shall serve without compensation but shall receive mileage at the legislative rate when attending to the duties of the committee.

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

AMENDED ANALYSIS

This bill expands the definition of dependent young adults to those who are less than 26 years of age for purposes of insurance coverage.

This bill also establishes the joint legislative oversight committee on insurance expansion initiatives.

Majority committee amendment adopted.

The question now being adoption of the majority committee report of Ought to Pass with Amendment.

Rep. Hunt spoke against and yielded to questions.

Reps. Reardon and DeStefano spoke in favor.

Rep. Wallner requested a roll call; sufficiently seconded.

YEAS 222 NAYS 135

YEAS 222

BELKNAP

Arsenault, Beth

Morrison, Gail

Pilliod, James

Reever, Judith

CARROLL

Bridgham, Robert
Heard, Virginia

Buco, Thomas
Knox, J. David

Butler, Edward

Cunningham, Howard

CHESHIRE

Allen, Peter
Butynski, William
Espiefs, Peter
Richardson, Barbara
Weber, Lucy

Burridge, Delmar
Chase, William
Lerandeau, Alfred
Roberts, Kris
Weed, Charles

Butcher, Suzanne
Dunn, J. Timothy
Mitchell, Bonnie
Robertson, Timothy

Butterworth, Timothy
Eaton, Daniel
Parkhurst, Henry
Sad, Tara

COOS

Hatch, William
Merrick, Scott

Ingersoll, Paul Sr
Remick, William

Mears, Edgar
Theberge, Robert

Merrick, Evalyn
Thomas, Yvonne

GRAFTON

Aguiar, James
Cooney, Mary
Harding, A Laurie
Mulholland, Catherine
Solomon, Peter

Almy, Susan
Estes, Carole
Lovett, Sid
Nordgren, Sharon

Benn, Bernard
Friedrich, Carol
Matheson, Robert
Pierce, David

Bleyler, Ruth
Hammond, Lee
McLeod, Martha
Preston, Philip

HILLSBOROUGH

Beck, Catriona

Bergin, Peter

Brunelle, Michael

Campbell, David

Chase, Claudia
Dokmo, Cynthia
Fontas, Jeffrey
Garrity, Patrick
Hackel, Paul
Harvey, Suzanne
Jean, Claudette
Knowles, John
Leishman, Peter
Mack, Ron

Mesa, Lily
O'Neil, James
Schulze, Joan
Simon, Anthony
Velez, Hector

Clemons, Jane
Edwards, Andrew
Forest, Armand
Ginsburg, Ruth
Haley, Robert
Hebert, Roger
Kaelin, Michael
Knowles, Mary Ann
Levasseur, Nickolas
Marshall, Seth

Moran, Edward
Pilotte, Maurice
Shattuck, Gilman
Spratt, Stephen

Cote, David
Essex, David
Foster, Linda
Goley, Jeffrey
Hall, Betty
Holden, Randolph
Katsiantonis, George
Kopka, Angeline
Levesque, Melanie
Martineau, Jesse

Movsesian, Lori
Reuschel, Michael
Shaw, Barbara
Sullivan, Daniel

Daler, Jennifer
Fletcher, Richard
Gargas, Carolyn
Gorman, Mary
Hammond, Jill
Irwin, Anne-Marie
Kelley, John
Lasky, Bette
Long, Patrick
Matarazzo, Anthony
Sr
O'Brien, Michael Sr
Rosenwald, Cindy
Shaw, Kimberly
Sullivan, Francis

MERRIMACK

Baxley, Maureen

Brueggemann, Donald
DeStefano, Stephen
Hager, Elizabeth
Kjellman, Eleanor
Glynn
Owen, Derek
Richardson, Gary
Tupper, Frank
Williams, Robert

Beauchesne, Suzanne
Clarke, Claire
Ehlers, Eileen
Hamm, Christine
MacKay, James

Porter, Margaret
Ryan, Jim
Wallner, Mary
Yeaton, Charles

Bouchard, Candace
Davis, Frank
Foosse, Robert
Kelly, Sally
McMahon, Patricia

Potter, Frances
Shurtleff, Stephen
Walz, Mary

Brown, Carole
DeJoie, John
French, Barbara
Kidder, David
Osborne, Jessie
Reardon, Tara
Tilton, Joy
Wheeler, Deborah

ROCKINGHAM

Abbott, Dennis
Casey, Kimberley
Flockhart, Eileen
Howard, Doreen
Kepner, Susan
McEachern, Paul
Nord, Susi
Robertson, Carl
Splaine, James

Borden, David
Day, Judith
Forsing, Robert
Hutchinson, Karen
Lister, Charlotte
McKenna, Daniel
Pantelakos, Laura
Russell, Trinkia
Wells, Roger

Brown, C. Pennington
DiFruscia, Anthony
Grote, Otto
Kelley, Jane
Marsh, Michael
Moody, Marcia
Pearson, Mark
Serlin, Christopher

Cali-Pitts, Jacqueline
Emiro, Frank
Henson, John
Kennedy, James
McCarthy, Linda
Moore, Bennett
Powers, James
Snow, Richard

STRAFFORD

Berube, Roger
Brown, Larry
Fargo, Thomas
Hutz, Sarah
Miller, Joseph
Rous, Emma
Sprague, Dale
Warren, Nancy

Billian, Deborah
Burke, Rachel
Grassie, Anne
Kaen, Naida
Perry, Robert
Schmidt, Peter
Srnc, Robert

Brown, George
Cyr, James
Hofemann, Roland
Knowles, William
Rollo, Deanna
Smith, Marjorie
Vachon, Dennis

Brown, Jennifer
DeChane, Marlene
Hubbard, Pamela
Mickelonis, Shawn
Rollo, Michael
Spang, Judith
Wall, Janet

SULLIVAN

Cloutier, John
Gagnon, Raymond

Converse, Larry
Gottling, Suzanne

Donovan, Thomas
Houde, Matthew

Franklin, Peter
Jillette, Arthur Jr

Nielsen, Ellen

Phinizy, James

Skinder, Carla

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BELKNAP

Allen, Janet
Millham, Alida
Tilton, Franklin

Boyce, Laurie
Nedeau, Stephen
Tobin, William

Clark, Charles
Russell, David
Wendelboe, Fran

Flanders, Donald
Thomas, John
Whalley, Michael

CARROLL

Ahlgren, Christopher
Martin, James

Brown, Carolyn
Merrow, Harry

Chandler, Gene
Patten, Betsey

Denley, William
Stevens, Stanley

CHESHIRE

Emerson, Susan

Hunt, John

Johnson, Jane

Pelkey, Stephen

COOS

King, Frederick

Stohl, Eric

Tholl, John Jr

GRAFTON

Andersen, Gene
Sorg, Gregory

Bulis, Lyle

Gionet, Edmond

Ingbretson, Paul

HILLSBOROUGH

Barry, Richard
Christiansen, Lars
Day, Russell
Graham, John
Hinkle, Peyton
Jasper, Shawn
Manney, Pamela
Ober, Lynne
Reeves, Sandra
Soucy, Connie
Vaillancourt, Steve

Batula, Peter
Coughlin, Pamela
Drisko, Richard
Haefner, Robert
Hogan, Edith
Kurk, Neal
McRae, Karen
Ober, Russell III
Renzullo, Andrew
Stepanek, Stephen
Villeneuve, Maurice

Bergeron, Jean-Guy
Crane, Elenore Casey
Elliott, Nancy
Hansen, Ryan
Hunter, Bruce
L'Heureux, Robert
Messier, Irene
Peterson, Andy
Rowe, Robert
Tahir, Saghir
Winters, Joel

Christensen, Chris
Daniels, Gary
Emerton, Larry
Hawkins, Ken
Infantine, William
Lawrence, James
Mooney, Maureen
Price, Pamela
Smith, David
Ulery, Jordan

MERRIMACK

Anderson, Eric
Lockwood, Priscilla

Blanchard, Elizabeth
Webb, Leigh

Hess, David

Humphries, Charlie

ROCKINGHAM

Allen, Mary
Bettencourt, David
Case, Frank
Dumaine, Dudley
Garcia, Marilinda
Griffin, Mary
Ingram, Russell
Katsakiores, George
McKinney, Betsy
Priestley, Anne

Baldasaro, Alfred
Buxton, Donald
Charron, Gene
Elliott, Robert
Garrity, James
Guthrie, Joseph
Itse, Daniel
Katsakiores, Phyllis
McMahon, Charles
Quandt, Matthew

Bedrick, Jason
Camm, Kevin
Dalrymple, David
Fesh, Bob
Gleason, John
Headd, James
Johnson, Robert
Lund, Howie
Nowe, Ronald
Rausch, James

Belanger, Ronald
Carson, Sharon
Devine, James
Flanders, John Sr
Gould, Kenneth
Hopfgarten, Paul
Kappler, Lawrence
Major, Norman
Packard, Sherman
Reagan, John

Sanders, Elisabeth
Welch, David

Stiles, Nancy
Weyler, Kenneth

Waterhouse, Kevin
Wickson, Rick

Weare, Everett
Winchell, George

STRAFFORD

Brown, Julie

Domingo, Baldwin

Goodwin, Earle

Watson, Robert

SULLIVAN

Ferland, Brenda
and the majority committee report was adopted.
Referred to the Committee on Finance.

HB 853, establishing a commission to study the effect of fiat currency on the wealth of New Hampshire citizens. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Stephen T. Pelkey for the Majority of Commerce: This bill would have no effect or demands on the federal government to change our federal reserve system and therefore would be a poor use of our legislative resources. Although the sponsors' intent is to surface the discussion of fiat currency, the majority of the committee felt strongly that it should not be part of our legislative process. However, in support of the sponsors' intent, Thomas Jefferson was claimed to have said that, "If the American people ever allow private banks to control the issue of their money, first by inflation and then by deflation, the banks and corporations that will grow up around them will deprive the people of their property until their children will wake up homeless on the continent their fathers conquered." With that said, the Federal Reserve (a private bank) which controls our money (paper aka "fiat money" which is defined as inconvertible paper by a government decree which is backed insufficiently by gold and by the levying of future taxes) falls exclusively under the jurisdiction of the United States government, not the State of New Hampshire. Vote 14-1.
Rep. Joel F. Winters for the Minority of Commerce: Establishing a commission to study fiat currency is an idea which deserves support. When the Federal Reserve issues paper currency, the new money is not backed by anything of value, yet we treat it as though these pieces of paper actually had some inherent worth. Over time, as more and more money is printed, the law of supply and demand kicks in: the larger the money supply, the less valuable each piece of paper is worth (inflation). Realizing that this hidden tax hurts the poor most of all by diluting their purchasing power faster than their wages increase, the Minority is unable to support the Majority recommendation. Some of the rising cost of health care, gasoline, and housing can be attributed to inflation; does it not make sense to look at a root cause of these problems which hurt so many New Hampshire families?
Rep. Winters spoke against.
Rep. Pelkey spoke in favor.
Majority committee report adopted.

HB 860, relative to maintenance of draft beer equipment. **INEXPEDIENT TO LEGISLATE.**

Rep. Paul McEachern for Commerce: The legislation would have the effect of threatening the existence of independent contractors who now clean the lines of all draught lines in an establishment. It further would hinder diversity in the choices of draught beers available, especially in a small establishment which may only have three or four choices now. Vote 14-2.
Committee report adopted.

HB 607-FN, relative to the death penalty. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS**

Rep. Stanley E. Stevens for the Majority of Criminal Justice and Public Safety: This bill, as

usual, was a close vote in the committee. It seeks to repeal the death penalty in Capital Murder cases. New Hampshire, unlike other states that still have the death penalty, has a very narrowly defined law with a very complex procedure that must be followed. It is crafted so as to be applicable only under very narrowly defined circumstances. Opponents argue that since there have been no executions since 1939, it is unnecessary. This speaks more to the fact that the law is so narrowly applied it is not necessary to use the penalty, not that it is inappropriate. One of the major protections provided by current law is to make the death penalty applicable for the murder of a police officer, a judge, or a corrections officer who are acting in their official capacity. For this reason alone, if for no other, this law is a necessary protection for the guardians of our society. Vote 10-8.

Rep. Lee M. Hammond for the Minority of Criminal Justice and Public Safety: Failing to pass this legislation would keep the death penalty in New Hampshire law and keep us in company with Saudi Arabia, North Korea, Iraq, Iran and China rather than in the community of nations, including all of Europe and most of the rest of what we consider the "civilized world." While our state has not had an execution since 1939, it remains an option that should not be part of our contemporary New Hampshire society. The representatives of all religions who testified before us oppose the death penalty. It only embraces vengeance. It does not act as deterrence. The cost of implementing a single execution far exceeds that of a sentence of life imprisonment without the possibility of parole.

Reps. Lee Hammond and McEachern spoke against and yielded to questions.

Rep. Stevens spoke in favor and yielded to questions.

Reps. Splaine and DiFruscia spoke against.

Reps. Pantelakos and William Knowles spoke in favor.

Rep. Splaine requested a roll call; sufficiently seconded.

YEAS 185 NAYS 173

YEAS 185

BELKNAP

Allen, Janet
Millham, Alida
Wendelboe, Fran

Boyce, Laurie
Russell, David
Whalley, Michael

Clark, Charles
Tilton, Franklin

Flanders, Donald
Tobin, William

CARROLL

Brown, Carolyn
Denley, William
Patten, Betsey

Buco, Thomas
Knox, J. David
Stevens, Stanley

Chandler, Gene
Martin, James

Cunningham, Howard
Merrow, Harry

CHESHIRE

Burrige, Delmar
Johnson, Jane

Eaton, Daniel
Lerandeau, Alfred

Emerson, Susan
Pelkey, Stephen

Hunt, John
Roberts, Kris

COOS

Ingersoll, Paul Sr
Stohl, Eric

King, Frederick
Theberge, Robert

Mears, Edgar
Tholl, John Jr

Remick, William
Thomas, Yvonne

GRAFTON

Bulis, Lyle
Solomon, Peter

Estes, Carole
Sorg, Gregory

Friedrich, Carol

Ingbretson, Paul

HILLSBOROUGH

Barry, Richard	Batula, Peter	Bergeron, Jean-Guy	Campbell, David
Christensen, Chris	Christiansen, Lars	Cote, David	Coughlin, Pamela
Crane, Elenore Casey	Daniels, Gary	Day, Russell	Dokmo, Cynthia
Drisko, Richard	Elliott, Nancy	Emerton, Larry	Fletcher, Richard
Forest, Armand	Foster, Linda	Gargasz, Carolyn	Garritty, Patrick
Goley, Jeffrey	Graham, John	Haefner, Robert	Haley, Robert
Hansen, Ryan	Hawkins, Ken	Hogan, Edith	Holden, Randolph
Hunter, Bruce	Infantine, William	Irwin, Anne-Marie	Jasper, Shawn
Kelley, John	Knowles, Mary Ann	Kopka, Angeline	Kurk, Neal
L'Heureux, Robert	Lawrence, James	Long, Patrick	Manney, Pamela
Mooney, Maureen	Moran, Edward	O'Neil, James	Ober, Lynne
Ober, Russell III	Peterson, Andy	Price, Pamela	Reeves, Sandra
Renzullo, Andrew	Reuschel, Michael	Rosenwald, Cindy	Shaw, Kimberly
Simon, Anthony	Smith, David	Soucy, Connie	Spratt, Stephen
Sullivan, Daniel	Sullivan, Francis	Tahir, Saghir	Velez, Hector
Villeneuve, Maurice	Winters, Joel		

MERRIMACK

Anderson, Eric	Brown, Carole	DeStefano, Stephen	Hess, David
Humphries, Charlie	Kidder, David	Lockwood, Priscilla	McMahon, Patricia
Osborne, Jessie	Owen, Derek	Ryan, Jim	Shurtleff, Stephen
Webb, Leigh	Wheeler, Deborah		

ROCKINGHAM

Abbott, Dennis	Baldasaro, Alfred	Bedrick, Jason	Belanger, Ronald
Bettencourt, David	Buxton, Donald	Camm, Kevin	Carson, Sharon
Charron, Gene	Devine, James	Dumaine, Dudley	Elliott, Robert
Emiro, Frank	Flanders, John Sr	Forsing, Robert	Garcia, Marilinda
Garritty, James	Griffin, Mary	Grote, Otto	Guthrie, Joseph
Headd, James	Hopfgarten, Paul	Hutchinson, Karen	Ingram, Russell
Itse, Daniel	Johnson, Robert	Kappler, Lawrence	Lund, Howie
Major, Norman	Marsh, Michael	McKinney, Betsy	McMahon, Charles
Moody, Marcia	Moore, Bennett	Nowe, Ronald	Packard, Sherman
Pantelakos, Laura	Pearson, Mark	Priestley, Anne	Quandt, Matthew
Rausch, James	Reagan, John	Russell, Trinka	Sanders, Elisabeth
Stiles, Nancy	Waterhouse, Kevin	Weare, Everett	Welch, David
Wells, Roger	Weyler, Kenneth	Wickson, Rick	Winchell, George

STRAFFORD

Brown, George	Brown, Julie	Domingo, Baldwin	Hofemann, Roland
Hutz, Sarah	Knowles, William	Mickelonis, Shawn	Rollo, Deanna
Rollo, Michael	Sprague, Dale	Srnec, Robert	Warren, Nancy

SULLIVAN

Ferland, Brenda	Gagnon, Raymond	Rodeschin, Beverly
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NAYS 173

BELKNAP

Arsenault, Beth	Morrison, Gail	Pilliod, James	Reever, Judith
Wood, Jane			

CARROLL

Ahlgren, Christopher	Bridgham, Robert	Butler, Edward	Heard, Virginia
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CHESHIRE

Allen, Peter	Butcher, Suzanne	Butterworth, Timothy	Butynski, William
Chase, William	Dunn, J. Timothy	Espiefs, Peter	Mitchell, Bonnie
Parkhurst, Henry	Richardson, Barbara	Robertson, Timothy	Sad, Tara
Weber, Lucy	Weed, Charles		

COOS

Hatch, William	Merrick, Evalyn	Merrick, Scott
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GRAFTON

Aguiar, James	Almy, Susan	Andersen, Gene	Benn, Bernard
Bleyler, Ruth	Cooney, Mary	Gionet, Edmond	Hammond, Lee
Harding, A Laurie	Lovett, Sid	Matheson, Robert	McLeod, Martha
Mulholland, Catherine	Nordgren, Sharon	Pierce, David	Preston, Philip

HILLSBOROUGH

Beck, Catriona	Bergin, Peter	Brunelle, Michael	Chase, Claudia
Clemons, Jane	Daler, Jennifer	Edwards, Andrew	Essex, David
Fontas, Jeffrey	Francoeur, Bea	Ginsburg, Ruth	Gorman, Mary
Hackel, Paul	Hall, Betty	Hammond, Jill	Harvey, Suzanne
Hebert, Roger	Hinkle, Peyton	Jean, Claudette	Kaelin, Michael
Katsiantonis, George	Knowles, John	Lasky, Bette	Leishman, Peter
Levasseur, Nickolas	Levesque, Melanie	Mack, Ron	Martineau, Jesse
Matarazzo, Anthony Sr	McRae, Karen	Mesa, Lily	Messier, Irene
Movsesian, Lori	O'Brien, Michael Sr	Pilotte, Maurice	Rowe, Robert
Shulze, Joan	Shattuck, Gilman	Shaw, Barbara	Stepanek, Stephen
Ulery, Jordan	Vaillancourt, Steve		

MERRIMACK

Baxley, Maureen	Beauchesne, Suzanne	Blanchard, Elizabeth	Bouchard, Candace
Brueggemann, Donald	Clarke, Claire	Davis, Frank	DeJoie, John
Ehlers, Eileen	Foose, Robert	French, Barbara	Gile, Mary
Hager, Elizabeth	Hamm, Christine	Kelly, Sally	Kjellman, Eleanor Glynn
MacKay, James	Porter, Margaret	Potter, Frances	Reardon, Tara
Richardson, Gary	Tilton, Joy	Tupper, Frank	Wallner, Mary
Walz, Mary	Williams, Robert	Yeaton, Charles	

ROCKINGHAM

Allen, Mary	Borden, David	Brown, C. Pennington	Cali-Pitts, Jacqueline
Case, Frank	Casey, Kimberley	Dalrymple, David	Day, Judith
DiFruscia, Anthony	Fesh, Bob	Flockhart, Eileen	Gleason, John
Gould, Kenneth	Henson, John	Howard, Doreen	Katsakiores, George
Katsakiores, Phyllis	Kelley, Jane	Kennedy, James	Kepner, Susan
Lister, Charlotte	McCarthy, Linda	McEachern, Paul	McKenna, Daniel
Nord, Susi	Powers, James	Robertson, Carl	Serlin, Christopher

Snow, Richard

Splaine, James

STRAFFORD

Berube, Roger
Browne, Brendon
Fargo, Thomas
Kaen, Naida
Schmidt, Peter
Wall, Janet

Billian, Deborah
Burke, Rachel
Goodwin, Earle
Miller, Joseph
Smith, Marjorie
Watson, Robert

Brown, Jennifer
Cyr, James
Grassie, Anne
Perry, Robert
Spang, Judith

Brown, Larry
DeChane, Marlene
Hubbard, Pamela
Rous, Emma
Vachon, Dennis

SULLIVAN

Cloutier, John
Gottling, Suzanne
Phinzy, James

Converse, Larry
Houde, Matthew
Skinder, Carla

Donovan, Thomas
Jillette, Arthur Jr

Franklin, Peter
Nielsen, Ellen

and the majority committee report was adopted.

MOTION TO RECONSIDER

Having voted with the prevailing side, Rep. Wendelboe moved that the House reconsider its action whereby it found **HB 607**, relative to the death penalty, Inexpedient to Legislate.

Rep. Wendelboe spoke against.

On a division vote, 152 members having voted in the affirmative and 206 in the negative, the motion failed.

REGULAR CALENDAR (CONT'D)

HB 556, relative to school emergency response plans. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Barbara E. Shaw for the Majority of Education: The committee recognizes the importance for every public and nonpublic school in the state to have in place a site-specific emergency response plan. Many already have plans, but some do not. This bill provides the opportunity for assistance to the school districts for support in the development, implementation and review of an emergency response plan, as may be needed. Vote 12-6.
Rep. Sharon M. Carson for the Minority of Education: This bill requires that every school district across this state implement an Incident Command System and the National Incident Management System to address a variety of potential disasters that could affect any given school. A minority of the committee agrees school districts should have disaster preparedness plans, but to reference two specific programs with no financial assistance creates an unfunded mandate, a violation of Article 28a of the New Hampshire State Constitution.

Rep. Carson spoke against.

Rep. Barbara Shaw spoke in favor.

On a division vote, 213 members having voted in the affirmative and 142 in the negative, the majority committee report was adopted.

Ordered to third reading.

The House recessed at 12:55 p.m.

(Speaker Norelli in the Chair)

The House reconvened at 1:55 p.m.

REGULAR CALENDAR (CONT'D)

HB 927-FN, relative to the specific criteria and substantive educational program that define an adequate education. **MAJORITY: OUGHT TO PASS WITH AMENDMENT.**

MINORITY: OUGHT TO PASS WITH AMENDMENT.

Rep. J. Timothy Dunn for the Majority of Education: This bill represents the hard work and deliberative process of a bipartisan subcommittee of the House Education Committee. The committee's philosophical premise underlying this bill is that the crucial policy decision regarding how to define an adequate education needs to be accomplished first and separate from any attempt at determining the specific methodology of costing it. We must first identify the specific content areas that make up an adequate education. This approach also responds to the mandate of the Supreme Court in the Londonderry decision to determine the definition of a constitutionally adequate education by July 1, 2007. This bill defines an adequate education as meeting the New Hampshire school approval standards and curriculum frameworks in nine specific content areas. The committee further believes that kindergarten is an essential component of an adequate education based on the overwhelming research in the field. In fact, the most requested aspect of adequacy given in testimony to the Joint Legislative Task Force was that kindergarten be included in the definition. While including half-day kindergarten, local communities still have flexibility in meeting that requirement, and the Attorney General's office reported to the subcommittee that including kindergarten would not create a 28-A, unfunded mandate problem because the state must pay for adequacy. A bipartisan subcommittee of House Education was assigned the task to review all the bills addressing adequacy and to recommend the best approach to defining adequacy for the state. This bill as amended represents that effort. It is the belief of the majority of the committee that this bill defines with specificity what constitutes an adequate education as required by the Londonderry decision and is costable as required by the court. Furthermore, the bill expresses the clear intent of the committee that when the general court moves on to determining the cost of an adequate education, it should account for the services, educational supports, and instructional resources, including teachers, that are necessary to provide the opportunity for an adequate education. Vote 11-6.

Rep. Sharon M. Carson for the Minority of Education: The committee was charged with the task of defining adequacy; however, the majority has stated that adequacy shall be defined independent of cost. It is the position of the minority of the committee that the Legislature must define adequacy, but that we must also determine the cost, fund it in a constitutional manner and ensure its delivery. While some have put emphasis on the definition, it is poor public policy to not discuss these other issues. The committee amendment to this bill proposes a definition of adequacy including mandatory kindergarten as a component of adequacy, which the courts have never weighed in on, nor suggested should be a part of adequacy. The Attorney General's office explained to the committee that including kindergarten in the definition of adequacy mandates the program statewide, and requires that the state fully fund it. This is a cost driver in the definition, yet one that we are told must be overlooked since it is not appropriate to discuss cost at this time. This will be a large expense borne by the state since kindergarten is not currently required, and several large communities (Hudson, Derry and Salem for example), do not have the facilities, means or existing programs to deal with this new mandate. This overrides local control. Further, the minority of the committee believes that the support for kindergarten should be determined in separate legislation and not be a component of adequacy. The evaluation of fiscal implications has been routine and essential when it comes to the legislative process, and no bill should be passed on without some sort of estimate at the very least. Unless we are prepared to discuss opening a whole new revenue stream, we must be cognizant of the cost of any definition we adopt. A minority of the committee offered an amendment that does much of what was agreed to in the adequacy subcommittee, but it adds specific criteria to the definition of adequacy in terms of hours at the elementary level and credits at the high school level, similar to state standards. It addresses concerns of costing because it further establishes a legislative committee that is responsible for recommending costs of an adequate education and recommending the amount of aid to be distributed to communities, among other things. The proposed minority amendment more clearly reflects what the Legislature is responsible for in terms of defining and delivering an adequate education to the children of

New Hampshire. We ask that the House pass the amendment to be offered by a minority of the committee.

Majority Amendment (0900h)

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

1 Statement of Purpose.

I. The general court embraces its duty to define a constitutionally adequate public education for every child in the state. The Encouragement of Literature clause of the New Hampshire constitution declares that knowledge and learning spread through a community are “essential to the preservation of a free government,” and that “spreading the opportunities and advantages of education” is a means to preserving a free, democratic state. Beyond competencies in reading, writing, and arithmetic, a broad exposure to the social, economic, scientific, technological, and political realities of today’s society is essential for New Hampshire students to compete, contribute and flourish in the twenty-first century.

II. The general court finds that a constitutionally adequate education in New Hampshire consists of the substantive education programs half-day kindergarten through twelfth grade that deliver the essential opportunities to acquire skills, competencies, and knowledge in the subject areas of English/language arts and reading, mathematics, science, social studies, the arts, world languages, technology, information and communication technologies, health and physical education. The general court finds that an adequate education should provide every child in New Hampshire with the opportunity to receive these substantive education programs in accordance with the specific criteria and high standards for these education programs that are set forth in the applicable school approval standards. The general court further finds that each child needs a range of services, educational supports, and instructional resources, including credentialed teachers, in order to receive the opportunity for the substantive educational programs that constitute an adequate education.

III. In September 2006, the New Hampshire supreme court ruled in Londonderry School District SAU #12 & a. v. State of New Hampshire that the state had not met its duty to define a constitutionally adequate education for New Hampshire’s public school students by not identifying the specific criteria and the substantive education program that delivers the opportunity for an adequate education.

IV. In responding to its responsibility to determine the specific criteria and substantive education program that delivers the opportunity for an adequate education, the general court analyzed the current education delivery system established jointly through the legislative and executive branches. Specifically, the general court reviewed the standards for public school approval and the state’s curriculum frameworks. As part of its review, the general court determined which of the standards and curriculum frameworks provide the opportunity for an adequate education. In analyzing the school approval standards and curriculum frameworks, the general court recognized that they were developed with the widespread participation of educators, business people, government officials, community representatives, and parents. As a result of the quality of both the standards and the frameworks, the general court uses them as the basis for its determination of the specific criteria for an adequate education.

V. The general court reviewed and debated numerous bills attempting to determine the specific criteria of an adequate education. An integral part of this legislative process was the gathering of public input through forums throughout the state at which educators, government officials, and members of the public offered their opinions on draft legislation.

VI. The specific criteria for an adequate education, as enacted in this act, are formulated to permit common understanding, foster meaningful application, and allow for objective measurement and assessment.

VII. This act is not intended to stand in isolation from the other statutes and rules, including both state and federal, but instead is one part of a comprehensive system that

provides for the delivery of the opportunity for a constitutionally adequate education in New Hampshire.

2 New Section; Substantive Educational Content of an Adequate Education. Amend RSA 193-E by inserting after section 2 the following new section:

193-E:2-a Substantive Educational Content of an Adequate Education.

I. The specific criteria and substantive educational program that delivers the opportunity for an adequate education shall be defined and identified as follows:

(a) The general court establishes within the school approval standards the essential opportunities for educational programs in the following areas:

- (1) English/language arts and reading.
- (2) Mathematics.
- (3) Science.
- (4) Social studies.
- (5) Arts education.
- (6) World languages.
- (7) Health education.
- (8) Physical education.
- (9) Technology education, and information and communication technologies.

(b) The standards shall cover half-day kindergarten through twelfth grade and shall clearly set forth the opportunities to acquire skills, competencies, and knowledge expected to be possessed by students at the various grade levels, including the credit requirement necessary to earn a high school diploma.

(c) Public schools and public academies shall adhere to the standards identified in subparagraph (a).

(d)(1) The general court shall maintain procedures for updating, improving, or refining the standards identified in subparagraph (a), and shall ensure that the high quality of the standards is maintained.

(2) There is hereby established the joint legislative oversight committee on education adequacy which shall consist of 5 members of the house of representatives, appointed by the speaker of the house of representatives, and 5 senators, appointed by the president of the senate. The committee shall review all proposed changes to the school approval standards and the curriculum frameworks which could impact the definition of an adequate education as set forth in this chapter. The committee shall notify the chairpersons of house and senate education committees of any proposed changes to the school approval standards or the curriculum frameworks, and shall provide recommendations regarding these changes to the joint legislative committee on administrative rules. The members of the committee shall receive mileage at the legislative rate while attending to the duties of the committee.

(e) This section shall not prohibit or limit the adoption of additional school approval standards other than those standards identified in subparagraph (a).

(f) The general court requires the state board of education and the department of education to institute procedures for maintaining, updating, improving, and refining curriculum frameworks for each area of education identified in subparagraph (a). The curriculum frameworks shall present educational goals, broad pedagogical approaches and strategies for assisting students in the development of the skills, competencies and knowledge called for by the academic standards for each area of education identified in subparagraph (a). The curriculum frameworks shall serve as a guide and reference to what New Hampshire students should know and be able to do in each area of education. The frameworks do not establish a statewide curriculum. It is the responsibility of local teachers, administrators, and school boards to identify and implement approaches best suited for the students in their communities to acquire the skills and knowledge included in the frameworks, to determine the scope, organization, and sequence of course offerings, and to choose the methods of instruction, the activities, and materials to be used.

(g) In this section, “school approval standards” shall mean the applicable criteria that public schools and public academies shall meet in order to be an approved school, as adopted by the state board of education through administrative rules.

II. The general court shall use this definition of an adequate education to determine the cost of providing essential programs, considering educational needs and community resources. Because students’ educational needs and the resources required to provide the opportunity to meet those needs vary from student to student and school to school, the resources needed to provide an adequate education will also vary from school to school, requiring more resources in districts with greater challenges.

3 Reference Changes. Amend the following RSA provisions by replacing “equitable” with “adequate”: RSA 21-N:1, II(c); RSA 193:1, I(c); RSA 193-E:1, II; the section heading and introductory paragraph of RSA 193-E:2; the section heading of RSA 193-E:3; RSA 194-B:3, II(i); RSA 195:14, I(c); RSA 195:14, I(d)(2)-(3); RSA 195:14-a, I; RSA 198:41, II(b); RSA 198:41, III; the section heading of RSA 198:42; RSA 198:42, I-II; RSA 198:43; RSA 198:48; and RSA 198:48-a, VII-VIII.

4 Effective Date. This act shall take effect upon its passage.
Reps. Carson, Ingbretson, Price and Hess spoke against.
Reps. Dunn, Casey, Reeve, Stiles and Wallner spoke in favor.
Rep. Rous requested a roll call; sufficiently seconded.

YEAS 223 NAYS 134

YEAS 223

BELKNAP

Arsenault, Beth
Wood, Jane

Millham, Alida

Morrison, Gail

Reeve, Judith

CARROLL

Bridgham, Robert
Heard, Virginia

Buco, Thomas
Knox, J. David

Butler, Edward

Cunningham, Howard

CHESHIRE

Allen, Peter
Butynski, William
Espieffs, Peter
Richardson, Barbara
Weber, Lucy

Burridge, Delmar
Chase, William
Lerandeau, Alfred
Roberts, Kris
Weed, Charles

Butcher, Suzanne
Dunn, J. Timothy
Mitchell, Bonnie
Robertson, Timothy

Butterworth, Timothy
Eaton, Daniel
Parkhurst, Henry
Sad, Tara

COOS

Hatch, William
Merrick, Scott

Ingersoll, Paul Sr
Theberge, Robert

Mears, Edgar
Thomas, Yvonne

Merrick, Evalyn

GRAFTON

Aguiar, James
Bleyler, Ruth
Hammond, Lee
Mulholland, Catherine
Solomon, Peter

Almy, Susan
Cooney, Mary
Harding, A Laurie
Nordgren, Sharon

Andersen, Gene
Estes, Carole
Lovett, Sid
Pierce, David

Benn, Bernard
Friedrich, Carol
Matheson, Robert
Preston, Philip

HILLSBOROUGH

Beck, Catriona
Chase, Claudia
Dokmo, Cynthia
Forest, Armand
Ginsburg, Ruth
Haley, Robert
Hebert, Roger
Katsiantonis, George
Kopka, Angeline
Levesque, Melanie
Matarazzo, Anthony
Sr
O'Neil, James
Schulze, Joan
Simon, Anthony
Sullivan, Francis

Bergin, Peter
Clemons, Jane
Edwards, Andrew
Foster, Linda
Goley, Jeffrey
Hall, Betty
Irwin, Anne-Marie
Kelley, John
Lasky, Bette
Long, Patrick
Mesa, Lily

Pilotte, Maurice
Shattuck, Gilman
Smith, David
Velez, Hector

Brunelle, Michael
Cote, David
Essex, David
Gargas, Carolyn
Gorman, Mary
Hammond, Jill
Jean, Claudette
Knowles, John
Leishman, Peter
Mack, Ron
Movsesian, Lori

Reuschel, Michael
Shaw, Barbara
Spratt, Stephen

Campbell, David
Daler, Jennifer
Fontas, Jeffrey
Garritty, Patrick
Hackel, Paul
Harvey, Suzanne
Kaelin, Michael
Knowles, Mary Ann
Levasseur, Nickolas
Martineau, Jesse
O'Brien, Michael Sr

Rosenwald, Cindy
Shaw, Kimberly
Sullivan, Daniel

MERRIMACK

Baxley, Maureen
Brown, Carole
DeJoie, John
French, Barbara
Kelly, Sally

McMahon, Patricia
Potter, Frances
Shurtleff, Stephen
Walz, Mary
Yeaton, Charles

Beauchesne, Suzanne
Brueggemann, Donald
DeStefano, Stephen
Gile, Mary
Kidder, David

Osborne, Jessie
Reardon, Tara
Tilton, Joy
Webb, Leigh

Blanchard, Elizabeth
Clarke, Claire
Ehlers, Eileen
Hager, Elizabeth
Kjellman, Eleanor
Glynn
Owen, Derek
Richardson, Gary
Tupper, Frank
Wheeler, Deborah

Bouchard, Candace
Davis, Frank
Foosse, Robert
Hamm, Christine
Lockwood, Priscilla

Porter, Margaret
Ryan, Jim
Wallner, Mary
Williams, Robert

ROCKINGHAM

Abbott, Dennis
Casey, Kimberley
Gould, Kenneth
Kelley, Jane
McCarthy, Linda
Moore, Bennett
Robertson, Carl
Splaine, James

Borden, David
Day, Judith
Grote, Otto
Kennedy, James
McEachern, Paul
Nord, Susi
Russell, Trinkia
Stiles, Nancy

Brown, C. Pennington
DiFruscia, Anthony
Henson, John
Kepner, Susan
McKenna, Daniel
Pantelakos, Laura
Serlin, Christopher
Wells, Roger

Cali-Pitts, Jacqueline
Flockhart, Eileen
Howard, Doreen
Marsh, Michael
Moody, Marcia
Powers, James
Snow, Richard

STRAFFORD

Berube, Roger
Brown, Julie
Cyr, James
Goodwin, Earle
Hutz, Sarah
Miller, Joseph
Rous, Emma
Sprague, Dale

Billian, Deborah
Brown, Larry
DeChane, Marlene
Grassie, Anne
Kaen, Naida
Perry, Robert
Schmidt, Peter
Srnc, Robert

Brown, George
Browne, Brendon
Domingo, Baldwin
Hofemann, Roland
Knowles, William
Rollo, Deanna
Smith, Marjorie
Wall, Janet

Brown, Jennifer
Burke, Rachel
Fargo, Thomas
Hubbard, Pamela
Mickelonis, Shawn
Rollo, Michael
Spang, Judith
Watson, Robert

SULLIVAN

Cloutier, John
Franklin, Peter
Jillette, Arthur Jr

Converse, Larry
Gagnon, Raymond
Nielsen, Ellen

Donovan, Thomas
Gottling, Suzanne
Phinizy, James

Ferland, Brenda
Houde, Matthew
Skinder, Carla

NAYS 134

BELKNAP

Allen, Janet	Boyce, Laurie	Clark, Charles	Flanders, Donald
Nedeau, Stephen	Pilliod, James	Russell, David	Thomas, John
Tilton, Franklin	Tobin, William	Wendelboe, Fran	Whalley, Michael

CARROLL

Ahlgren, Christopher	Brown, Carolyn	Chandler, Gene	Denley, William
Martin, James	Merrow, Harry	Patten, Betsey	Stevens, Stanley

CHESHIRE

Emerson, Susan	Hunt, John	Johnson, Jane	Pelkey, Stephen
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COOS

King, Frederick	Remick, William	Stohl, Eric	Tholl, John Jr
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GRAFTON

Bulis, Lyle	Gionet, Edmond	Ingbretson, Paul	Sorg, Gregory
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HILLSBOROUGH

Barry, Richard	Batula, Peter	Bergeron, Jean-Guy	Christensen, Chris
Christiansen, Lars	Coughlin, Pamela	Crane, Elenore Casey	Daniels, Gary
Day, Russell	Drisko, Richard	Elliott, Nancy	Emerton, Larry
Fletcher, Richard	Francoeur, Bea	Graham, John	Haefner, Robert
Hansen, Ryan	Hawkins, Ken	Hinkle, Peyton	Hogan, Edith
Holden, Randolph	Hunter, Bruce	Infantine, William	Jasper, Shawn
Kurk, Neal	L'Heureux, Robert	Lawrence, James	Manney, Pamela
McRae, Karen	Messier, Irene	Mooney, Maureen	Moran, Edward
Ober, Lynne	Ober, Russell III	Peterson, Andy	Price, Pamela
Reeves, Sandra	Renzullo, Andrew	Rowe, Robert	Soucy, Connie
Stepanek, Stephen	Tahir, Saghir	Ulery, Jordan	Vaillancourt, Steve
Villeneuve, Maurice	Winters, Joel		

MERRIMACK

Anderson, Eric	Hess, David	Humphries, Charlie	MacKay, James
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ROCKINGHAM

Allen, Mary	Baldasaro, Alfred	Bedrick, Jason	Belanger, Ronald
Bettencourt, David	Buxton, Donald	Camm, Kevin	Carson, Sharon
Case, Frank	Charron, Gene	Dalrymple, David	Devine, James
Dumaine, Dudley	Elliott, Robert	Emiro, Frank	Fesh, Bob
Flanders, John Sr	Forsing, Robert	Garcia, Marilinda	Garritty, James
Gleason, John	Griffin, Mary	Guthrie, Joseph	Headd, James
Hopfgarten, Paul	Hutchinson, Karen	Ingram, Russell	Itse, Daniel
Johnson, Robert	Kappler, Lawrence	Katsakiores, George	Katsakiores, Phyllis
Lister, Charlotte	Lund, Howie	Major, Norman	McKinney, Betsy
McMahon, Charles	Nowe, Ronald	Packard, Sherman	Pearson, Mark
Priestley, Anne	Quandt, Matthew	Rausch, James	Reagan, John
Sanders, Elisabeth	Waterhouse, Kevin	Weare, Everett	Welch, David

Weyler, Kenneth

Wickson, Rick

Winchell, George

STRAFFORD

None

SULLIVAN

Rodeschin, Beverly

and the majority committee amendment was adopted.

The question now being adoption of the majority committee report of Ought to Pass with Amendment.

Rep. Wendelboe requested a roll call; sufficiently seconded.

YEAS 226 NAYS 132

YEAS 226

BELKNAP

Arsenault, Beth
Wood, Jane

Morrison, Gail

Pilliod, James

Reever, Judith

CARROLL

Bridgham, Robert
Heard, Virginia

Buco, Thomas
Knox, J. David

Butler, Edward

Cunningham, Howard

CHESHIRE

Allen, Peter
Butynski, William
Espieffs, Peter
Richardson, Barbara
Weber, Lucy

Burridge, Delmar
Chase, William
Lerandeau, Alfred
Roberts, Kris
Weed, Charles

Butcher, Suzanne
Dunn, J. Timothy
Mitchell, Bonnie
Robertson, Timothy

Butterworth, Timothy
Eaton, Daniel
Parkhurst, Henry
Sad, Tara

COOS

Hatch, William
Merrick, Scott

Ingersoll, Paul Sr
Theberge, Robert

Mears, Edgar
Thomas, Yvonne

Merrick, Evalyn

GRAFTON

Aguiar, James
Bleyler, Ruth
Hammond, Lee
McLeod, Martha
Preston, Philip

Almy, Susan
Cooney, Mary
Harding, A Laurie
Mulholland, Catherine
Solomon, Peter

Andersen, Gene
Estes, Carole
Lovett, Sid
Nordgren, Sharon

Benn, Bernard
Friedrich, Carol
Matheson, Robert
Pierce, David

HILLSBOROUGH

Beck, Catriona
Chase, Claudia
Dokmo, Cynthia
Forest, Armand
Ginsburg, Ruth
Haley, Robert
Hebert, Roger

Bergin, Peter
Clemons, Jane
Edwards, Andrew
Foster, Linda
Goley, Jeffrey
Hall, Betty
Irwin, Anne-Marie

Brunelle, Michael
Cote, David
Essex, David
Gargas, Carolyn
Gorman, Mary
Hammond, Jill
Jean, Claudette

Campbell, David
Daler, Jennifer
Fontas, Jeffrey
Garritty, Patrick
Hackel, Paul
Harvey, Suzanne
Kaelin, Michael

Katsiantonis, George
Kopka, Angeline
Levesque, Melanie
Matarazzo, Anthony
Sr
O'Neil, James
Schulze, Joan
Simon, Anthony
Sullivan, Francis

Kelley, John
Lasky, Bette
Long, Patrick
Mesa, Lily

Pilotte, Maurice
Shattuck, Gilman
Smith, David
Velez, Hector

Knowles, John
Leishman, Peter
Mack, Ron
Movsesian, Lori

Reuschel, Michael
Shaw, Barbara
Spratt, Stephen

Knowles, Mary Ann
Levasseur, Nickolas
Martineau, Jesse
O'Brien, Michael Sr

Rosenwald, Cindy
Shaw, Kimberly
Sullivan, Daniel

MERRIMACK

Baxley, Maureen
Brown, Carole
DeJoie, John
French, Barbara
Kelly, Sally

Beauchesne, Suzanne
Brueggemann, Donald
DeStefano, Stephen
Gile, Mary
Kidder, David

Blanchard, Elizabeth
Clarke, Claire
Ehlers, Eileen
Hager, Elizabeth
Kjellman, Eleanor
Glynn
Owen, Derek
Richardson, Gary
Tupper, Frank
Wheeler, Deborah

Bouchard, Candace
Davis, Frank
Foose, Robert
Hamm, Christine
Lockwood, Priscilla

Porter, Margaret
Ryan, Jim
Wallner, Mary
Williams, Robert

McMahon, Patricia
Potter, Frances
Shurtleff, Stephen
Walz, Mary
Yeaton, Charles

Osborne, Jessie
Reardon, Tara
Tilton, Joy
Webb, Leigh

ROCKINGHAM

Abbott, Dennis
Casey, Kimberley
Forsing, Robert
Howard, Doreen
Lister, Charlotte
McKenna, Daniel
Pantelakos, Laura
Serlin, Christopher
Wells, Roger

Borden, David
Day, Judith
Gould, Kenneth
Kelley, Jane
Marsh, Michael
Moody, Marcia
Powers, James
Snow, Richard

Brown, C. Pennington
DiFruscia, Anthony
Grote, Otto
Kennedy, James
McCarthy, Linda
Moore, Bennett
Robertson, Carl
Splaine, James

Cali-Pitts, Jacqueline
Flockhart, Eileen
Henson, John
Kepner, Susan
McEachern, Paul
Nord, Susi
Russell, Trinkia
Stiles, Nancy

STRAFFORD

Berube, Roger
Brown, Julie
Cyr, James
Goodwin, Earle
Hutz, Sarah
Miller, Joseph
Rous, Emma
Sprague, Dale

Billian, Deborah
Brown, Larry
DeChane, Marlene
Grassie, Anne
Kaen, Naida
Perry, Robert
Schmidt, Peter
Srnc, Robert

Brown, George
Browne, Brendon
Domingo, Baldwin
Hofemann, Roland
Knowles, William
Rollo, Deanna
Smith, Marjorie
Wall, Janet

Brown, Jennifer
Burke, Rachel
Fargo, Thomas
Hubbard, Pamela
Mickelonis, Shawn
Rollo, Michael
Spang, Judith
Watson, Robert

SULLIVAN

Cloutier, John
Franklin, Peter
Jillette, Arthur Jr

Converse, Larry
Gagnon, Raymond
Nielsen, Ellen

Donovan, Thomas
Gottling, Suzanne
Phinizy, James

Ferland, Brenda
Houde, Matthew
Skinder, Carla

NAYS 132

BELKNAP

Allen, Janet
Millham, Alida
Tilton, Franklin

Boyce, Laurie
Nedeau, Stephen
Tobin, William

Clark, Charles
Russell, David
Wendelboe, Fran

Flanders, Donald
Thomas, John
Whalley, Michael

CARROLL

Ahlgren, Christopher
Martin, James

Brown, Carolyn
Merrow, Harry

Chandler, Gene
Patten, Betsey

Denley, William
Stevens, Stanley

CHESHIRE

Emerson, Susan

Hunt, John

Johnson, Jane

Pelkey, Stephen

COOS

King, Frederick

Remick, William

Stohl, Eric

Tholl, John Jr

GRAFTON

Bulis, Lyle

Gionet, Edmond

Ingbretson, Paul

Sorg, Gregory

HILLSBOROUGH

Barry, Richard
Christiansen, Lars
Day, Russell
Fletcher, Richard
Hansen, Ryan
Holden, Randolph
Kurk, Neal
McRae, Karen
Ober, Lynne
Reeves, Sandra
Stepanek, Stephen
Villeneuve, Maurice

Batula, Peter
Coughlin, Pamela
Drisko, Richard
Francoeur, Bea
Hawkins, Ken
Hunter, Bruce
L'Heureux, Robert
Messier, Irene
Ober, Russell III
Renzullo, Andrew
Tahir, Saghir
Winters, Joel

Bergeron, Jean-Guy
Crane, Elenore Casey
Elliott, Nancy
Graham, John
Hinkle, Peyton
Infantine, William
Lawrence, James
Mooney, Maureen
Peterson, Andy
Rowe, Robert
Ulery, Jordan

Christensen, Chris
Daniels, Gary
Emerton, Larry
Haefner, Robert
Hogan, Edith
Jasper, Shawn
Manney, Pamela
Moran, Edward
Price, Pamela
Soucy, Connie
Vaillancourt, Steve

MERRIMACK

Anderson, Eric

Hess, David

Humphries, Charlie

Mackay, James

ROCKINGHAM

Allen, Mary
Bettencourt, David
Case, Frank
Dumaine, Dudley
Flanders, John Sr
Griffin, Mary
Hutchinson, Karen
Kappler, Lawrence
Major, Norman
Packard, Sherman
Rausch, James
Weare, Everett
Winchell, George

Baldasaro, Alfred
Buxton, Donald
Charron, Gene
Elliott, Robert
Garcia, Marilinda
Guthrie, Joseph
Ingram, Russell
Katsakiores, George
McKinney, Betsy
Pearson, Mark
Reagan, John
Welch, David

Bedrick, Jason
Camm, Kevin
Dalrymple, David
Emiro, Frank
Garrity, James
Headd, James
Itse, Daniel
Katsakiores, Phyllis
McMahon, Charles
Priestley, Anne
Sanders, Elisabeth
Weyler, Kenneth

Belanger, Ronald
Carson, Sharon
Devine, James
Fesh, Bob
Gleason, John
Hopfgarten, Paul
Johnson, Robert
Lund, Howie
Nowe, Ronald
Quandt, Matthew
Waterhouse, Kevin
Wickson, Rick

STRAFFORD

None

SULLIVAN

Rodeschin, Beverly

and the majority committee report was adopted.

Ordered to third reading.

MOTION TO SUSPEND THE RULES

Rep. Hess moved that the Rules be so far suspended to allow referral of **HB 927-FN**, relative to the specific criteria and substantive educational program that define an adequate education, to the committee on Finance.

Rep. Marjorie Smith spoke against and yielded to questions.

Rep. Whalley spoke in favor.

The Speaker ruled that the motion to suspend the rules was not in order and HB 927 did not require referral to the committee on Finance.

MOTION TO PRINT DEBATE

Rep. Daniel Eaton moved that the debate on **HB 927-FN**, relative to the specific criteria and substantive educational program that define an adequate education, be printed in the Permanent Journal.

On a division vote, 332 members having voted in the affirmative and 26 in the negative, the motion to print debate was adopted.

CLERK'S NOTE

The debate on **HB 927-FN**, relative to the specific criteria and substantive educational program that define an adequate education, will be printed in its entirety in the Permanent Journal of the 2007 House Session.

REGULAR CALENDAR (CONT'D)

CACR 7, relating to county officers. Providing that certain county officers shall be appointed rather than elected. **INEXPEDIENT TO LEGISLATE.**

Rep. Shawn N. Jasper for Election Law: This CACR would require that county treasurers, registers of probate, county attorneys, sheriffs and registers of deeds be appointed by counties. As written, it fails to specify who would make the appointments. It also fails to specify a term of office making it unclear as to whether the two year term remains or if it becomes a life-time appointment. Currently, the register of probate reports to the judicial branch. Under this proposal, it would appear that would change as well. The current system is working well and aside from a problem with one such elected official, there was insufficient testimony to convince the committee that the process should be changed. If the Constitution was amended in this manner, further legislation would be needed to make it work. Vote 14-2.

Committee report adopted.

HB 32, requiring photo identification to obtain a ballot. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Shawn N. Jasper for Election Law: The bill, as introduced, would have required photo identification for voting purposes. The sub-committee which was dealing with the bill was interested in creating voter identification cards. At the suggestion of the secretary of state's office, an amendment was adopted which replaced the original bill and forms a study commission to deal with the creation of voter registration cards. The commission would have six members of the House, four members of the Senate, a city clerk, a town clerk and the secretary of state. It would report back by November 1, in time for legislation to be introduced for 2008. Vote 14-2.

Amendment (0572h)

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

AN ACT establishing a commission to study voter registration cards.

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

1 Commission Established. There is established a commission to study voter registration cards.

2 Membership and Compensation.

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

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

(b) Two members of the election law committee of the house of representatives, appointed by the minority party leader.

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

(d) Two members of the senate, appointed by the minority leader.

(e) One city clerk, appointed by the New Hampshire City and Town Clerks Association.

(f) One town clerk, appointed by the New Hampshire City and Town Clerks Association.

(g) The secretary of state, or designee.

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 review options available for the production and distribution of voter registration cards. The commission shall consider the information to be placed on the cards and ways to encourage the voluntary use of the cards by voters on election day.

4 Chairperson; Quorum. The members of the study commission shall elect a chairperson from among the members. The first meeting of the commission shall be called by the secretary of state. The first meeting of the commission shall be held within 45 days of the effective date of this section. Six members of the commission shall constitute a quorum.

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 senate clerk, the house clerk, the governor, and the state library on or before November 1, 2007.

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

AMENDED ANALYSIS

This bill establishes a commission to study voter registration cards.
Amendment adopted.

The question now being adoption of the committee report of Ought to Pass with Amendment.
Rep. Vaillancourt spoke in favor.

Committee report adopted.

Ordered to third reading.

HB 109, eliminating straight ticket voting. **INEXPEDIENT TO LEGISLATE.**

Rep. Shawn N. Jasper for Election Law: The committee has already held a hearing on SB 36, which is word for word the same as HB 109. We believe that it is not necessary to hold two debates on the same bill, nor do we believe that passing HB 109 and thus requiring the Senate to hold another hearing and vote on the same bill is in the public interest. The vote on this bill is not indicative of the committee's position on the issue of eliminating straight ticket voting. Vote 13-2.

LAI D ON TABLE

Rep. Claudia Chase moved that **HB 109**, eliminating straight ticket voting, be laid on the

table.

On a division vote, 207 members having voted in the affirmative and 107 in the negative, the motion was adopted.

REGULAR CALENDAR (CONT'D)

HB 128, establishing a committee to study ballot reform. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Paul Hopfgarten for the Majority of Election Law: Although the committee recognizes this bill was just calling for a study and appreciates the concern regarding ballot reform, the majority was concerned about some aspects of this bill including the complexity of "instant runoff voting." Additionally, it was felt that there are other vehicles for studying ballot reform available in that the committee has retained a number of other bills dealing with ballot reform issues. Vote 9-5.

Rep. Charles F. Weed for the Minority of Election Law: The intent of the sponsor was to increase voter interest and turnout as well as to increase the number of candidates who might be out of the mainstream of the major parties. Instant runoff voting would require ranking candidates according to preference. The winner of the election would be required to receive a majority and one of the votes; therefore it would require an amendment to the New Hampshire Constitution. The minority believes that there is substantial available information from places where instant runoff voting has been used which should be considered by the New Hampshire Legislature.

Majority committee report adopted.

HB 141, giving voters the option of bypassing voting machines. **INEXPEDIENT TO LEGISLATE.**

Rep. Charles F. Weed for Election Law: The committee appreciates the sponsor's objective of increasing voter confidence in elections. However, we believe that voter confidence issues should be addressed and satisfied prior to the election with tightened chain of custody procedures, transparent and public tests of voting machines, and clear purposes for storing and examining voting machine software. The committee has retained all of these issues for further study. The lack of a guarantee that ballots bypassing the vote counting machines would be counted seemed a major flaw in the bill. Vote 13-3.

Committee report adopted.

HB 191, relative to the authority of the secretary of state concerning sealed ballots in a state election. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Charles F. Weed for Election Law: The committee believes that this bill provides an easy cure to an infrequent, yet serious problem. From time to time, the "official election return" is sealed along with the ballots after a long election day. This bill provides a mechanism by which the "official election return" can be returned at the polls by unsealing the ballots in the presence of a state election official. Vote 15-1.

Amendment (0716h)

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

AN ACT relative to the authority to unseal ballots following a state election.

Amend the bill by replacing section 1 with the following:

1 Forwarding of Election Returns; Sealed Ballots. Amend RSA 659:75 to read as follows:

659:75 Forwarding; Retaining Copies of Return. One copy of the election return shall be forwarded by the town or ward clerk to the secretary of state no later than the Monday following a state election unless the secretary of state orders them sooner. The other shall be kept by the town or city clerk and shall be open to public inspection at reasonable times. ***If an official state election return is sealed along with the ballots, the clerk having custody of the sealed ballots shall, at the request of the secretary of state, and in the***

presence of a state election official, unseal the ballots and retrieve the election return. The ballots shall be immediately resealed and the election return shall be delivered to the secretary of state by the election official.

AMENDED ANALYSIS

This bill authorizes the clerk having custody of sealed state election ballots to unseal them if an election return is sealed with them.

Amendment adopted.

Committee report adopted.

Ordered to third reading.

HB 192-FN, requiring vote counting by election officials at polling places using vote counting machines. **INEXPEDIENT TO LEGISLATE.**

Rep. Charles F. Weed for Election Law: The committee plans to study the need for recounting ballots in order to assure the integrity of electronic voting machines. However, this bill would place an increased burden on election officials after a long day at the polls. In terms of tiredness, there would be reasonable doubt about the accuracy of the hand count. In terms of increased costs for paying election officials for extra hours, it would probably trigger an Article 28-a challenge. Vote 13-2.

Committee report adopted.

HB 196, relative to changes of party registration on primary day. **INEXPEDIENT TO LEGISLATE.**

Rep. Charles F. Weed for Election Law: The majority of the committee believes that since either or both parties have the option to close their primaries to non-party members should they choose, and that the number of New Hampshire voters who are undeclared is greater than those registered in either major party, therefore, the public interest is served by continuing to permit voters to return to undeclared status after casting their ballot while still at the polls during New Hampshire primary elections. Vote 11-5.

Committee report adopted.

HB 276, relative to political advertising placed on state-owned rights-of-way. **INEXPEDIENT TO LEGISLATE.**

Rep. Paul Hopfgarten for Election Law: The committee understands the issue regarding sign pollution on our state rights-of-way. However, it was felt that this would be unfair to private land owners on state rights-of-way including some whose stone walls are in the right-of-way and prevent the viewing of the sign on the highway. This is also a private property issue.

Vote 14-2.

Committee report adopted.

HB 413, relative to the order of names on ballots. **INEXPEDIENT TO LEGISLATE.**

Rep. Shawn N. Jasper for Election Law: The committee has retained HB 358 which deals with the same subject matter as this bill. We are in agreement that the committee should thoroughly study the issue of the placement of names on the ballot; however, it is not necessary to retain two bills for that purpose which was in fact the only disagreement we had in reaching our decision. Vote 15-1.

Committee report adopted.

HB 429, relative to nominations by multiple parties. **OUGHT TO PASS.**

Rep. James R. Splaine for Election Law: This bill eliminates the provision that currently permits candidates to be nominated by multiple parties. The committee believes that there is value in providing voters the option of writing in candidates on their party ballot, and they will continue to be able to do so. This legislation will guarantee that voters know who is running on either party ballot with as much advance time ahead of a general election as

possible and allows write-in of challenging candidates while preventing candidates already on the ballot of one party from getting a duplicate nomination on another party. Vote 14-1. Committee report adopted. Ordered to third reading.

HB 465-FN*, relative to marking ballots cast at elections. **INEXPEDIENT TO LEGISLATE.*

Rep. David M. Pierce for Election Law: This bill seeks to require that ballots be marked with a stamp provided by the secretary of state before being issued to voters for the purpose of preventing stuffing the ballot box with counterfeit (un-stamped) ballots. The secretary of state testified that there have been no verified instances of ballot stuffing or even any complaints of ballot stuffing. Also, the committee reasonably projects that if a ballot was inadvertently not stamped, that voter's vote would be lost and the voter unnecessarily disenfranchised. There being no need for the bill, the committee voted accordingly. Vote 15-1. Committee report adopted.

HB 480*, relative to party columns listing names on ballots. **OUGHT TO PASS WITH AMENDMENT.*

Rep. Janet F. Allen for Election Law: With a new column style ballot, there was confusion by voters, evidenced during recounts when candidates from different parties were listed on the same line. They were often thought of as opposite each other. By staggering the names such that candidates from different parties do not fall on the same line, HB 480 seeks to rectify this problem. It also allows the secretary of state to determine the location of any additional columns that may appear on the ballot. Vote 14-1.

Amendment (0640h)

Amend the bill by replacing section 1 with the following:

1 Party Columns. Amend RSA 656:5 to read as follows:

656:5 Party Columns. The names of all candidates nominated in accordance with the election laws shall be arranged upon the state general election ballot in successive party columns. Each separate column shall contain the names of the candidates of one party; except that, if only a part of a full list of candidates is nominated by a political party, 2 or more such lists may be arranged whenever practicable in the same column. ~~[The first column shall contain the names of the candidates of the party which received the largest number of votes at the last preceding state general election.]~~ ***The party columns that list the names of candidates for offices that elect more than one person shall stagger the names of the candidates so that they do not line up evenly in a horizontal direction. The left-most column shall begin one line below the column to its right. The secretary of state shall determine the location of any additional columns that may appear on the ballot.***

AMENDED ANALYSIS

This bill requires the staggering of names of certain candidates within the party columns on general election ballots. This bill also eliminates the requirement that the first column contain the candidates of the party receiving the largest number of votes at the last election. Amendment adopted. Committee report adopted. Ordered to third reading.

HB 687*, requiring the redistricting of the house of representatives for the 2008 elections. **INEXPEDIENT TO LEGISLATE.*

Rep. Charles F. Weed for Election Law: The committee believes that since the demographic data that would be used for redistricting prior to the 2008 state primary would be eight years

old, changing district boundaries only two years in advance of the 2010 decennial census would be both premature and inaccurate. The committee was advised that the constitutional change adopted by the voters in 2006 did not require action in this session. Vote 12-3. Rep. Renzullo requested a roll call; sufficiently seconded.

YEAS 283 NAYS 72

YEAS 283

BELKNAP

Allen, Janet	Arsenault, Beth	Boyce, Laurie	Clark, Charles
Flanders, Donald	Millham, Alida	Morrison, Gail	Nedeau, Stephen
Pilliod, James	Reever, Judith	Russell, David	Thomas, John
Tobin, William	Whalley, Michael	Wood, Jane	

CARROLL

Ahlgren, Christopher	Bridgham, Robert	Buco, Thomas	Butler, Edward
Chandler, Gene	Cunningham, Howard	Denley, William	Heard, Virginia
Knox, J. David	Martin, James	Merrow, Harry	

CHESHIRE

Burrige, Delmar	Butcher, Suzanne	Butterworth, Timothy	Butynski, William
Chase, William	Dunn, J. Timothy	Emerson, Susan	Espieffs, Peter
Johnson, Jane	Lerandean, Alfred	Mitchell, Bonnie	Parkhurst, Henry
Pelkey, Stephen	Richardson, Barbara	Roberts, Kris	Robertson, Timothy
Sad, Tara	Weber, Lucy		

COOS

Hatch, William	Ingersoll, Paul Sr	King, Frederick	Mears, Edgar
Merrick, Evalyn	Merrick, Scott	Remick, William	Stohl, Eric
Theberge, Robert	Tholl, John Jr	Thomas, Yvonne	

GRAFTON

Aguiar, James	Almy, Susan	Andersen, Gene	Benn, Bernard
Bleyler, Ruth	Cooney, Mary	Estes, Carole	Friedrich, Carol
Gionet, Edmond	Hammond, Lee	Harding, A Laurie	Lovett, Sid
Matheson, Robert	McLeod, Martha	Mulholland, Catherine	Nordgren, Sharon
Pierce, David	Preston, Philip	Solomon, Peter	

HILLSBOROUGH

Barry, Richard	Batula, Peter	Beck, Catriona	Bergin, Peter
Brunelle, Michael	Campbell, David	Christensen, Chris	Clemons, Jane
Cote, David	Daler, Jennifer	Dokmo, Cynthia	Drisko, Richard
Edwards, Andrew	Elliott, Nancy	Emerton, Larry	Essex, David
Fontas, Jeffrey	Forest, Armand	Foster, Linda	Francoeur, Bea
Gargas, Carolyn	Garrity, Patrick	Ginsburg, Ruth	Goley, Jeffrey
Gorman, Mary	Graham, John	Hackel, Paul	Hammond, Jill
Harvey, Suzanne	Hebert, Roger	Holden, Randolph	Infantine, William
Irwin, Anne-Marie	Jasper, Shawn	Jean, Claudette	Kaelin, Michael
Katsiantonis, George	Kelley, John	Knowles, John	Knowles, Mary Ann
Kopka, Angeline	Lasky, Bette	Leishman, Peter	Levasseur, Nickolas
Levesque, Melanie	Long, Patrick	Mack, Ron	Martineau, Jesse

Matarazzo, Anthony Sr	McRae, Karen	Mesa, Lily	Mooney, Maureen
Movsesian, Lori	O'Brien, Michael Sr	O'Neil, James	Pilotte, Maurice
Price, Pamela	Reeves, Sandra	Reuschel, Michael	Rosenwald, Cindy
Schulze, Joan	Shattuck, Gilman	Shaw, Barbara	Shaw, Kimberly
Simon, Anthony	Smith, David	Spratt, Stephen	Sullivan, Daniel
Sullivan, Francis	Tahir, Saghir	Vaillancourt, Steve	Velez, Hector
Winters, Joel			

MERRIMACK

Anderson, Eric	Baxley, Maureen	Beauchesne, Suzanne	Blanchard, Elizabeth
Bouchard, Candace	Brown, Carole	Brueggemann, Donald	Clarke, Claire
Davis, Frank	DeJoie, John	DeStefano, Stephen	Ehlers, Eileen
Foose, Robert	French, Barbara	Gile, Mary	Hamm, Christine
Kelly, Sally	Kjellman, Eleanor Glynn	Lockwood, Priscilla	MackKay, James
McMahon, Patricia	Osborne, Jessie	Owen, Derek	Porter, Margaret
Potter, Frances	Reardon, Tara	Richardson, Gary	Ryan, Jim
Shurtleff, Stephen	Tilton, Joy	Tupper, Frank	Wallner, Mary
Walz, Mary	Webb, Leigh	Wheeler, Deborah	Yeaton, Charles

ROCKINGHAM

Abbott, Dennis	Allen, Mary	Belanger, Ronald	Borden, David
Brown, C. Pennington	Cali-Pitts, Jacqueline	Carson, Sharon	Casey, Kimberley
Dalrymple, David	Day, Judith	DiFruscia, Anthony	Elliott, Robert
Emiro, Frank	Fesh, Bob	Flanders, John Sr	Flockhart, Eileen
Forsing, Robert	Gould, Kenneth	Griffin, Mary	Grote, Otto
Henson, John	Hopfgarten, Paul	Howard, Doreen	Ingram, Russell
Johnson, Robert	Kappler, Lawrence	Kelley, Jane	Kennedy, James
Kepner, Susan	Lister, Charlotte	Major, Norman	Marsh, Michael
McCarthy, Linda	McEachern, Paul	McKenna, Daniel	McKinney, Betsy
Moody, Marcia	Moore, Bennett	Nord, Susi	Nowe, Ronald
Packard, Sherman	Pantelakos, Laura	Powers, James	Priestley, Anne
Rausch, James	Robertson, Carl	Russell, Trinka	Sanders, Elisabeth
Serlin, Christopher	Snow, Richard	Stiles, Nancy	Waterhouse, Kevin
Weare, Everett	Welch, David	Wells, Roger	Weyler, Kenneth
Wickson, Rick	Winchell, George		

STRAFFORD

Berube, Roger	Billian, Deborah	Brown, George	Brown, Jennifer
Brown, Larry	Browne, Brendon	Burke, Rachel	Cyr, James
Domingo, Baldwin	Fargo, Thomas	Grassie, Anne	Hofemann, Roland
Hubbard, Pamela	Hutz, Sarah	Kaen, Naida	Knowles, William
Mickelonis, Shawn	Miller, Joseph	Perry, Robert	Rollo, Deanna
Rollo, Michael	Rous, Emma	Schmidt, Peter	Smith, Marjorie
Spang, Judith	Sprague, Dale	Srnek, Robert	Wall, Janet
Watson, Robert			

SULLIVAN

Cloutier, John	Converse, Larry	Donovan, Thomas	Ferland, Brenda
Franklin, Peter	Gagnon, Raymond	Gottling, Suzanne	Houde, Matthew
Jillette, Arthur Jr	Nielsen, Ellen	Phinzy, James	Rodeschin, Beverly
Skinder, Carla			

NAYS 72

BELKNAP

Tilton, Franklin Wendelboe, Fran

CARROLL

Brown, Carolyn Stevens, Stanley

CHESHIRE

Hunt, John

COOS

None

GRAFTON

Bulis, Lyle Dingman, Vernon III Ingbretson, Paul Sorg, Gregory

HILLSBOROUGH

Bergeron, Jean-Guy	Chase, Claudia	Christiansen, Lars	Coughlin, Pamela
Crane, Elenore Casey	Daniels, Gary	Day, Russell	Fletcher, Richard
Haefner, Robert	Hall, Betty	Hansen, Ryan	Hawkins, Ken
Hinkle, Peyton	Hogan, Edith	Hunter, Bruce	Kurk, Neal
L'Heureux, Robert	Lawrence, James	Manney, Pamela	Messier, Irene
Moran, Edward	Ober, Lynne	Ober, Russell III	Peterson, Andy
Renzullo, Andrew	Rowe, Robert	Soucy, Connie	Stepanek, Stephen
Uler, Jordan	Villeneuve, Maurice		

MERRIMACK

Hager, Elizabeth Hess, David Humphries, Charlie Kidder, David
Williams, Robert

ROCKINGHAM

Baldasaro, Alfred	Bedrick, Jason	Bettencourt, David	Buxton, Donald
Camm, Kevin	Case, Frank	Charron, Gene	Devine, James
Dumaine, Dudley	Garcia, Marilinda	Garritty, James	Gleason, John
Guthrie, Joseph	Headd, James	Hutchinson, Karen	Itse, Daniel
Katsakiores, George	Katsakiores, Phyllis	Lund, Howie	McMahon, Charles
Pearson, Mark	Quandt, Matthew	Reagan, John	Splaine, James

STRAFFORD

Brown, Julie DeChane, Marlene Goodwin, Earle Vachon, Dennis

SULLIVAN

None

and the committee report was adopted.

HB 746, relative to listing candidates on election ballots. **INEXPEDIENT TO LEGISLATE.**

Rep. Charles F. Weed for Election Law: The committee believes this bill is unnecessary. HB

146, relative to nicknames passed the House on March 6, 2007. It dealt with clarifying a candidate's choice of how his or her name would be listed on the ballot including using a nickname. Vote 14-1.

Committee report adopted.

HB 748, requiring disclosure of gifts and campaign contributions by lobbyists and political committees, and requiring lobbyist statements to include certain information.

INEXPEDIENT TO LEGISLATE.

Rep. Charles F. Weed for Election Law: The committee believes there are many problems with this bill. It appears to require candidates to report information about contributions from lobbyists to the political committee contributing to the candidate which may not be known by the candidate. It requires lobbyists to list specific bills they are promoting or opposing instead of the general issue areas. Lobbyists point out which bills are in their interest change because of amendment process and are impossible to determine in advance. The extensive new filing requirements passed in the last session should be tried and scrutinized before new requirements are added. Vote 14-1.

Committee report adopted.

SB 36, eliminating straight ticket voting. **OUGHT TO PASS.**

Rep. Deborah L. Billian for Election Law: Eliminating straight ticket voting rids confusion for the voter who, after checking off the box at the top of the ballot, proceeds down the ballot to check other candidates. Removing the party box at the top of the ballot will clarify the voter's intent. Vote 10-4.

Rep. Vaillancourt spoke in favor.

Committee report adopted.

Ordered to third reading.

MOTION TO SUSPEND THE RULES

Reps. Wallner and Whalley moved that the Rules be so far suspended to allow consideration at the present time of **HB 704-FN-A**, relative to the commission on the status of men and making an appropriation therefor, and if passed, immediate third reading.

Adopted by the necessary two-thirds.

CONSIDERATION OF HB 704

HB 704-FN-A, relative to the commission on the status of men and making an appropriation therefor.

Rep. Kurk moved Ought to Pass with Amendment.

Rep. Kurk offered floor amendment (0994h).

Floor Amendment (0994h)

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

AN ACT relative to the commission on the status of men and relative to appropriations to the STARC armory and making appropriations for state matching funds for federal emergency management agency disaster assistance grants and energy expense shortfalls.

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

1 Capital Budget; Adjutant General; STARC Armory; Appropriation Amount Amended and Corrected. 2003, 240:1, I, B as extended by 2005, 259:25, III, and as amended by 2005, 259:14 and 2006, 272:2 is repealed and reenacted to read as follows:

B. STARC Armory - Concord	16,469,504
Less Federal	<u>- 15,653,598</u>
Net state appropriation subparagraph B	815,906

2 Total Adjusted; 2003. Amend 2003, 240:1, I, total state appropriation paragraph I to read as follows:

Total state appropriation paragraph I ~~[\$2,802,025]~~ **\$2,859,656**

3 Total Adjusted; 2003. Amend 2003, 240:1, total state appropriation section 1, to read as follows:

Total state appropriation section 1 ~~[\$75,026,533]~~ **\$75,084,164**

4 Total Bond Amount. Amend 2003, 240:6 to read as follows:

240:6 Bond Authorized. To provide funds for the total of the appropriations of state funds made in sections 1, 2, and 3 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of ~~[\$90,673,023]~~ **\$90,730,654** and for said purposes may issue bonds and notes in the name and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A.

5 Lapse Extended. The appropriation made to the adjutant general for the STARC armory – Concord, in 2003, 240:1, I, B, as amended by 2005, 259:14 and 2006, 272:2, as extended by 2005, 259:25, III, and as amended by section 1 of this act, is hereby extended to June 30, 2009.

6 Appropriation; State Matching Funds for Federal Emergency Management Agency Disaster Assistance Grants. A sum of up to \$225,000 is hereby appropriated to the department of safety, division of emergency management for the fiscal year ending June 30, 2007, for the required 25 percent state match for disaster assistance grants, awarded by the Federal Emergency Management Agency (FEMA) for individual assistance in Rockingham, Hillsborough, Carroll, Merrimack, Strafford and Belknap counties for flood damage sustained in the May 2006 disaster (DR-1643). The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

7 Adjutant General; Supplemental Appropriation; Energy Expense Shortfalls. The sum of \$203,000 for the fiscal year ending June 30, 2007 is hereby appropriated to the adjutant general for anticipated energy expense shortfalls in state-owned buildings. This appropriation is in addition to any other funds appropriated to the adjutant general. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

8 Department of Administrative Services; Supplemental Appropriation; Energy Expense Shortfalls. The sum of \$1,332,024 for the fiscal year ending June 30, 2007 is hereby appropriated to the department of administrative services for anticipated energy expense shortfalls in state-owned buildings. This appropriation is in addition to any other funds appropriated to the department of administrative services. The appropriation shall be a charge against the appropriate funds as follows:

General	Federal	Highway	Other
\$236,493	\$158,970	\$160,823	\$775,738

The governor is authorized to draw a warrant for said sums out of the appropriate fund.

9 Department of Safety; Supplemental Appropriation; Energy Expense Shortfalls. The sum of \$364,000 for the fiscal year ending June 30, 2007 is hereby appropriated to the department of safety for anticipated energy expense shortfalls in state-owned buildings. This appropriation shall be a charge against the highway fund and is in addition to any other funds appropriated to the department of safety.

10 Department of Resources and Economic Development; Supplemental Appropriation; Energy Expense Shortfalls. The sum of \$77,200 for the fiscal year ending June 30, 2007 is hereby appropriated to the department of resources and economic development for anticipated energy expense shortfalls in state-owned buildings. This appropriation is in addition to any other funds appropriated to the department of resources and economic development. The appropriation shall be a charge against the appropriate funds as follows:

General	Other
\$6,700	\$70,500

The governor is authorized to draw a warrant for said sums out of the appropriate fund.

11 Department of Environmental Services; Supplemental Appropriation; Energy Expense Shortfalls. The sum of \$10,000 for the fiscal year ending June 30, 2007 is hereby

appropriated to the department of environmental services for anticipated energy expense shortfalls in state-owned buildings. This appropriation is in addition to any other funds appropriated to the department of environmental services. The appropriation shall be a charge against the appropriate fund.

12 Department of Corrections; Supplemental Appropriation; Energy Expense Shortfalls. The sum of \$1,400,000 for the fiscal year ending June 30, 2007 is hereby appropriated to the department of corrections for anticipated energy expense shortfalls in state-owned buildings and shortfalls in funds budgeted for water consumption. This appropriation is in addition to any other funds appropriated to the department of corrections. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

13 Regional Community Technical College System; Supplemental Appropriation; Energy Expense Shortfalls. The sum of \$700,000 for the fiscal year ending June 30, 2007 is hereby appropriated to the regional community-technical college system for anticipated energy expense shortfalls in state-owned buildings. This appropriation is in addition to any other funds appropriated to the regional community-technical college system. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

14 Liquor Commission; Supplemental Appropriation; Energy Expense Shortfalls. The sum of \$104,000 for the fiscal year ending June 30, 2007 is hereby appropriated to the liquor commission for anticipated energy expense shortfalls in state-owned buildings. This appropriation is in addition to any other funds appropriated to the liquor commission. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

15 Repeal. 2002, 267:3, relative to the prospective repeal of the commission on the status of men, is repealed.

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

AMENDED ANALYSIS

This bill:

I. Modifies and extends a capital appropriation made to the adjutant general for the STARC armory in Concord.

II. Makes an appropriation to the department of safety for state matching funds for federal emergency management agency disaster assistance grants.

III. Makes appropriation for energy expense shortfalls to the adjutant general, the department of administrative services, the department of safety, the department of resources and economic development, the department of environmental services, the department of corrections, the regional community technical college system, and the liquor commission.

IV. Repeals the prospective repeal of the commission on the status of men.

Rep. Kurk spoke in favor and yielded to questions.

Floor amendment (0994h) adopted.

Motion of Ought to Pass with Amendment adopted.

Ordered to third reading.

MOTION ON HB 704

Rep. Wallner moved that **HB 704-FN-A**, relative to the commission on the status of men and relative to appropriations to the STARC armory and making appropriations for state matching funds for federal emergency management agency disaster assistance grants and energy expense shortfalls, be read a third time and passed.
Adopted.

Third reading and final passage

HB 704-FN-A, relative to the commission on the status of men and relative to appropriations to the STARC armory and making appropriations for state matching funds for federal emergency management agency disaster assistance grants and energy expense shortfalls.

MOTION TO PRINT DEBATE

Rep. Marjorie Smith moved that the debate on **HB 704-FN-A**, relative to the commission on the status of men and relative to appropriations to the STARC armory and making appropriations for state matching funds for federal emergency management agency disaster assistance grants and energy expense shortfalls, be printed in the Permanent Journal. Adopted.

DEBATE ON HB 704-FN-A

Rep. Kurk: Thank you, Madam Speaker. Members of the House, this bill comes before you as a fast track bill, and for those of you who are new to the House this is probably your first experience with such a bill. There are occasions when we have to act expeditiously and I know after days of debate you're probably doubting whether that is ever possible. Indeed it is. This will be one of those days, I believe. If this bill is passed, it will be directly sent to third reading, go across to the Senate, the Senate will hold a committee hearing on this bill tomorrow and will act on it on Thursday. If all goes well, they will not amend it. It will go directly to the Governor and with any luck this will be signed before April 1st. And here is why that's important. There is a building being constructed at the National Guard facility at the Concord airport and if we do not appropriate \$57,000 of general fund bonding authority, that building will lose \$2.5 million of federal funds and work on it will stop. That's the urgency. So, let me explain to you what the bill does. First, while this bill came to us as a bill about the commission on the status of men, we have used this as a vehicle to add a number of other things which have some urgency to them, including the item I just mentioned. But, let's talk first about the commission. The bill came to us with \$60,000 in it for the commission and a provision of eliminating the sunset, which if it goes into effect, will abolish the commission. We took the money out of this bill, but also abolished the sunset, thus allowing the commission to continue its existence until such time as we take other action. That is the only part of the bill that deals with the commission on the status of men. The rest of the bill contains three very important appropriations. The first one I already mentioned. \$57,000 and change in bonding authority so that we can avoid losing \$2.5 million of federal funding and continue construction of a building that is being built as we speak. And that must be done before April 1st. Secondly, we owe the federal government approximately \$225,000 as the state's 25% share of a FEMA grant to individuals who suffered damage in the May 2006 floods. The money has already been paid to them. We owe the money to the Feds. Between interest and penalties, we are paying about 8.1% on that bill. As you know, our State Treasurer cannot earn 8.1% on the money in the State Treasury, so it really pays to pay this bill quickly. The most important part of this, however, is dealing with many state agencies and departments who have not enough money in their energy accounts, like utilities, electricity - in order to pay the bills - this year - 2007. They have run out of money for two reasons. First, we didn't appropriate enough and secondly, energy prices sky rocketed more than anybody had anticipated. We need to pay those bills and that will cost us approximately \$2.4 million in general funds. That money will come out of the 07' budget. It will not affect 08' and 09', the budget yet to come. The third thing that requires action is the fact that.....sorry, I covered all three; the money for the Adjutant General, the money for the FEMA grant and the money for the shortfall in energy appropriations. The total bill is \$4.2 million of which \$2.6 million are coming from general funds. There is enough money in surplus for us to pay this bill, but we are getting pretty close. I urge you to vote in favor of the amendment and in favor of the bill to make sure construction continues and the lights stay on. Thank you, Madam Speaker.

Speaker: Will the member yield to a question?

Rep. Kurk: Yes.

Speaker: The member yields, Rep. Graham you may inquire.

Rep. Graham: Thank you, Madam Speaker. Thank you, my colleague, for yielding. You said

that \$2.4 million came from the general fund. Where is the rest of the money coming from? Rep. Kurk: I thank the Representative from Bedford for his question. \$57,000 will be, as I said, general fund bonds. \$2.6 million will come from the general fund. \$158,000 will come from federal funds. \$524,000 will come from the highway fund and \$856,000 will come from other sources, which means usually agency income. And because I know my friend is concerned about the highway fund, I point out to you that this is a very appropriate appropriation since it keeps the lights on in the Department of Transportation. Thank you.

MOTION TO REMOVE FROM TABLE

Rep. Vaillancourt moved that **HB 109**, eliminating straight ticket voting, be removed from the table. (Pending question: Inexpedient to Legislate).

On a division vote, 104 members having voted in the affirmative and 240 in the negative, the motion failed.

REGULAR CALENDAR (CONT'D)

HB 234, establishing a committee to study state environmental laboratory fees and services. **UGHT TO PASS WITH AMENDMENT.**

Rep. Derek Owen for Environment and Agriculture: The amendment to this bill temporarily establishes environmental laboratory fees. A study for changes in fees would take place at a later date than the amendment states. The existing fee structure has been in force since 1999 and does not reflect increased costs. Vote 11-6.

Amendment (0851h)

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

AN ACT relative to revising the department of environmental services laboratory fee schedule.

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

1 Environmental Laboratory Fees. RSA 131:3-a is repealed and reenacted to read as follows:

131:3-a Fee Required; Rulemaking Authority; Department of Environmental Services.

I. The department of environmental services shall collect a fee for analyses made pursuant to RSA 131:3 on the following schedule, provided that the fees listed may be changed by rules adopted pursuant to paragraph III:

(a) Fees for analyses offered as a service shall be set from the following schedule:

(1) Agricultural pesticides	\$200
(2) Alkalinity	\$15
(3) Ammonia	\$30
(4) Asbestos	\$35
(5) Bacteria as cts/100mL (all types)	\$20
(6) Bacteria as MPN (all types)	\$30
(7) Bacteria as P/A (all types)	\$15
(8) Biosuitability	\$145
(9) Biochemical oxygen demand	\$35
(10) Carbamates	\$120
(11) Chemical oxygen demand	\$28
(12) Chloride	\$12
(13) Chlorine residual	\$16
(14) Chlorophenoxy herbicides	\$130
(15) Cyanide	\$35
(16) Diquat	\$125
(17) E. coli/100mL	\$10
(18) Ethylene dibromide/dibromochloropropane	\$75
(19) Ethylene/Propylene Glycol	\$150

(20) Fluoride	\$12
(21) Glycols	\$150
(22) Glyphosate	\$100
(23) Gross Alpha	\$60
(24) Haloacetic acids	\$100
(25) Heterotropic plate count	\$25
(26) Iron bacteria	\$25
(27) Metals (each)	\$15
(28) Metals preparation charge	\$20
(29) Methyl-tert-butyl ether	\$75
(30) Nitrate	\$12
(31) Nitrite	\$12
(32) Oil and grease (HEM)	\$60
(33) pH	\$9
(34) PM-10	\$30
(35) Polyaromatic hydrocarbons	\$150
(36) Phosphorus (all forms)	\$20
(37) Radium 226	\$150
(38) Radon	\$25
(39) Residue	\$14
(40) Semivolatile compounds	\$225
(41) Solids (all forms)	[\$20] \$30
(42) Special study (per hour)	\$50
(43) Specific conductance	\$10
(44) Sulfate	\$20
(45) Sulfide	\$20
(46) Thermometer calibration	\$15
(47) Total organic carbon	\$40
(48) Total Kjeldahl nitrogen	\$25
(49) Total petroleum hydrocarbons (DRO)	\$125
(50) Total petroleum hydrocarbons (GRO)	\$125
(51) Total trihalomethanes	\$75
(52) Toxaphene	\$75
(53) Turbidity	\$12
(54) Uranium (activity)	\$150
(55) UV-254	\$30
(56) Volatile organic compounds	\$120
(57) Non-specific analytical investigation	\$50/now

(b) Fees for analyses of the following special parameter groupings required by the federal Safe Drinking Water Act will be:

(1) Drinking water bacteria	\$15
(2) Haloacetic acids	\$100
(3) Inorganic chemicals	\$335
(4) Inorganic chemicals (new system)	\$395
(5) Lead/copper	\$30
(6) Nitrate/nitrite	\$12
(7) Radiological chemicals	\$75
(8) Synthetic organic chemicals	\$650
(9) Total trihalomethanes	\$75
(10) Volatile organic compounds	\$120
(11) Water quality parameters	\$40

(c) Fees for analyses of the following parameters in support of the department's private homeowner initiative shall be:

(1) Bacteria/nitrate/chloride	\$30
(2) Drinking water bacteria	\$15
(3) Fluoride	\$12
(4) Methyl-tert-butyl ether	\$60
(5) Radon	\$20
(6) Standard analysis	\$85
(7) Homeowner radiologicals	\$80
(8) Volatile organic compounds	\$120

II. All such fees collected by the commissioner of environmental services from federal or state grants or from other state agencies shall be credited against the operating costs of the laboratory. Fees collected from public or private clients shall be deposited with the state treasurer as unrestricted revenue, with the exception that 50 percent of every analysis fee shall be deposited with the state treasurer and reserved in a special nonlapsing fund to be used by the commissioner of environmental services for the purchase of replacement or new laboratory equipment designed to improve service. The commissioner may, with prior approval of the governor and council, use funds in the nonlapsing account for unanticipated personnel or supply expenditures made necessary by unexpected changes in or additions to federal or state required laboratory analyses, or unusual volume of samples.

III. The commissioner of the department of environmental services shall adopt rules pursuant to RSA 541-A relative to changes to the list of laboratory services to be provided under paragraph I and RSA 131:3, and changes to the schedule of fees for such services.

2 Rulemaking; Regarding Laboratory Fees. Amend RSA 131:4 to read as follows:

131:4 Service; Reimbursements; Rulemaking. The commissioner of the department of health and human services shall adopt rules pursuant to RSA 541-A relative to a list of laboratory services to be provided under ~~[this chapter]~~ **RSA 131:2** and a schedule of fees for such services. The fees may be waived by the commissioner when the commissioner determines it is in the best interests of the health of the public to do so. Fees collected under this section shall be forwarded to the state treasurer to be deposited in the general fund.

3 Testing of Water; Authority; Department of Environmental Services. Amend RSA 131:3 to read as follows:

131:3 Testing of Water Supplies. ~~[They]~~ **The department of environmental services** shall make periodic inspections and analyses of the public water supplies of the state and any special investigations thereof that may be called for; also, when requested or as may be deemed by them necessary or expedient in the interests of the public health, make inspections or analyses of sources furnishing water to institutions, schools, hotels, camps, other places of public resort and individuals, and advise in connection with the same; and they shall enforce the laws pertaining to water supply and to the sanitation of public waters.

4 Effective Date. This act shall take effect January 1, 2008.

AMENDED ANALYSIS

This bill revises the schedule of environmental laboratory fees and gives the department of environmental services authority to adopt rules relative to laboratory services provided.

LAID ON THE TABLE

Rep. Phinizy moved that **HB 234**, establishing a committee to study state environmental laboratory fees and services, be laid on the table.
Adopted.

REGULAR CALENDAR (CONT'D)

HB 332, relative to the procurement of eggs and egg products by the state. **INEXPEDIENT TO LEGISLATE.**

Rep. Robert H. Haefner for Environment and Agriculture: The intent of the bill is to mandate that the state procure eggs and egg products only from producers that do not have caged chickens. The majority was split on whether caged birds are good or bad. But it is

clear that today there are no caged birds in New Hampshire. We were generally opposed to mandating where a product could be bought, since currently the procurement criteria is cost. According to testimony, egg prices would increase for the state if we used only un-caged birds as the source. Testimony indicated a doubling of egg prices was a reasonable expectation. The state buys a lot of eggs, led by the department of corrections. We do believe that the better mandate for food procurement by the state should be, where possible; buy from local New Hampshire producers. That is for another bill though. Vote 12-4. Committee report adopted.

HB 407-FN-A*, establishing a dairy stabilization fund for dairy farmers. **OUGHT TO PASS WITH AMENDMENT.*

Rep. Tara A. Sad for Environment and Agriculture: This bill provides emergency funding for New Hampshire dairy farms. It asks the state to appropriate \$3 million to this end. The committee considered the question of whether dairy farms should be subsidized when the rest of the state is suffering under a heavy property tax burden. Farmers have been paying the same high property taxes other residents pay, and in addition, are required, by the nature of their business, to pay Business and Enterprise Tax (BET), even when they take a loss for the year. During the hearings, farmers testified that, due to the extremely low bulk milk prices and increasing costs in utilities, grain, fertilizer and fuel – both on road and off – in all likelihood there would be extremely high losses which they can ill afford. Grain prices have nearly doubled over the last year and are expected to increase another fifty percent, due to the high demand for ethanol. It is not unusual for a dairy farmer's grain bill to have increased, as in one example presented to the committee, to \$25,000 per month from \$15,000. Yet milk prices – paid at the farm or, as it is known, 'farmgate' prices – fell through the floor last May to a low of \$12.61 per "hundred weight" of milk (100 pounds is the equivalent of 11.5 gallons of liquid milk). At the same time, average retail prices of milk were at a near high. Supermarkets were selling a gallon of whole milk for \$2.91 -- only two cents off the average high for the year. In fact, milk used for making cheese (Class III) is the exact same price today as 1980. Experts estimate that a realistic breakeven price is about \$18.00 per hundred. At present, prices are hovering at around \$15.00. The farmer ("producer") meanwhile is receiving in real dollars only about \$6.09. In short, farmers are getting the same pay they received twenty-five years ago. The benefits that a farm provides are many. One milking heifer contributes approximately \$10,000 to \$14,000 to the local economy; therefore, a dairy farm with 100 milking heifers, which is considered the average for the state, generates on an annual basis about \$1,000,000 to \$1,400,000 locally. While that is justification in its own right, farms keep land open for wildlife, recreation, snowmobiling and hunting. Their presence enhances property values while providing indirectly revenue through various fees and taxes generated through tourism and recreation. Farmers not only till and maintain their own fields and pastures but those of other landowners. Farms are the most efficient and least expensive form of land conservation and preservation; moreover, open land does not place a demand on local services, nor the school system. If there is ever a serious interruption of the food chain, these same farms may be an important and necessary part of the food supply. Ten years ago, there were over five hundred working farms in New Hampshire. Currently there are only about 134. These farms create about 750 jobs. (In comparison, the five wood burning power plants account for only about 350 jobs, and the potential power plant which Public Service wants in Berlin probably only 50 jobs.) It is estimated that the dairy industry provides approximately \$70-80 million to the New Hampshire economy. These reasons are why we need to support our dairy farmers and why passage of this bill as amended is so necessary. New Hampshire cannot afford to lose any more farms. Vote 16-0.

Amendment (0920h)

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

AN ACT relative to assistance for milk producers.

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

1 New Chapter; Emergency Dairy Assistance Program. Amend RSA by inserting after chapter 184-A the following new chapter:

CHAPTER 184-B
EMERGENCY DAIRY ASSISTANCE PROGRAM

184-B:1 Program Established. There is hereby established in the department of agriculture, markets and food, the emergency dairy assistance program for the fiscal year ending June 30, 2008.

184-B:2 Program Administration.

I. In order to apply for the emergency dairy assistance program, a milk producer as defined by RSA 184:79, IX, shall calculate his or her average production of milk in hundredweight for November 2006, December 2006, January 2007, and February 2007. Assistance shall be calculated by multiplying a milk producer's average milk production times the difference between the average Boston market price for November 2006, December 2006, January 2007, and February 2007 and the base price of milk at \$16.94 per hundredweight. Producers who were not in production in November 2006, December 2006, January 2007, and February 2007, but who were in production in the calendar year of 2006, and who wish to receive this interim assistance shall provide the commissioner verifiable production evidence by September 1, 2007 for the lowest average 4 months' milk production in 2006. For the purposes of this chapter, a milk producer, as defined in RSA 184:79, IX who is receiving assistance shall not include governmental entities.

II. The milk producer shall apply to the commissioner of agriculture, markets, and food on forms provided by the commissioner for assistance by September 1, 2007 by reporting the average price. The commissioner may adopt rules, pursuant to RSA 541-A, relative to the content and form of the application forms. In addition to reporting the average price, a producer applying for assistance shall provide the commissioner of the department of agriculture, markets, and food with 3 months' worth of verifiable production evidence. Acceptable forms of verifiable production evidence include: milk marketing payment stubs, bulk tank records, milk handler records, and daily milk marketing records.

III. Assistance shall be distributed beginning July 15, 2007. Payment will be in the form of a check made out to the producer from the state of New Hampshire.

IV. The following milk is ineligible for calculation in a milk producer's average milk production for determination of assistance:

(a) Dumped milk that causes bulk load contamination for which a producer receives an insurance indemnity.

(b) Milk dumped on the farm by order of a department of agriculture, markets, and food or a department of health and human services official.

V. When applying for assistance, a milk producer shall sign an agreement to reimburse the department of agriculture, markets, and food for payments if the producer disperses the herd or reduces herd production by more than 50 percent by July 1, 2008. Funds collected by the department in the form of a reimbursement shall be deposited into the general fund.

184-B:3 Advisory Board.

I. There is hereby established an emergency dairy assistance program advisory board. Such board shall manage appeals arising from RSA 184-B:4.

II. The board shall consist of the following:

(a) One member of the house of representatives who serves on the environmental and agriculture committee, appointed by the speaker of the house of representatives.

(b) One member of the senate who serves on the energy, environment and economic development committee, appointed by the president of the senate.

(c) Three members of the public who are not milk producers or do not own a farm where milk is produced, appointed by the commissioner of the department of agriculture, markets, and food.

184-B:4 Appeals. The emergency dairy assistance program advisory board shall hear producer appeals. Appeals shall be based on unforeseen emergencies, contingencies, and extenuating circumstances.

184-B:5 Butterfat Content.

I. Producers with herds that produce milk with an average butterfat content between 3.5 percent and 4.0 percent shall receive assistance from the program as determined in RSA 184-B:2, I.

II. Producers with herds that produce milk with an average butterfat content between 4.1 percent and 4.5 percent shall receive assistance granted according to the formula in RSA 184-B:2, I, plus 10 percent.

III. Producers with herds that produce milk with an average butter fat content over 4.6 percent shall receive assistance granted according to the formula in RSA 184-B:2, I, plus an additional 20 percent.

2 Appropriation. The sum of \$3,000,000 for the fiscal year ending June 30, 2007, is hereby appropriated to the department of agriculture, markets, and food for the emergency dairy assistance program established in RSA 184-B:1. The governor shall draw a warrant for said sum out of any money in the treasury not otherwise appropriated. Any moneys not expended by June 30, 2008 shall lapse into the general fund.

3 Price of Milk. Amend RSA 434:56 to read as follows:

434:56 Establishment of Minimum Producer Dairy Prices. The commissioner, after consulting with the agricultural advisory board, may establish by order an equitable minimum price to be paid to dairy producers for raw milk produced in New Hampshire on the basis of the use thereof in the various classes, grades and forms. The commissioner, after consulting with the agricultural advisory board, may from time to time make, amend or rescind an order if the commissioner finds that the federal milk marketing order covering New Hampshire is adequate or inadequate as the case may be to ensure a stable raw milk production and distribution system in the state. ~~[In no case shall the commissioner establish by order a price greater than the average price established for comparable classes, grades and forms of raw milk in the contiguous states.]~~

4 Effective Date. This act shall take effect June 30, 2007.

AMENDED ANALYSIS

This bill establishes and makes an appropriation for the emergency dairy assistance program.

Amendment adopted.

Rep. Phinizy offered floor amendment (0971h).

Floor Amendment (0971h)

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

AN ACT relative to assistance for milk producers.

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

1 New Chapter; Emergency Dairy Assistance Program. Amend RSA by inserting after chapter 184-A the following new chapter:

CHAPTER 184-B

EMERGENCY DAIRY ASSISTANCE PROGRAM

184-B:1 Program Established. There is hereby established in the department of agriculture, markets and food, the emergency dairy assistance program for the fiscal year ending June 30, 2008.

184-B:2 Program Administration.

I. In order to apply for the emergency dairy assistance program, a milk producer as defined by RSA 184:79, IX, shall calculate his or her actual production of milk in

hundredweight for November 2006, December 2006, January 2007, and February 2007. Assistance shall be calculated by multiplying a milk producer's actual milk production times the difference between the average Boston market price for November 2006, December 2006, January 2007, and February 2007 and the base price of milk at \$16.94 per hundredweight. Producers who were not in production in November 2006, December 2006, January 2007, and February 2007, but who were in production in the calendar year of 2006, and who wish to receive this interim assistance shall provide the commissioner verifiable production evidence by September 1, 2007 for the lowest actual 4 months' milk production in 2006. For the purposes of this chapter, a milk producer, as defined in RSA 184:79, IX who is receiving assistance shall not include governmental entities.

II. The milk producer shall apply to the commissioner of agriculture, markets, and food on forms provided by the commissioner for assistance by September 1, 2007 by reporting the average price. The commissioner may adopt rules, pursuant to RSA 541-A, relative to the content and form of the application forms. In addition to reporting the average price, a producer applying for assistance shall provide the commissioner of the department of agriculture, markets, and food with 4 months' worth of verifiable production evidence. Acceptable forms of verifiable production evidence include: milk marketing payment stubs, bulk tank records, milk handler records, and daily milk marketing records.

III. Assistance shall be distributed beginning July 15, 2007. Payment will be in the form of a check made out to the producer from the state of New Hampshire.

IV. The following milk is ineligible for calculation in a milk producer's actual milk production for determination of assistance:

(a) Dumped milk that causes bulk load contamination for which a producer receives an insurance indemnity.

(b) Milk dumped on the farm by order of a department of agriculture, markets, and food or a department of health and human services official.

V. When applying for assistance, a milk producer shall sign an agreement to reimburse the department of agriculture, markets, and food for payments if the producer disperses the herd or reduces herd production by more than 50 percent by July 1, 2008. Funds collected by the department in the form of a reimbursement shall be deposited into the general fund.

184-B:3 Advisory Board.

I. There is hereby established for the duration of the program an emergency dairy assistance program advisory board. Such board shall manage appeals arising from RSA 184-B:4.

II. The board shall consist of the following:

(a) One member of the house of representatives who serves on the environmental and agriculture committee, appointed by the speaker of the house of representatives.

(b) One member of the senate who serves on the energy, environment and economic development committee, appointed by the president of the senate.

(c) Three members of the public who are not milk producers or do not own a farm where milk is produced, appointed by the commissioner of the department of agriculture, markets, and food.

184-B:4 Appeals. The emergency dairy assistance program advisory board shall hear producer appeals. Appeals shall be based on unforeseen emergencies, contingencies, and extenuating circumstances.

184-B:5 Butterfat Content.

I. Producers with herds that produce milk with an average butterfat content between 3.5 percent and 4.0 percent shall receive assistance from the program as determined in RSA 184-B:2, I.

II. Producers with herds that produce milk with an average butterfat content between 4.1 percent and 4.5 percent shall receive assistance granted according to the formula in RSA 184-B:2, I, plus 10 percent.

III. Producers with herds that produce milk with an average butter fat content over 4.6 percent shall receive assistance granted according to the formula in RSA 184-B:2, I, plus an additional 20 percent.

2 Appropriation. The sum of \$3,000,000 for the fiscal year ending June 30, 2007, is hereby appropriated to the department of agriculture, markets, and food for the emergency dairy assistance program established in RSA 184-B:1. The governor shall draw a warrant for said sum out of any money in the treasury not otherwise appropriated. Any moneys not expended by June 30, 2008 shall lapse into the general fund.

3 Price of Milk. Amend RSA 434:56 to read as follows:

434:56 Establishment of Minimum Producer Dairy Prices. The commissioner, after consulting with the agricultural advisory board, may establish by order an equitable minimum price to be paid to dairy producers for raw milk produced in New Hampshire on the basis of the use thereof in the various classes, grades and forms. The commissioner, after consulting with the agricultural advisory board, may from time to time make, amend or rescind an order if the commissioner finds that the federal milk marketing order covering New Hampshire is adequate or inadequate as the case may be to ensure a stable raw milk production and distribution system in the state. ~~[In no case shall the commissioner establish by order a price greater than the average price established for comparable classes, grades and forms of raw milk in the contiguous states.]~~

4 Effective Date. This act shall take effect June 30, 2007.

AMENDED ANALYSIS

This bill establishes and makes an appropriation for the emergency dairy assistance program.

Rep. Phinizy yielded to questions.

Floor amendment (0971h) adopted.

Committee report adopted.

Referred to the Committee on Finance.

HB 416, relative to mercury reduction. **OUGHT TO PASS WITH AMENDMENT.**

Rep. James G. Phinizy for Environment and Agriculture: It is estimated that each year over 150 pounds of mercury are deposited in New Hampshire's solid waste landfills or incinerators. This bill bans the disposal of all mercury-added products, regardless of mercury content, in solid waste landfills, transfer stations and incinerators. Products such as mercury devices, switches, light bulbs and button batteries contribute to the toxicity of the waste stream. This bill will divert these products into a recycling program or will require disposal as a hazardous waste. Even though manufacturers are producing newer products with less mercury, there is still a cumulative effect. Also, it is particularly important to capture those products which are still in the public usage and which are high in mercury content. Industry and business are already required to recycle fluorescent light bulbs; it is only fitting, consistent and logical that New Hampshire residents follow the same standard. Vote 15-0.

Amendment (0584h)

Amend RSA 149-M:58, I as inserted by section 1 of the bill by replacing it with the following:

I. No person shall knowingly dispose of mercury-added products in solid waste landfills, transfer stations, or incinerators.

AMENDED ANALYSIS

This bill bans the disposal of mercury-added products in solid waste landfills, transfer stations, or incinerators.

Amendment adopted.

The question being adoption of the committee report of Ought to Pass with Amendment.

Rep. Phinizy yielded to questions.

Committee report adopted.
Ordered to third reading.

HB 552, prohibiting the intensive confinement of caged egg-laying hens. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Richard H. Snow for the Majority of Environment and Agriculture: The bill requires that fowl that are used for the production of eggs can not be confined in a living space that prevents it from extending its limbs without touching the sides of the living space. The committee heard extensive testimony on this bill and carefully considered it. While the committee as a whole was sympathetic to the intent of the bill, the majority accepted the reality of modern, scientifically accepted methods of production necessary to manage the health and viability of the flock in a cost effective manner. Further, the state veterinarian testified that he can, and has in the past, exercised his authority to intervene if it becomes necessary in a case where an owner isn't treating their animals, including fowl, in an acceptable, moral, reasonable and utilitarian manner. Vote 15-2.

Rep. Linda J. McCarthy for the Minority of Environment and Agriculture: We all learned as long ago as high school biology that one of the primary defining characteristics of animals is the ability to move. Movement is essential to life, and the minority believes that this bill does nothing more than provide the chickens that produce a valuable commodity for our society, eggs, with the right to move. No one is asking for us to stop eating eggs. No one is even asking that chickens be allowed to roam freely. All this bill does is guarantee that caged chickens at least have enough room to spread their wings. Opponents note that these so-called battery cages are not currently used in New Hampshire. The minority responds, so much the better. Then, we are not inconveniencing even one single farmer or egg producer. At the same time, we are sending a powerful message that such cruelty would never be tolerated in New Hampshire, that we value the simple basic right of animals, even those confined for our benefit, to move a tiny bit. Since such cages are not used in New Hampshire, the price of eggs will not increase even one penny should this bill pass. This bill has great merit and should pass overwhelming. Note also that although the total indicates a minority of only two, the original ought to pass motion had six aye votes.

Rep. McCarthy spoke against.

Rep. Webb spoke in favor.

Majority committee report adopted.

HB 699, establishing a commission to study methods and costs of sewage, sludge, and septage disposal. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Leigh A. Webb for Environment and Agriculture: Methods and costs of disposal of sewage, sludge, and septage are an ongoing concern. The majority of the committee agreed that such issues as alternatives to current disposal methods and the feasibility of utilizing emerging technologies such as bioreactor landfills are worthy of study. Vote 12-1.

Amendment (0808h)

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

1 New Subdivision; Sewage, Sludge, and Septage Disposal Commission. Amend RSA 485-A by inserting after section 57 the following new subdivision:

Sewage, Sludge, And Septage Disposal Commission

485-A:58 Commission Established. There is established a sewage, sludge, and septage disposal commission.

485-A:59 Membership and Compensation.

I. The members of the sewage, sludge, and septage disposal commission shall be as follows:

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

- (b) Three members of the senate, appointed by the president of the senate.
- (c) One member from the division of water of the department of environmental services, appointed by the commissioner.
- (d) One member from the division of waste management, appointed by the commissioner.
- (e) The director of the office of energy and planning, or designee.
- (f) The commissioner of the department of agriculture, markets, and food, or designee.
- (g) The state epidemiologist, or designee.
- (h) A member representing the university of New Hampshire college of engineering and physical sciences appointed by the dean of the college.
- (i) A member representing the university of New Hampshire college of life sciences and agriculture, appointed by the dean of the college.
- (j) A member representing the institute for the study of earth, oceans, and space, appointed by the director of the institute.
- (k) a member representing the Thompson school of applied science, appointed by the dean of the school.
- (l) A member representing the university of New Hampshire cooperative extension, appointed by the director.

II. Legislative members of the commission shall receive mileage at the legislative rate when attending to the duties of the commission.

III. The commission shall choose a chairperson, a vice-chairperson and a clerk from its membership.

IV. Each legislative member of the commission shall be appointed to the commission for terms ending when the legislative term ends. Nonlegislative members shall be appointed to the commission for terms of 3 years.

485-A:60 Duties. The sewage, sludge, and septage disposal commission shall study:

- I. The costs involved with the disposal of sewage, sludge, and septage.
- II. The options used for sewage, sludge, and septage disposal.
- III. The technological alternatives to disposal methods used in New Hampshire and their costs.
- IV. The economic feasibility of alternatives to current disposal methods.
- V. The environmental impact of current and alternative disposal methods.
- VI. The costs, benefits, and feasibility of a state built bioreactor landfill.
- VII. The public health effect of current and alternative disposal methods.
- VIII. The definition of biosolids.

485-A:61 Meetings. The sewage, sludge, and septage disposal commission shall meet at least quarterly to discuss pending legislation and at such times as the chairperson may call.

485-A:62 Report. On or before November 1 of each year, 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.

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

Amendment adopted.

Committee report adopted.

Ordered to third reading.

MOTION TO SPECIAL ORDER

Rep. Phinizy moved that **HB 812**, relative to making permanent certain exceptions to limits on land application of septage and sludge, be made a Special Order to March 28, 2007 as the first order of business.

Adopted.

MOTION TO SPECIAL ORDER

Rep. Phinizy moved that **HB 836**, prohibiting wastewater treatment plants from excluding towns for septage treatment and disposal services, be made a Special Order to March 28, 2007 immediately following HB 812.

Adopted.

REGULAR CALENDAR (CONT'D)

HB 907-FN, relative to the sale, distribution, and disposal of certain mercury-added products. **OUGHT TO PASS WITH AMENDMENT.**

Rep. James G. Phinizy for Environment and Agriculture: This bill phases out the sale of certain types of mercury-added products such as measuring devices, thermometers, flow meters, switches, relays and thermostats. These products contribute large amounts of mercury to the solid waste stream when they are discarded and all have existing, economical, non-mercury substitutes already on the market. The bill exempts replacement switches and relays used in existing equipment, as well as those products mandated by federal requirement. The bill also contains an exemption process for mercury-added products that have no alternatives on the market. Products such as fluorescent light bulbs and button batteries are not affected by this bill. Vote 15-0.

Amendment (0756h)

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

AN ACT relative to the sale and distribution of certain mercury-added products.

Amend RSA 149-M:53, V(a) as inserted by section 2 of the bill by replacing it with the following:

V.(a) Beginning July 1, 2008, no person shall sell, offer for sale, or distribute a new manufactured mercury switch, mercury relay, or mercury thermostat individually or as a product component. This prohibition does not apply if the switch, relay, or thermostat is used to replace a switch, relay, or thermostat that is a component in a larger product in use prior to July 1, 2008 provided that no compatible non-mercury replacement component exists.

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

AMENDED ANALYSIS

This bill restricts the sale and distribution of mercury-added products.

Amendment adopted.

Committee report adopted.

Ordered to third reading.

HB 38, relative to terms of appointment for certain state officers. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Patricia M. McMahon for the Majority of Executive Departments and Administration: This bill provides that commissioners of agencies in state government can remain in their positions after their term has expired if the governor gives written authorization for the commissioner to extend his/her service. The status of remaining in the position after a term expires is commonly referred to as a "hold over" which extends the incumbent's service in order to minimize disruption in replacing personnel and allows a governor to continue to search for and nominate a successor with the consent of the Executive Council should he/she choose. A bi-partisan majority of the committee believes that the amended version of HB 38 is in the interest of good government, good management and personnel practices as well as assuring accountability within the executive branch on behalf of New Hampshire citizens. Vote 11-4.

Rep. James F. Headd for the Minority of Executive Departments and Administration: The original bill applied to all appointees in classified positions as well as boards and commissions. The bill was amended to include only compensated employees. The minority's

concern is that should the governor and council not agree on the nomination of a new commissioner, the deputy commissioner would then assume the commissioner's duties. This overlapping of position could last indefinitely with the deputy doing both jobs.

Amendment (0517h)

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

1 Terms of Appointment. RSA 21:33-a, III is repealed and reenacted to read as follows:

III.(a) That any commissioner or agency head of a department, as defined in RSA 21-G:5, VI, who is an unclassified employee of the state, and appointed to such position, shall serve for the appropriate term or unexpired portion thereof. The commissioner or agency head may serve beyond the appointed term or unexpired portion thereof with the written authorization of the governor. This subparagraph shall also apply to the adjutant general and the attorney general, and to appointees to the liquor commission, the lottery commission, the pari-mutuel commission, and the public utilities commission.

(b) That any other appointee to such position shall serve for the appropriate term or unexpired portion thereof and until a successor is appointed and qualified.

2 Commissioner of Resources and Economic Development. Amend RSA 12-A:2 to read as follows:

12-A:2 Commissioner of Resources and Economic Development. There shall be a commissioner of resources and economic development who shall be appointed by the governor and council for a term of 4 years from the date of [his] appointment ~~[and until his successor is appointed and qualified]~~. A vacancy shall be filled for the unexpired term. It shall be the responsibility of the commissioner to organize and direct the work of the department. The commissioner of resources and economic development shall appoint one member of his **or her** staff who shall act in [his] **the commissioner's** stead when said commissioner is absent from the state and at such other times as ~~[he is so]~~ directed by the commissioner. When acting for the commissioner said person shall have all the power, duties and authority of the commissioner. Directors of departmental divisions shall be subject to the supervisory authority of the commissioner, which authority shall include power to establish department and divisional policy as well as to control the actual operations of the department and all divisions therein. The commissioner shall consult with the advisory commission prior to the establishment of general and divisional departmental policy.

3 Commissioner of the Department of Corrections. Amend RSA 21-H:6, I to read as follows:

I. The commissioner of the department shall be appointed by the governor, with the consent of the council, and shall serve for a term of 4 years from the date of appointment ~~[and until a successor is appointed]~~.

4 Commissioner of the Department of Health and Human Services. Amend RSA 126-A:5, I to read as follows:

I. Administrative and executive direction of the department of health and human services shall be under the direction of a commissioner of health and human services who shall be appointed by the governor and council. The commissioner shall hold office for a term of 4 years from the date of the appointment ~~[and until a successor is appointed and qualified. RSA 21:33-a shall not apply to appointments made under this section]~~.

5 Liquor Commissioners. Amend RSA 176:1 to read as follows:

176:1 Commission. There shall be a state liquor commission consisting of 3 members appointed by the governor with the consent of the council. Not more than 2 members shall belong to the same political party. Each member shall hold office for a term of 6 years ~~[and until his successor has been appointed and qualified]~~. If a vacancy shall occur in the commission, it shall be filled for the remainder of the term. Any or all of the commissioners may be removed by the governor and council for cause.

6 Executive Director of the Fish and Game Department. Amend RSA 206:8, I to read as follows:

I. The commission, following a comprehensive and equitable search, shall nominate, and the governor and council shall appoint, an executive director of the fish and game department. If the governor and council fail to appoint the nominee, the commission shall nominate another person. Each nominee shall be a person with knowledge of, and experience in, the requirements for the protection, conservation and restoration of the wildlife resources of the state and shall be a competent administrator. The executive director shall hold office for a term of 4 years from the date of appointment ~~[and until a successor is appointed and qualified]~~. ~~[Notwithstanding RSA 21:33-a,]~~ A vacancy in such office shall be filled for ~~[a 4-year term from the date of appointment]~~ ***the remainder of the unexpired term.*** The governor and council shall have the authority to remove the executive director at any time, but only for just cause pursuant to RSA 4:1. In such case, the governor and council shall deliver to the executive director a copy of the charges and afford an opportunity of being heard publicly in person or by counsel after being given not less than 15 days notice. The executive director shall not hold any other public office, and shall be entirely devoted to the service of the state in the discharge of the official duties of the position. The executive director shall receive the compensation prescribed in RSA 94:1-4, and shall be reimbursed for all actual and necessary traveling and other expenses incurred in the discharge of official duties. Before entering upon the duties of the office, the executive director shall take the oath prescribed by the constitution, and shall, in addition thereto, swear that no other public office is held nor any position under any political committee or party is held. Such oath shall be filed with the secretary of state. The executive director shall have general supervision and control of all activities, functions, and employees of the fish and game department, and shall enforce all the provisions of the laws of this state relating to fish, wildlife resources, and marine species, and shall exercise all necessary powers incident thereto.

7 Labor Commissioner. Amend RSA 273:2 to read as follows:

273:2 Term of Commissioner; Removal. The commissioner shall hold office for 3 years from the date of ~~[his]~~ appointment ~~[and until his successor shall be appointed and qualified,]~~ and may be removed for cause by the governor, with the advice and consent of the council.

8 Commissioner of the Department of Employment Security. Amend RSA 282-A:108, II to read as follows:

II. The commissioner shall hold office for 5 years from the date of ~~[his]~~ appointment ~~[and until his successor is appointed and qualified]~~. Otherwise the commissioner may be removed only as provided in RSA 4:1.

9 Pari-Mutuel Commissioners. Amend RSA 284:6-a, I to read as follows:

I. There shall be a state pari-mutuel commission consisting of 6 members appointed by the governor with the advice and consent of the council. Three of the members shall represent the interests of greyhound racing. Three of the members shall represent the interests of thoroughbred horse racing and harness horse racing. Each member shall hold office for a term of 3 years ~~[and until a successor has been appointed and qualified]~~. Any vacancy shall be filled for the unexpired term. Annually, one member shall be chosen chairperson by the commission, and one shall be chosen as secretary.

10 State Lottery Commissioners. Amend RSA 284:21-a to read as follows:

284:21-a State Lottery Commission. There shall be and hereby is created a state lottery commission consisting of 3 members who shall be appointed and may be removed for cause by the governor with the advice and consent of the council. One member shall be appointed for one year, one for 2 years and one for 3 years, and upon the expiration of their terms of office their successors shall be appointed for a term of 3 years. Any vacancy shall be filled by appointment for the unexpired term. ~~[The members shall serve until their successors are appointed and qualified.]~~ No member of the commission shall have any pecuniary or other interest in any supplier or agent to the commission or in any licensee licensed under the provisions of this chapter.

11 Public Utilities Commissioners. Amend RSA 363:1 to read as follows:

363:1 Commission; Term. There shall be a public utilities commission, composed of 3 commissioners who shall be full-time employees and who shall engage in no other gainful employment during their terms as members. Their term of office shall be for 6 years ~~[and until their successors are appointed and qualified]~~. Of the 3 commissioners, one shall be an attorney and a member of the New Hampshire Bar and one shall have either background or experience or both in one or more of the following: engineering, economics, accounting or finance.

12 Public Utilities Commission; Executive Director. Amend RSA 363:27, III to read as follows:

III. EXECUTIVE DIRECTOR AND GENERAL COUNSEL. The commission shall appoint an executive director, ***who shall serve for a term of 4 years.*** ~~[and] The commission shall also appoint~~ a general counsel, ~~[each of whom]~~ ***who*** shall serve for a term of 4 years and until a successor is appointed and qualified.

13 Bank Commissioner. Amend RSA 383:1 to read as follows:

383:1 Commissioner and Deputy. There shall be a bank commissioner who shall be appointed by the governor with the advice and consent of the council, and ~~[his]~~ ***whose*** term shall be for 6 years ~~[or until his successor is appointed and qualified]~~. There shall be a deputy bank commissioner who shall be recommended by the bank commissioner and appointed by the governor with the advice and consent of the council, and ~~[his]~~ ***whose*** term shall be 6 years. The deputy may exercise the powers and perform the duties of the commissioner during ~~[his]~~ ***the commissioner's*** absence whenever and to the extent that he ***or she*** may be so authorized by the commissioner. In case of the temporary disability of the commissioner, or of a vacancy in the office, the deputy shall have the powers and perform the duties of the commissioner until another commissioner is appointed and qualified.

14 Insurance Commissioner. Amend RSA 400-A:3 to read as follows:

400-A:3 Insurance Commissioner; Appointment; Term. The head of the department shall be the insurance commissioner who is charged with the rights, powers, and duties pertaining to the enforcement and execution of the insurance laws of this state. The commissioner shall have all powers specifically granted to him ***or her*** or reasonably implied in order to enable him ***or her*** to perform the duties imposed ~~[upon him]~~ by this title. The commissioner shall have such additional rights, powers, and duties as may be provided by other laws. The commissioner shall be appointed by the governor with advice and consent of the council. The commissioner shall hold office for 5 years ~~[and until a successor has been appointed and has qualified]~~. Vacancies in the office of the insurance commissioner shall be filled for the unexpired term of such office. ~~[He]~~ ***The commissioner*** may be removed only as provided by RSA 4:1.

15 Commissioner of the Department of Agriculture, Markets, and Food. Amend RSA 425:3, I to read as follows:

I. The commissioner of the department of agriculture, markets, and food shall be appointed by the governor, with the consent of the council, for a term of 5 years ~~[and until a successor is appointed and qualified]~~. Prior to the appointment of a commissioner, the governor and council shall receive and consider the recommendations of the agricultural advisory board as to such appointment. The commissioner of agriculture, markets, and food shall be qualified by reasons of professional competence, education, and experience.

16 Repeals and Revisions; Term of Office. Amend RSA 624:8 to read as follows:

624:8 Term of Office. If the time of the beginning of a term of office is changed by the Revised Statutes Annotated, the incumbent of the office under the provisions of the former statute shall hold the office until the time fixed by the Revised Statutes Annotated for the beginning of the term ~~[and until a successor is chosen and qualified under the provisions of the Revised Statutes Annotated and not afterward]~~, except in cases otherwise specially provided for.

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

AMENDED ANALYSIS

This bill provides that certain commissioners and agency heads shall serve for their appointed term, and not until a successor is appointed and qualified, unless the governor explicitly grants such an extension. The bill also removes language permitting them to retain office until a successor is appointed and qualified from the specific statutes that establish their positions and terms of appointment.

Majority committee amendment adopted.

Majority committee report adopted.

Ordered to third reading.

HB 229, relative to licensing requirements for operators of games of chance. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Hector M. Velez for the Majority of Executive Departments and Administration: This is a combination of two bills related to charitable gaming. There was bi-partisan agreement that, if a facility allowed charitable gaming to be conducted less than three times in a calendar year, the facility in which the games of chance were conducted shall be exempt from licensing requirements. The bill also clarifies that all applicants shall be subject to national criminal background checks, including the submission of fingerprints to the Federal Bureau of Investigation for a criminal background check. The committee also had discussion around the fact that there is a study commission (set up by the Legislature in 2006), that has been taking an extensive look at charitable gaming in the State of New Hampshire and will continue to study charitable gaming. The report is due out to the Legislature by July 1, 2007. Vote 8-4.

Rep. Ken Hawkins for the Minority of Executive Departments and Administration: The minority can not agree with an amendment that was brought forth. The original bill allowed for the pari-mutual commission to implement fines after approval by the Joint Legislative Committee on Administrative Rules. Presently, they can only suspend or revoke a license, and this would have given them another avenue to use in the case of minor violations. The second more critical part that was taken out of the original bill was the removal of the section that mandated 35% of the gross revenues must go to charity and all other expenses would come from the remaining 65%. By removing this section, the charity would pay the rent of the hall out of their 35% and we do not feel that that is fair.

Amendment (0917h)

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

1 Ice Outs. Amend RSA 287-D:1, II to read as follows:

II. "Games of chance" means any game involving gambling as defined by RSA 647:2, II, or any lottery prohibited by RSA 647:1, but shall not include any game involving the use of a slot machine or any other device in the nature of a slot machine, **or 50/50 raffles as defined in RSA 287-A:1, III**, ~~or ice out contests as defined in RSA 287-D:1, IV~~.

2 Charitable Organization; Definition. Amend the introductory paragraph of RSA 287-D:1, III(a) to read as follows:

(a) "Charitable organization" means any bona fide religious, charitable, civic, veterans', or fraternal or church organization, including police and firemen's organizations which shall have been registered with the secretary of state for at least 2 years and in existence for at least 2 years in a town or city in this state, provided that the primary activities conducted by the organization were for the purpose for which the organization was established and have not included charitable gambling operations; which ~~is organized under the laws of this state; and to which contributions are exempt from federal income tax~~ **is tax exempt under Internal Revenue Code Section 501(c)(3), 501(c)(4), 501(c)(7), 501(c)(8), 501(c)(10), or 501(c)(19), or is covered under authority of those sections.** To be eligible for licensure under this chapter, a charitable organization shall do all of the following:

3 New Paragraph; Ice Outs. Amend RSA 287-D:2 by inserting after paragraph VI the following new paragraph:

VII. The requirements of this chapter shall not apply if the only game being conducted by the charitable organization is an ice-out contest.

4 License Applications. Amend RSA 287-D:2-a, V(c) to read as follows:

(c) That neither the applicant nor any person who will be participating in the operation of the games of chance has been convicted of a felony **or a class A misdemeanor** within the previous 10 years which has not been annulled by a court, or a **class B** misdemeanor ~~[involving falsehood or dishonesty]~~ within the previous 5 years which has not been annulled by a court, or has violated any statutes or rules governing charitable gambling **in New Hampshire or any other state.**

5 License Applications; Charitable Organizations. Amend RSA 287-D:2-a, VI to read as follows:

VI. If a charitable organization intends to **use**, lease, or rent premises for the conduct of any game of chance from an entity other than a charitable organization or governmental subdivision, the entity leasing or renting out **or otherwise allowing a charitable organization to use** the premises shall be licensed by the pari-mutuel commission. **Any entity other than a charitable organization or governmental subdivision with a facility at which games of chance are held for no more than 3 game dates per calendar year shall be exempt from the licensing requirement of this paragraph.** The license shall be applied for by filing an application supplied by the pari-mutuel commission. The pari-mutuel commission may issue a license for a period of one year which shall expire on June 30 of each year unless sooner revoked or suspended for just cause by the pari-mutuel commission.

6 New Paragraph; License Applications. Amend RSA 287-D:2-a by inserting after paragraph IX the following new paragraph:

X. At least 45 days prior to each game date, the charitable organization shall submit the date and location of the game of chance, if this information has not already been submitted to the pari-mutuel commission pursuant to subparagraph II(a).

7 License Applications. Amend RSA 287-D:2-b, II-IV to read as follows:

II. No compensation shall be paid to operators of a game of chance unless agreed to in advance in writing by the charity. Compensation shall include, but is not necessarily limited to, money or any other thing of value. If the paid game operator's compensation is contingent upon the amount of revenue received from a game of chance, the compensation shall be a fixed percentage of the gross revenue from the game of chance excluding the paid game operator's expenses. If the compensation of a paid game operator is not contingent upon the amount of revenue received, the compensation shall be a reasonable estimate, expressed as a percentage of the gross revenue. The contract shall clearly disclose the assumptions upon which the estimate is based. The stated assumptions shall be based upon all of the relevant facts known to the paid game operator regarding the services to be provided and the past performance of games of chance operated by the paid game operator. **Any agreement entered into by the charity with the game operator shall be made available upon request, to the pari-mutuel commission for review. Such agreement shall take into consideration all other expenses related to the games of chance including security fees, facility rental fees, equipment rental fees, and advertising so that, after such expenses and fees are paid, the agreement shall result in the charity receiving no less than 35 percent of the gross revenues minus prices paid as specified in RSA 287-D:3, VIII, absent exigent circumstances as may be defined by the commission.**

II-a. Unless otherwise agreed to in advance, pursuant to paragraph II, in writing by the charitable organization, operators of games of chance may be reimbursed for their out-of-pocket expenses in an amount not to exceed \$25 per game date, provided that such expenses are itemized and submitted in writing to the charitable organization.

III. No one under the age of 18 years shall be admitted to the premises on which games of chance are being conducted, except when the games are being conducted at a carnival. Proof of age shall be produced upon request of the ~~[lottery]~~ **pari-mutuel** commission. When games of chance are conducted at a carnival, persons under the age of 18 years may be admitted to the premises on which the games are being conducted when accompanied and supervised by a parent or legal guardian; but persons under the age of 18 shall not be permitted to play games of chance at a carnival.

IV. No games of chance shall be conducted prior to 11:00 a.m. on a weekday **or Saturday**, prior to noon on a Sunday, or after 1:00 a.m. on any day.

8 Operation of Games of Chance. Amend RSA 287-D:2-b, VII to read as follows:

VII. Only the treasurer of the charitable organization or a bona fide member of the charitable organization designated by the treasurer, shall ~~[handle]~~ **be responsible for** any monetary transactions related to the game of chance.

9 Licensing of Game Operators. Amend RSA 287-D:2-c, I to read as follows:

I. As used in this section, game operators means any consultant or any person other than a bona fide member of the charitable organization involved in conducting, managing, supervising, directing, or running the games of chance, and those involved in such tasks as dealing, running a roulette wheel, **or** handling chips~~[-and serving beverages or food]~~.

10 Licensing of Game Operators. Amend RSA 287-D:2-c, II(a) to read as follows:

(a) The name **and social security number** of the game operator **or for an organization the name and federal tax identification number. The pari-mutuel commission shall not disclose any social security number submitted.**

11 Licensing of Game Operators. Amend RSA 287-D:2-c, III(b) to read as follows:

(b) Has submitted a background and criminal **record** check pursuant to RSA 287-D:8; and

12 Equipment; Inspection. Amend RSA 287-D:3, II to read as follows:

II. Any and all devices and equipment used to conduct said games of chance shall be subject to inspection by duly authorized law enforcement **or pari-mutuel** officials.

13 Background and Criminal Records Check. Amend RSA 287-D:8, III to read as follows:

III. All applicants shall also be subject to a **national criminal** background check, **including the submission of fingerprints to the Federal Bureau of Investigation for a criminal history background check**, by the pari-mutuel commission to determine if they are eligible for licensure under this chapter.

14 New Paragraph; Background and Criminal Records Check. Amend RSA 287-D:8 by inserting after paragraph III the following new paragraph:

IV. The pari-mutuel commission shall bill the applicant for any cost associated with the criminal or background record check to cover any fee charged by the department of safety for the criminal records check in paragraph I or by the Federal Bureau of Investigation for the background check in paragraph III.

15 License Applications; Charitable Organizations. Amend RSA 287-D:2-a, II(f) to read as follows:

(f) If any of the proposed games are to be held in a location licensed pursuant to RSA 287-D:2-a, VI, the name and address of the person or business from whom the space is being rented **or permission for use has been granted.**

16 Repeal. The following are repealed:

I. RSA 287-D:2-b, XIII, relative to relative to submission of information to the pari-mutuel commission.

II. RSA 287-D:2-d, IV, relative to authorization of specific games.

III. RSA 284:23, V, relative to tax rates for Rockingham Park.

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

AMENDED ANALYSIS

This bill:

I. Expands the definition of “charitable organization” for the purposes of games of chance.

II. Expands the information about a game operator that must be submitted to the pari-mutuel commission.

III. Makes certain changes to rules of licensure for operators of games of chance.

IV. Repeals a tax expiration provision relative to Rockingham Park.

This bill was requested by the pari-mutuel commission.

Majority committee amendment adopted.

Majority committee report adopted.

Ordered to third reading.

HB 543, establishing a commission to study the licensing process for licensed alcohol and drug counselors. **OUGHT TO PASS.**

Rep. A. Laurie Harding for Executive Departments and Administration: This bill calls for an interdisciplinary commission to explore the licensing process for alcohol and drug counselors. The original statute was passed in 1998. Much has been learned about substance abuse since that time. The charge to the commission is to review and make recommendations regarding the following: the number of hours of supervision required for those in training, the course content required for licensure, the number of relevant work hours required and the scope of practice for individuals licensed under the RSA. Vote 15-2.

Committee report adopted.

Ordered to third reading.

HB 571-FN, relative to full-time seasonal state employees. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Ken Hawkins for the Majority of Executive Departments and Administration: This bill will allow full-time temporary state employees to be included in the death benefit under RSA 21-I:29. Currently, they have no benefits that a normal employee would have. They are hired for seasonal work – such as college students during the summer. It was discussed in committee that we would be now giving a benefit that was not negotiated, but these people do not belong to any union that could negotiate for them. They work in sometimes challenging positions along our state highways and could be killed by motorists or equipment. The funeral expenses can be a burden to their family. One young man did in fact die last year (while swimming on lunch break), and that is what brought this issue forward. Vote 10-6.

Rep. John Reagan for the Minority of Executive Departments and Administration: This bill was prompted by an emotional reaction to a tragedy befalling a New Hampshire family. The family’s loss was made worse by the deceased having made no provision for his final expenses. The young man died during a work day for the Department of Transportation while on his lunch break. As a seasonal employee, he was not entitled to a death benefit that is commonly negotiated for state classified employees. His survivors did receive a workers compensation settlement. It is not our function as guardian of the taxpayer’s dollar to confer benefits on state employees because they failed to purchase life insurance. The hiring authority negotiates or grants benefits in order to recruit and maintain a productive workforce. It was not found necessary to offer a free life insurance policy to maintain the seasonal workforce. The Legislature should not second guess the executive function of hiring employees or the wisdom of the executive regarding the use of benefits to compensate the workforce. There is a process to negotiate wages and benefits for state employees. It is not appropriate for the Legislature to override the compensation process administered by the Personnel Division in Administrative Services. We are sorry for the family of the unfortunate person who lost his life. We are at the same time conscious of the burden of paying taxes to maintain state government.

On a division vote, 165 members having voted in the affirmative and 112 in the negative, the

Majority committee report was adopted.
Ordered to third reading.

HB 593-FN, relative to penalties for violations of licensing requirements for certain regulated professions. **INEXPEDIENT TO LEGISLATE.**

Rep. Suzanne E. Beauchesne for Executive Departments and Administration: This bill would increase penalties for violations of licensing requirements for a number of regulated professions. On the day of the hearing, the sponsor did not appear to present or defend the bill, nor was any testimony – pro or con – made available. Vote 13-2.
Committee report adopted.

HB 653, relative to the membership of the New Hampshire retirement system board of trustees. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Patricia M. McMahon for Executive Departments and Administration: The committee amended this bill to include aspects of a number of retirement bills and to retain the defined benefit plan of the New Hampshire Retirement System (NHRS). This comprehensive approach is a first step to stabilize the pension fund and the employee and employer rates. The aim is to attain a funding level of the consolidated retirement system equal to or greater than 85% of full funding of the retirement costs of all current employees and retirees. The funding methodology for financing the NHRS will change to “entry age normal” (pay as you go) and is anticipated to require a 30 year amortization of unfunded actuarial accrued liabilities (UAAL) of all public retirement systems by the Governmental Accounting Standards Board. This change will reduce the volatility of the employer’s contribution to the pension fund and assure predictability for the beneficiaries and the employers. In the future, the employer rates will be no less than the employees’ rates. After the consolidated retirement system is 85% fully funded, funds may go to the special account. Earnings of the remaining assets of the retirement system which are in excess of 10 and one-half percent (a trigger) will be allocated to the special account. More flexibility will be allowed for the fiscal committee to provide supplemental allowances (cost of living allowances – COLA’s) should they see fit to consider any additional benefits. One new member has been added to the board of trustees of the NHRS to provide representation from the management in local government. Vote 16-0.

Amendment (0930h)

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

AN ACT relative to the determination of benefits, funding, and administration of the New Hampshire retirement system.

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

1 Gender Neutral; Definition; Average Final Compensation. Amend RSA 100-A:1, XVIII to read as follows:

XVIII. “Average final compensation” shall mean the average annual earnable compensation of a member during his *or her* highest 3 years of creditable service, or during all of the years in his *or her* creditable service if less than 3 years.

2 New Section; Maximum Benefit Amount. Amend RSA 100-A by inserting after section 6 the following new section:

100-A:6-a Maximum Retirement Benefit. Notwithstanding any other provision of this chapter to the contrary, any member’s initial calculation of the retirement benefit granted under the provisions of RSA 100-A:5 or RSA 100-A:6 shall not exceed 100 percent of the member’s highest year of earnable compensation. This provision shall not limit the application of supplemental allowances under RSA 100-A: 41-a.

3 Board of Trustees; Local Government Member Added. Amend RSA 100-A:14, I to read as follows:

I. The administration of this system is vested in a board of ~~[13]~~ **14** trustees. The state treasurer shall be an ex officio ~~[voting]~~ **nonvoting** member of the board. The governor and council shall appoint 2 trustees, to be known as non-member trustees, who shall be qualified persons with business experience and not be members of the system, and who shall serve for a term of 2 years and until their successors are appointed and qualified, except that the original appointment of one of the non-member trustees shall be for a term of one year. The remaining ~~[10]~~ **11** members of the board shall consist of 2 employees, 2 teachers, 2 permanent policemen, 2 permanent firemen, one member of the senate who ~~[serves on the insurance committee and who]~~ shall be appointed annually by the senate president, ~~[and]~~ one member of the house of representatives who serves on the executive departments and administration committee and who shall be appointed annually by the speaker of the house, **and one person representing management in local government**. Whenever a vacancy occurs, the senate president or the speaker of the house shall fill the vacancy in the same manner by appointing a senate or a house member who shall serve for the unexpired term. The New Hampshire state employees' association, the New Hampshire education association, the New Hampshire police association, ~~[and]~~ the New Hampshire state permanent firemen's association, **and the New Hampshire Local Government Center** shall each annually nominate from their members a panel of 5 persons, all of whom **except for the panel of the Local Government Center** shall be active members of the retirement system, or one of the 4 predecessor systems, no later than May 31 of each year, and the panels so named shall be filed with the secretary of state no later than June 10 of each year. From each of the above named panels the governor and council shall ~~[originally]~~ appoint ~~[2 persons, and thereafter]~~ one **person** annually to the board, **except for the panel of the Local Government Center, which shall have one person appointed every 2 years**. Members appointed to the board in the manner aforesaid shall serve for a term of 2 years~~[-except that the original appointments of one of the persons from each panel shall be for a term of one year]~~. Each member so appointed shall hold office until his or her successor shall be appointed and qualified. Whenever a vacancy occurs, the governor and council shall fill the vacancy by appointing a member who shall serve for the unexpired term from the same panel from which the former member was appointed. The governor shall designate one of the non-member trustees to serve as chairman of said board of trustees.

4 Board of Trustees; Quorum. Amend RSA 100-A:14, IV to read as follows:

IV. Each trustee shall be entitled to one vote in the board of trustees. ~~[Six]~~ **Seven** trustees shall constitute a quorum for the transaction of any business. ~~[Six]~~ **Seven** votes shall be necessary for any resolution or action by the board at any meeting.

5 Method of Financing. Amend the introductory paragraph of RSA 100-A:16 to read as follows:

100-A:16 Method of Financing. All of the assets of the retirement system shall be credited, according to the purpose for which they are held, between 2 funds, namely, the member annuity savings fund and the state annuity accumulation fund. Each of the funds shall be subdivided on account of the various member classifications. In making the determinations required under this section for financing the retirement system, the board of trustees shall use the ~~[open group aggregate]~~ **entry age normal** funding methodology. The board of trustees shall direct the system's actuary to prepare biennial valuations of the system's assets and liabilities commencing with the valuation prepared as of June 30, ~~[1991]~~ **2007**. Such biennial valuation shall be the ~~[sole]~~ basis for determining the annual contribution requirements of the system until the next following biennial valuation.

6 Gender Neutral. Amend RSA 100-A:16, I(d) to read as follows:

(d) The accumulated contributions of a member withdrawn by ~~[him]~~ **the member**, or paid to his **or her** estate or ~~[to his or her]~~ designated beneficiary in event of his **or her** death in service, shall be paid from the member annuity savings fund. Upon the retirement of a member, his **or her** accumulated contributions shall be transferred from the member annuity savings fund to the state annuity accumulation fund.

7 Method of Funding; Unfunded Accrued Liability. Amend RSA 100-A:16, II(d) to read as follows:

(d) Immediately following the actuarial valuation prepared as of June 30~~[-1968]~~ **of each fiscal year**, the board shall have an actuary determine the amount of the unfunded accrued liability for each member classification as the amount of the total liabilities of the state annuity accumulation fund on account of such classification which is not dischargeable by the total of the funds in hand to the credit of the state annuity accumulation fund on account of such classification, and the aforesaid normal contributions to be made on account of the members in such classification during the remainder of their active service. The amount so determined with respect to each member classification shall be known as the "unfunded accrued liability" with respect to such classification. On the basis of each such unfunded accrued liability, the board shall have an actuary determine the level annual contribution required to discharge such amount over a period of ~~[20 years from June 30, 1968]~~ **30 years or the maximum period allowed by standards adopted by the Government Accounting Standards Board, whichever is less.**

8 Method of Funding; Special Account; Normal Contribution Rate. Amend RSA 100-A:16, II(h) and (i) to read as follows:

(h) There shall be a special account for additional benefits held by the board of trustees. Beginning July 1, 2003, the special account shall be subdivided into components representing the 4 retirement system member classifications, as defined in RSA 100-A:1, with each component subdivided proportionally between employees of the state and employees of the political subdivisions of the state. The balance of the special account attributed to each component as of June 30, 2003 shall be subdivided between state and political subdivision classifications based upon the actuarial liabilities of the member and retiree groups. Beginning with the fiscal year ending June 30, 1990, the amount credited annually to the special account shall be determined as follows:

(1) Each component of the special account shall first be credited with all the earnings of that component for the fiscal year.

(2) ***If the actuary determines that the funded ratio of the consolidated retirement system as of June 30 of any given year is equal to or greater than 85 percent, then*** all of the earnings of the remaining assets of the retirement system which are in excess of ~~[the assumed rate of return plus 1/2 of one]~~ **10 and one-half** percent ~~[added to such rate]~~ shall be allocated to the 4 member classifications. The assumed rate of return shall be determined by the board of trustees.

(3) Any funds held in special reserve as of June 30, 1996, shall be transferred to the respective component of the special account according to the following schedule:

(i) One-half of the funds held in special reserve as of June 30, 1996.

(ii) One-half of the remaining funds as of June 30, 1997, plus earnings from July 1, 1996 to June 30, 1997.

(iii) All remaining funds as of June 30, 1998, plus earnings from July 1, 1997, to June 30, 1998.

(4) [Repealed.]

(5) None of the assets held in the special account shall be used in the actuarial determination of the rate percent of normal contribution as set forth in subparagraphs (b), (c) and (d).

(6) [Repealed.]

(7) The actuarial cost of all legislation enacted during each fiscal year and calling for funding from the special account shall be withdrawn from the respective components of the special account, as of June 30 of each year, after funds are credited to the special account as provided in this subparagraph.

The special account shall be used only to fund or partially fund additional benefits as follows: first, to provide supplemental allowances, or COLAs, pursuant to RSA 100-A:41-a and, second, ~~[to the extent that funds may be available in the special account in excess of a 3-~~

year 5 percent COLA reserve,] to provide additional benefits ***in accordance with RSA 100-A:50 through RSA 100-A:55*** to retired members and beneficiaries of the retirement system with the specific approval of the appropriate policy committees and approval of the general court. ~~[Nothing in this section shall preclude the appropriate legislative policy committees and the general court from adopting legislation that provides additional benefits in the event that the special account does not contain a 3 year, 5 percent COLA reserve.]~~

(i) If the actuarially determined normal contribution rate as set forth in subparagraphs (b)[,] ***and*** (c)[~~and (d)~~] on account of any of the various member classifications shall be negative in any fiscal year, then the excess amount resulting from the difference between zero and the negative actuarially determined normal contribution rate shall be used to reduce the employee contribution rate for that member classification in that fiscal year.

9 Employer Contributions. Amend RSA 100-A:16, III to read as follows:

III. EMPLOYER CONTRIBUTIONS.

(a) On or before the first day of October next preceding each regular session of the state legislature, the board of trustees shall certify to the commissioner of administrative services the amounts which will become due and payable by the state during the biennium next following to the retirement system and it shall be the duty of the commissioner of administrative services in preparing the executive budget for each ensuing biennium to include in the budget the amounts so certified which amounts shall be appropriated by the legislature. The amounts so certified under this subparagraph shall include the unfunded accrued liability of the retirement system. ***The annual employer contribution requirements effective July 1, 2008 and as calculated each year thereafter shall not be less than the employee contribution rates under RSA 100-A:16, I(a).***

(b) A county, city, town, school district or other political subdivision of the state having any employee members who are paid directly by the state but for whom the staff is later reimbursed for the part of their compensation not chargeable to state funds shall likewise reimburse the state for that part of the contribution made by the state to this system which is based on such part of compensation not chargeable to state funds.

(c) At the beginning of each year commencing on the first day of July the board of trustees shall certify to each employer other than the state the percentage rates of contribution due the system from each such employer, and shall assess upon each such employer such percentages of the earnable compensation of members in its employ, and it shall be the duty of the treasurer or other disbursing officer of each such employer to pay to the board of trustees such portion of the annual amount so assessed at such times and in such manner as the board of trustees may prescribe. Each such employer is hereby authorized to appropriate the sums necessary for the payment of such assessments. ***The annual employer contribution requirements effective July 1, 2008 and as calculated each year thereafter shall not be less than the employee contribution rates under RSA 100-A:16, I(a).***

10 Repeal. The following are repealed:

I. RSA 100-A:4, VII, relative to purchase of nonqualified service credit.

II. RSA 100-A:16, II(d) relative to the procedure for determining contribution rates.

11 Effective Date. This act shall take effect July 1, 2007.

AMENDED ANALYSIS

This bill changes the procedure for calculating contribution rates and for determining cost-of-living adjustments. The bill also repeals the authority for nonqualified service credit and adds a local government member to the board of trustees.

Amendment adopted.

The question now being adoption of the committee report of Ought to Pass with Amendment. Rep. Patricia McMahon spoke in favor and yielded to questions. Rep. Kurk spoke in favor.

On a division vote, 325 members having voted in the affirmative and 12 in the negative, the committee report was adopted.

Ordered to third reading.

Rep. John Thomas declared a conflict of interest and did not participate.

HB 828-FN, relative to a state ethics officer. **OUGHT TO PASS WITH AMENDMENT.**

Rep. A. Laurie Harding for Executive Departments and Administration: This bill, as amended, requires that the secretary of state designate an employee of the department of state to be the state “ethics officer.” The mandated responsibilities of this individual will be to follow through on the administrative requirements related to the submission and review of the specific legislative reporting forms, to communicate with candidates for public office re: completion and submission of forms, respond to all inquiries from candidates for public office, and make or forward complaints alleging violations of the state ethics code to the attorney general. This individual will be a knowledgeable, consistent voice for current and prospective office holders as well as members of the executive branch on the ethics laws over which the secretary of state has jurisdiction. The amended version of the bill removes any responsibilities that may have necessitated the “ethics officer” become a new position. Therefore, there is no longer a fiscal note attached to this bill. Vote 12-3.

Amendment (0822h)

Amend RSA 21-G:28-a as inserted by section 1 of the bill by replacing it with the following:
21-G:28-a Ethics Officer; Appointment; Duties and Responsibilities.

I. The secretary of state shall designate an employee of the department of state as the state ethics officer, who shall be responsible for the administration of this subdivision.

II. The ethics officer shall:

(a) Review the administrative requirements of this subdivision and the submission of forms pursuant to RSA 15-A and RSA 15-B.

(b) Communicate with all candidates for public office and all executive branch officials on the administrative requirements of this subdivision and the submission of forms pursuant to RSA 15-A and RSA 15-B.

(c) Respond to any inquiries from candidates for public office and executive branch officials on the administrative requirements of this subdivision and the submission of forms pursuant to RSA 15-A and RSA 15-B.

(d) Make or forward complaints alleging violations of the provisions of the state ethics code to the attorney general or the executive branch ethics committee, established under RSA 21-G:29.

III. The state ethics officer shall not be authorized to render legal advice.

IV. The state ethics officer shall attend meetings of the legislative ethics committee, the executive branch ethics committee, and any other ethics committees or commissions established by statute.

V. Any state agency, commission, or committee authorized by statute to issue opinions interpreting a state ethics law shall submit a copy of any written decision or opinion to the state ethics officer and to the secretary of state. Such written decisions or opinions may be redacted prior to submission in order to protect confidential or nonpublic information. On a division vote, 220 members having voted in the affirmative and 116 in the negative, the committee amendment was adopted.

The question now being adoption of the committee report of Ought to Pass with Amendment. On a division vote, 217 members having voted in the affirmative and 120 in the negative, the committee report was adopted.

Ordered to third reading.

HB 881-FN, relative to the licensure and regulation of interior designers. **INEXPEDIENT**

TO LEGISLATE.

Rep. Catriona D. Beck for Executive Departments and Administration: This bill relates to establishing a board of interior designers which would implement regulation and licensure certification in the practice of interior design within the state of New Hampshire. The committee recognized and commended members of New Hampshire Interior Design Coalition (NHIDC) for the amount of hard work and effort put forth to present their case in expressing their support of licensure for the interior design profession within the state of New Hampshire. The committee, having heard testimony from countless members of the interior design community with differing opinions regarding licensure and regulation within the industry, could not find sufficient or compelling enough evidence to support licensure for interior designers at this present time. It was noted that only four states require regulation and licensure of the interior design profession. The committee took into consideration the financial impact on small businesses within the industry, the restrictive conditions and hardship this bill would cause to many New Hampshire interior designers, the lack of educational courses offered within our state, the wide philosophical differences within the New Hampshire interior design community and lack of impact on the welfare and safety of the public at large. Vote 12-4.
Committee report adopted.

**(Deputy Speaker Foster in the Chair)
REGULAR CALENDAR (CONT'D)**

HB 923, prohibiting dog racing in New Hampshire and establishing a committee to make recommendations for mitigating the impacts of prohibiting dog racing. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Francis B. Sullivan for the Majority of Executive Departments and Administration: This bill would prohibit dog racing in New Hampshire and establish a committee to make recommendations to study the impact of eliminating racing. This bill would in effect shut down an entire industry by abolishing dog racing in New Hampshire. The committee heard extensive testimony over two days of hearings from all sides on this issue. Passage of this bill would mean the 500 plus employees of race tracks (most of whom are New Hampshire residents), the state employees who regulate the industry and employees of the kennels who care for the dogs would lose their jobs. Every aspect of the business is highly regulated. For example, every employee involved must be licensed by the state. The race tracks contribute millions of dollars to the economy of our state including over \$500,000 in taxes and fees to the three communities where the tracks are located. Information presented also demonstrates that many injuries referred to by the bill's proponents in fact did not occur during a race, but resulted from everyday activity just as it could happen to a pet in a home. The majority of the committee believes that the racing dogs are well cared for. We have confidence in state regulators that they hold the welfare of the dogs in the highest importance. Vote 14-3.

Rep. John Reagan for the Minority of Executive Departments and Administration: The arguments against this bill are directed at the economic impact of closing the tracks. The bill allows for a study commission aimed at the economic impact of not allowing dog racing. Everyone agreed many injuries occurred to the animals. Proponents stated not all injuries occurred during actual races. We all do agree all injuries occur to the animals while they are at the track. The difference is between incidental and accidental occurrences of death and injury compared to overlooking regular injury and death at the tracks. Our society should not accept a state revenue dollar amount as justifying an immoral activity.

MOTION TO LAY ON THE TABLE

Rep. Graham moved that ***HB 923***, prohibiting dog racing in New Hampshire and establishing a committee to make recommendations for mitigating the impacts of prohibiting dog racing, be laid on the table.

Rep. Dumaine requested a roll call; sufficiently seconded.

YEAS 99 NAYS 240

YEAS 99

BELKNAP

Boyce, Laurie
Tilton, Franklin

Clark, Charles
Whalley, Michael

Flanders, Donald

Millham, Alida

CARROLL

Buco, Thomas

Chandler, Gene

CHESHIRE

Butynski, William
Roberts, Kris

Dunn, J. Timothy

Espieffs, Peter

Hunt, John

COOS

Ingersoll, Paul Sr

Remick, William

GRAFTON

Aguiar, James
Hammond, Lee

Benn, Bernard
Harding, A Laurie

Dingman, Vernon III

Gionet, Edmond

HILLSBOROUGH

Batula, Peter
Francoeur, Bea
Graham, John
Holden, Randolph
Kopka, Angeline
O'Brien, Michael Sr
Rowe, Robert
Ulery, Jordan

Campbell, David
Garrity, Patrick
Haefner, Robert
Hunter, Bruce
Manney, Pamela
O'Neil, James
Spratt, Stephen
Velez, Hector

Christensen, Chris
Ginsburg, Ruth
Hawkins, Ken
Irwin, Anne-Marie
Martineau, Jesse
Pilotte, Maurice
Sullivan, Daniel

Cote, David
Gorman, Mary
Hogan, Edith
Jasper, Shawn
McRae, Karen
Rosenwald, Cindy
Sullivan, Francis

MERRIMACK

Anderson, Eric
Humphries, Charlie

Bouchard, Candace
MacKay, James

DeJoie, John
McMahon, Patricia

Hamm, Christine
Wallner, Mary

ROCKINGHAM

Abbott, Dennis
Dalrymple, David
Garrity, James
Hutchinson, Karen
Lister, Charlotte
Moody, Marcia
Rausch, James
Weyler, Kenneth

Allen, Mary
Devine, James
Gleason, John
Introne, Robert
Major, Norman
Nowe, Ronald
Sanders, Elisabeth

Camm, Kevin
Fesh, Bob
Headd, James
Katsakiores, George
McEachern, Paul
Packard, Sherman
Waterhouse, Kevin

Carson, Sharon
Flanders, John Sr
Hopfgarten, Paul
Katsakiores, Phyllis
McKinney, Betsy
Pantelakos, Laura
Weare, Everett

STRAFFORD

Hutz, Sarah
Smith, Marjorie

Rollo, Deanna
Vachon, Dennis

Rollo, Michael
Wall, Janet

Rous, Emma

SULLIVAN

Cloutier, John	Ferland, Brenda	Franklin, Peter	Gagnon, Raymond
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NAYS 240

BELKNAP

Allen, Janet	Arsenault, Beth	Morrison, Gail	Nedeau, Stephen
Pilliod, James	Reever, Judith	Russell, David	Thomas, John
Wendelboe, Fran			

CARROLL

Ahlgren, Christopher	Bridgham, Robert	Brown, Carolyn	Butler, Edward
Cunningham, Howard	Denley, William	Heard, Virginia	Knox, J. David
Martin, James	Merrow, Harry	Patten, Betsey	Stevens, Stanley

CHESHIRE

Burrige, Delmar	Butcher, Suzanne	Butterworth, Timothy	Chase, William
Emerson, Susan	Johnson, Jane	Lerandeau, Alfred	Mitchell, Bonnie
Parkhurst, Henry	Pelkey, Stephen	Richardson, Barbara	Robertson, Timothy
Sad, Tara	Weber, Lucy		

COOS

Hatch, William	King, Frederick	Mears, Edgar	Merrick, Evalyn
Merrick, Scott	Stohl, Eric	Theberge, Robert	Tholl, John Jr
Thomas, Yvonne			

GRAFTON

Almy, Susan	Andersen, Gene	Bleyler, Ruth	Bulis, Lyle
Cooney, Mary	Estes, Carole	Friedrich, Carol	Lovett, Sid
Matheson, Robert	McLeod, Martha	Nordgren, Sharon	Pierce, David
Preston, Philip	Solomon, Peter	Sorg, Gregory	

HILLSBOROUGH

Barry, Richard	Beaulieu, Jane	Beck, Catriona	Bergeron, Jean-Guy
Bergin, Peter	Brunelle, Michael	Chase, Claudia	Christiansen, Lars
Coughlin, Pamela	Crane, Elenore Casey	Daler, Jennifer	Daniels, Gary
Day, Russell	Dokmo, Cynthia	Drisko, Richard	Edwards, Andrew
Elliott, Nancy	Emerton, Larry	Essex, David	Fletcher, Richard
Fontas, Jeffrey	Forest, Armand	Gargas, Carolyn	Goley, Jeffrey
Hackel, Paul	Hall, Betty	Hammond, Jill	Hansen, Ryan
Harvey, Suzanne	Hebert, Roger	Hinkle, Peyton	Infantine, William
Jean, Claudette	Kaelin, Michael	Kelley, John	Knowles, John
Knowles, Mary Ann	Kurk, Neal	L'Heureux, Robert	Lasky, Bette
Lawrence, James	Leishman, Peter	Levasseur, Nickolas	Levesque, Melanie
Long, Patrick	Mack, Ron	Matarazzo, Anthony	Mesa, Lily
		Sr	
Messier, Irene	Mooney, Maureen	Moran, Edward	Movsesian, Lori
Peterson, Andy	Price, Pamela	Reeves, Sandra	Renzullo, Andrew
Reuschel, Michael	Schulze, Joan	Shattuck, Gilman	Shaw, Barbara
Shaw, Kimberly	Simon, Anthony	Smith, David	Soucy, Connie

Stepanek, Stephen

Vaillancourt, Steve

Villeneuve, Maurice

Winters, Joel

MERRIMACK

Baxley, Maureen

Beauchesne,
Suzanne

Blanchard, Elizabeth

Brown, Carole

Brueggemann, Donald

Clarke, Claire

Davis, Frank

DeStefano, Stephen

Ehlers, Eileen

Foose, Robert

French, Barbara

Gile, Mary

Kelly, Sally

Kidder, David

Kjellman, Eleanor
Glynn

Lockwood, Priscilla

Osborne, Jessie

Owen, Derek

Porter, Margaret

Potter, Frances

Reardon, Tara

Richardson, Gary

Ryan, Jim

Shurtleff, Stephen

Tilton, Joy

Tupper, Frank

Walz, Mary

Webb, Leigh

Wheeler, Deborah

Yeaton, Charles

ROCKINGHAM

Baldasaro, Alfred

Bedrick, Jason

Belanger, Ronald

Bettencourt, David

Borden, David

Brown, C. Pennington

Buxton, Donald

Cali-Pitts, Jacqueline

Case, Frank

Casey, Kimberley

Charron, Gene

Day, Judith

DiFruscia, Anthony

Dumaine, Dudley

Elliott, Robert

Emiro, Frank

Flockhart, Eileen

Garcia, Marilinda

Gould, Kenneth

Griffin, Mary

Grote, Otto

Guthrie, Joseph

Henson, John

Howard, Doreen

Ingram, Russell

Johnson, Robert

Kappler, Lawrence

Kelley, Jane

Kennedy, James

Kepner, Susan

Lund, Howie

Marsh, Michael

McCarthy, Linda

McKenna, Daniel

McMahon, Charles

Moore, Bennett

Nord, Susi

Pearson, Mark

Powers, James

Priestley, Anne

Quandt, Matthew

Reagan, John

Robertson, Carl

Russell, Trinkia

Serlin, Christopher

Snow, Richard

Splaine, James

Stiles, Nancy

Welch, David

Wells, Roger

Wickson, Rick

Winchell, George

STRAFFORD

Berube, Roger

Billian, Deborah

Brown, George

Brown, Jennifer

Brown, Julie

Brown, Larry

Browne, Brendon

Burke, Rachel

Cyr, James

DeChane, Marlene

Fargo, Thomas

Hubbard, Pamela

Kaen, Naida

Knowles, William

Mickelonis, Shawn

Miller, Joseph

Perry, Robert

Schmidt, Peter

Spang, Judith

Sprague, Dale

Warren, Nancy

Watson, Robert

SULLIVAN

Converse, Larry

Donovan, Thomas

Gottling, Suzanne

Houde, Matthew

Jillette, Arthur Jr

Nielsen, Ellen

Phinizy, James

Rodeschin, Beverly

Skinder, Carla

and the motion failed.

The question now being adoption of the majority committee report of Inexpedient to Legislate.

Rep. Irwin spoke in favor and yielded to questions.

Reps. Schmidt, Wendelboe, Crane, Claudia Chase, Cali-Pitts and Cooney spoke against.

Reps. Francis Sullivan, Stiles, Weyler and Harding spoke in favor.

Rep. Wendelboe requested a roll call; sufficiently seconded.

YEAS 198 NAYS 138

YEAS 198

BELKNAP

Allen, Janet	Boyce, Laurie	Clark, Charles	Flanders, Donald
Millham, Alida	Nedeau, Stephen	Pilliod, James	Russell, David
Thomas, John	Tilton, Franklin	Whalley, Michael	

CARROLL

Ahlgren, Christopher	Bridgham, Robert	Buco, Thomas	Butler, Edward
Chandler, Gene	Cunningham, Howard	Denley, William	Merrow, Harry
Patten, Betsey	Stevens, Stanley		

CHESHIRE

Butterworth, Timothy	Butynski, William	Chase, William	Dunn, J. Timothy
Eaton, Daniel	Espiefs, Peter	Hunt, John	Johnson, Jane
Lerandeau, Alfred	Roberts, Kris	Sad, Tara	Weber, Lucy

COOS

Hatch, William	Ingersoll, Paul Sr	King, Frederick	Mears, Edgar
Remick, William	Stohl, Eric	Theberge, Robert	Tholl, John Jr

GRAFTON

Benn, Bernard	Bulis, Lyle	Dingman, Vernon III	Estes, Carole
Friedrich, Carol	Gionet, Edmond	Hammond, Lee	Harding, A Laurie
McLeod, Martha	Nordgren, Sharon	Solomon, Peter	Sorg, Gregory

HILLSBOROUGH

Barry, Richard	Beaulieu, Jane	Beck, Catriona	Bergeron, Jean-Guy
Bergin, Peter	Brunelle, Michael	Campbell, David	Christensen, Chris
Clemons, Jane	Cote, David	Day, Russell	Emerton, Larry
Essex, David	Fletcher, Richard	Forest, Armand	Francoeur, Bea
Garrity, Patrick	Goley, Jeffrey	Gorman, Mary	Graham, John
Haefner, Robert	Hammond, Jill	Hawkins, Ken	Hebert, Roger
Holden, Randolph	Hunter, Bruce	Irwin, Anne-Marie	Jasper, Shawn
Jean, Claudette	Kopka, Angeline	L'Heureux, Robert	Lasky, Bette
Long, Patrick	Manney, Pamela	Martineau, Jesse	Messier, Irene
O'Brien, Michael Sr	Peterson, Andy	Price, Pamela	Reuschel, Michael
Rosenwald, Cindy	Simon, Anthony	Smith, David	Stepanek, Stephen
Sullivan, Daniel	Sullivan, Francis	Velez, Hector	Winters, Joel

MERRIMACK

Anderson, Eric	Beauchesne, Suzanne	Bouchard, Candace	Clarke, Claire
DeJoie, John	Foose, Robert	Hager, Elizabeth	Hamm, Christine
Humphries, Charlie	Kidder, David	Lockwood, Priscilla	MacKay, James
McMahon, Patricia	Owen, Derek	Potter, Frances	Reardon, Tara
Shurtleff, Stephen	Tilton, Joy	Tupper, Frank	Wallner, Mary
Webb, Leigh			

ROCKINGHAM

Abbott, Dennis	Baldasaro, Alfred	Bedrick, Jason	Belanger, Ronald
Camm, Kevin	Case, Frank	Casey, Kimberley	Charron, Gene

Dalrymple, David
Flanders, John Sr
Griffin, Mary
Hutchinson, Karen
Kappler, Lawrence
Lister, Charlotte
McKinney, Betsy
Pantelakos, Laura
Robertson, Carl
Welch, David
Winchell, George

Devine, James
Garcia, Marilinda
Guthrie, Joseph
Ingram, Russell
Katsakiores, George
Lund, Howie
McMahon, Charles
Pearson, Mark
Sanders, Elisabeth
Wells, Roger

Elliott, Robert
Garritty, James
Headd, James
Introne, Robert
Katsakiores, Phyllis
Major, Norman
Moore, Bennett
Priestley, Anne
Stiles, Nancy
Weyler, Kenneth

Fesh, Bob
Gleason, John
Hopfgarten, Paul
Itse, Daniel
Kennedy, James
McEachern, Paul
Nowe, Ronald
Rausch, James
Weare, Everett
Wickson, Rick

STRAFFORD

Berube, Roger
Domingo, Baldwin
Perry, Robert
Smith, Marjorie

Brown, George
Fargo, Thomas
Rollo, Deanna
Spang, Judith

Brown, Julie
Hutz, Sarah
Rollo, Michael
Sprague, Dale

Cyr, James
Kaen, Naida
Rous, Emma
Wall, Janet

SULLIVAN

Cloutier, John
Gagnon, Raymond
Phinizy, James

Converse, Larry
Gottling, Suzanne
Rodeschin, Beverly

Donovan, Thomas
Houde, Matthew
Skinder, Carla

Ferland, Brenda
Nielsen, Ellen

NAYS 138

BELKNAP

Arsenault, Beth
Wood, Jane

Morrison, Gail

Reever, Judith

Wendelboe, Fran

CARROLL

Brown, Carolyn

Heard, Virginia

Knox, J. David

Martin, James

CHESHIRE

Burrige, Delmar
Parkhurst, Henry

Butcher, Suzanne
Pelkey, Stephen

Emerson, Susan
Richardson, Barbara

Mitchell, Bonnie
Robertson, Timothy

COOS

Merrick, Evalyn

Merrick, Scott

Thomas, Yvonne

GRAFTON

Almy, Susan
Lovett, Sid

Andersen, Gene
Matheson, Robert

Bleyler, Ruth
Pierce, David

Cooney, Mary
Preston, Philip

HILLSBOROUGH

Batula, Peter
Daler, Jennifer
Edwards, Andrew
Hackel, Paul
Hinkle, Peyton
Kelley, John
Lawrence, James

Chase, Claudia
Daniels, Gary
Elliott, Nancy
Hall, Betty
Hogan, Edith
Knowles, John
Leishman, Peter

Coughlin, Pamela
Dokmo, Cynthia
Fontas, Jeffrey
Hansen, Ryan
Infantine, William
Knowles, Mary Ann
Levasseur, Nickolas

Crane, Elenore Casey
Drisko, Richard
Gargas, Carolyn
Harvey, Suzanne
Kaelin, Michael
Kurk, Neal
Levesque, Melanie

Mack, Ron	Matarazzo, Anthony Sr	Mesa, Lily	Mooney, Maureen
Moran, Edward	Movsesian, Lori	Pilotte, Maurice	Reeves, Sandra
Renzullo, Andrew	Rowe, Robert	Schulze, Joan	Shattuck, Gilman
Shaw, Barbara	Shaw, Kimberly	Soucy, Connie	Spratt, Stephen
Vaillancourt, Steve	Villeneuve, Maurice		

MERRIMACK

Baxley, Maureen	Blanchard, Elizabeth	Brown, Carole	Brueggemann, Donald
Davis, Frank	DeStefano, Stephen	Ehlers, Eileen	French, Barbara
Gile, Mary	Hess, David	Kelly, Sally	Kjellman, Eleanor
			Glynn
Osborne, Jessie	Porter, Margaret	Richardson, Gary	Ryan, Jim
Walz, Mary	Wheeler, Deborah	Yeaton, Charles	

ROCKINGHAM

Bettencourt, David	Brown, C. Pennington	Buxton, Donald	Cali-Pitts, Jacqueline
Carson, Sharon	Day, Judith	DiFruscia, Anthony	Dumaine, Dudley
Emiro, Frank	Flockhart, Eileen	Gould, Kenneth	Grote, Otto
Henson, John	Howard, Doreen	Johnson, Robert	Kelley, Jane
Kepner, Susan	Marsh, Michael	McCarthy, Linda	McKenna, Daniel
Moody, Marcia	Nord, Susi	Packard, Sherman	Powers, James
Quandt, Matthew	Reagan, John	Russell, Trinka	Serlin, Christopher
Snow, Richard	Splaine, James		

STRAFFORD

Billian, Deborah	Brown, Jennifer	Brown, Larry	Browne, Brendon
Burke, Rachel	DeChane, Marlene	Hubbard, Pamela	Knowles, William
Mickelonis, Shawn	Miller, Joseph	Schmidt, Peter	Warren, Nancy
Watson, Robert			

SULLIVAN

Franklin, Peter Jillette, Arthur Jr
and the majority committee report was adopted.

HB 928, relative to the Christa McAuliffe planetarium commission. **OUGHT TO PASS.**
Rep. Pamela V. Manney for Executive Departments and Administration: This bill would repeal the provision which administratively attaches the Christa McAuliffe Planetarium Commission to the department of regional community technical colleges. The administrative repeal is needed because the regional community technical colleges are proposing to separate from the state and therefore would no longer offer state services to the Christa McAuliffe Planetarium. If passed, oversight of the Christa McAuliffe Planetarium Commission would be that of the governor and council. Both the governor and the department of regional technical colleges support the repeal. This bill also makes technical corrections to RSA 12-L relative to the Christa McAuliffe Planetarium and Alan B. Shepard Discovery Center. Technical changes would include: adding an “aviation” and “earth” science component to the planetarium’s mission; making education community members serving on the commission as coming from the private sector; change the word “shall” to “may” regarding receipt of payment of mileage for those serving on the commission and adding having the authority to accept “grants and donations” of money and property. Vote 11-4.
Committee report adopted.
Ordered to third reading.

HB 46-FN-A-L, making an appropriation to support kindergarten programs in the towns of Merrimack, Hampstead, and Goffstown. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Robert A. Foose for Finance: The state now takes three years to include students in its count for the purpose of state aid. The state agreed to fund \$1,200 per student during the three year period while waiting for the kindergarten students to be counted by the state. This agreement has been extended many times over the years. It is the belief of the committee that we should continue this policy to assist towns who commit to school kindergarten. Vote 24-0.

Amendment (0965h)

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

AN ACT making an appropriation to fund kindergarten programs in the towns of Merrimack, Hampstead, Goffstown, and Fremont, and in the Timberlane regional school district.

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

1 Appropriation. There is hereby appropriated the sum of \$2,004,000, for the fiscal year ending June 30, 2007, from the education trust fund established in RSA 198:39 to the department of education, to provide \$1,200 per pupil grants for kindergarten programs in the towns of Merrimack, Hampstead, Goffstown, and Fremont, and in the Timberlane regional school district, which is comprised of the towns of Plaistow, Atkinson, Danville, and Sandown. Such funds shall lapse on June 30, 2009, and shall be distributed as follows:

- (a) Merrimack shall receive the sum of \$548,400.
- (b) Hampstead shall receive the sum of \$196,800.
- (c) Goffstown shall receive the sum of \$223,200.
- (d) Fremont shall receive the sum of \$192,000.
- (e) The Timberlane regional school district shall receive the sum of \$843,600.

2 School Money; Education Trust Fund. Amend the introductory paragraph in RSA 198:39, I to read as follows:

I. The state treasurer shall establish an education trust fund in the treasury. Moneys in such fund shall not be used for any purpose other than to distribute adequate education grants to municipalities' school districts and to approved charter schools pursuant to RSA 198:42, [and] to provide low and moderate income homeowners property tax relief under RSA 198:56-198:61, **and to fund kindergarten programs as may be determined by the general court.** The state treasurer shall deposit into this fund immediately upon receipt:

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

AMENDED ANALYSIS

This bill makes an appropriation from the education trust fund to the department of education to fund \$1,200 per pupil grants for kindergarten programs in the towns of Merrimack, Hampstead, Goffstown, and Fremont, and in the Timberlane regional school district.

Amendment adopted.

Committee report adopted.

Ordered to third reading.

HB 553-FN-A, requiring the state to pay legal fees for certain supreme court justices.

OUGHT TO PASS WITH AMENDMENT.

Rep. Frederick W. King for Finance: This bill requires the state, through the Department of Administrative Services, to pay the full and final legal fees incurred by certain Supreme Court justices as a result of claims they were subjected to, and prevailed as to, involved in impeachment proceedings initiated by the legislature. Vote 16-6.

Amendment (0740h)

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

AN ACT requiring the state to pay legal fees for certain supreme court justices and making an appropriation therefor.

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

1 Payment of Legal Fees of Certain Supreme Court Justices.

I. The department of administrative services shall pay up to the following amounts to the following persons as full and final payment for legal fees incurred by such persons in the capacity as supreme court justices as a result of claims they were subjected to, and prevailed as to, involved in impeachment proceedings initiated by the legislature:

(a) Retired Chief Justice David A. Brock	\$474,000
(b) Retired Associate Justice Sherman D. Horton, Jr.	\$30,000
(c) Chief Justice John T. Broderick, Jr.	\$90,000

II. Prior to payment of the sums under paragraph I, retired justices Brock and Horton and chief justice Broderick shall submit to the department of administrative services copies of all invoices for legal fees charged for the impeachment proceedings along with signed release statements from themselves that the payments made under paragraph I are full and final payments for legal fees incurred for the impeachment proceedings.

2 Appropriation. The sum of up to \$594,000 is hereby appropriated to the department of administrative services for the fiscal year ending June 30, 2007, for the purposes of section 1 of this act. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

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

AMENDED ANALYSIS

This bill requires the state to pay legal fees for certain supreme court justices as a result of claims they were subjected to, and prevailed as to, involved in impeachment proceedings initiated by the legislature. The bill makes an appropriation for such payment.

On a division vote, 198 members having voted in the affirmative and 96 in the negative, the committee amendment was adopted.

Rep. Sorg offered floor amendment (0989h).

Floor Amendment (0989h)

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

AN ACT prohibiting the payment or reimbursement by the state of legal fees to any justice impeached by the legislature.

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

I New Subdivision; Payment or Reimbursement of Certain Legal Fees Prohibited.

Amend RSA 490 by inserting after section 35 the following new subdivision:

Payment or Reimbursement of Certain Legal Fees Prohibited

490:36 Payment or Reimbursement of Certain Legal Fees Prohibited. The state shall not pay or reimburse any justice of any state court for legal fees incurred as a result of impeachment proceedings against such justice by the legislature,

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

AMENDED ANALYSIS

This bill prohibits payment or reimbursement by the state for legal fees incurred by justices during impeachment proceedings.

(Speaker Norelli in the Chair)

Reps. King and Hager spoke against.

Reps. Sorg and DiFruscia spoke in favor.

Rep. Dumaine requested a roll call; sufficiently seconded.

YEAS 150 NAYS 176

YEAS 150

BELKNAP

Allen, Janet
Nedeau, Stephen
Wendelboe, Fran

Boyce, Laurie
Russell, David
Whalley, Michael

Clark, Charles
Thomas, John

Flanders, Donald
Tilton, Franklin

CARROLL

Ahlgren, Christopher
Denley, William

Brown, Carolyn
Merrow, Harry

Buco, Thomas
Patten, Betsey

Chandler, Gene
Stevens, Stanley

CHESHIRE

Emerson, Susan
Sad, Tara

Hunt, John

Johnson, Jane

Pelkey, Stephen

COOS

Ingersoll, Paul Sr
Thomas, Yvonne

Merrick, Evalyn

Stohl, Eric

Tholl, John Jr

GRAFTON

Aguiar, James
Estes, Carole

Andersen, Gene
Gionet, Edmond

Bulis, Lyle
Sorg, Gregory

Dingman, Vernon III

HILLSBOROUGH

Barry, Richard
Coughlin, Pamela
Drisko, Richard
Gorman, Mary
Hawkins, Ken
Infantine, William
Lawrence, James
McRae, Karen
Price, Pamela
Shaw, Kimberly
Vaillancourt, Steve

Batula, Peter
Crane, Elenore Casey
Elliott, Nancy
Graham, John
Hinkle, Peyton
Kurk, Neal
Long, Patrick
Mooney, Maureen
Reeves, Sandra
Soucy, Connie
Villeneuve, Maurice

Bergeron, Jean-Guy
Daniels, Gary
Fletcher, Richard
Haefner, Robert
Hogan, Edith
L'Heureux, Robert
Manney, Pamela
Moran, Edward
Renzullo, Andrew
Stepanek, Stephen
Winters, Joel

Brunelle, Michael
Day, Russell
Francoeur, Bea
Hansen, Ryan
Holden, Randolph
Lasky, Bette
Martineau, Jesse
Pilotte, Maurice
Shaw, Barbara
Ulery, Jordan

MERRIMACK

Beauchesne,
Suzanne
Walz, Mary

Humphries, Charlie
Webb, Leigh

Lockwood, Priscilla

MacKay, James

ROCKINGHAM

Abbott, Dennis
Belanger, Ronald
Camm, Kevin
Dalrymple, David
Elliott, Robert
Garcia, Marilinda
Guthrie, Joseph
Introne, Robert
Katsakiores, Phyllis

Allen, Mary
Bettencourt, David
Carson, Sharon
Devine, James
Emiro, Frank
Garrity, James
Headd, James
Itse, Daniel
Kennedy, James

Baldasaro, Alfred
Brown, C. Pennington
Case, Frank
DiFruscia, Anthony
Fesh, Bob
Gleason, John
Henson, John
Kappler, Lawrence
Lund, Howie

Bedrick, Jason
Buxton, Donald
Charron, Gene
Dumaine, Dudley
Flanders, John Sr
Griffin, Mary
Hopfgarten, Paul
Katsakiores, George
Major, Norman

Marsh, Michael
McMahon, Charles
Packard, Sherman
Rausch, James
Welch, David

McCarthy, Linda
Moody, Marcia
Pearson, Mark
Reagan, John
Weyler, Kenneth

McEachern, Paul
Moore, Bennett
Priestley, Anne
Stiles, Nancy
Wickson, Rick

McKinney, Betsy
Nowe, Ronald
Quandt, Matthew
Weare, Everett
Winchell, George

STRAFFORD

Brown, George
Rollo, Michael

DeChane, Marlene
Sprague, Dale

Domingo, Baldwin
Warren, Nancy

Hutz, Sarah
Watson, Robert

SULLIVAN

Ferland, Brenda

Rodeschin, Beverly

NAYS 176

BELKNAP

Arsenault, Beth
Reever, Judith

Millham, Alida
Wood, Jane

Morrison, Gail

Pilliod, James

CARROLL

Bridgham, Robert
Knox, J. David

Butler, Edward
Martin, James

Cunningham, Howard

Heard, Virginia

CHESHIRE

Burridge, Delmar
Chase, William
Lerandeau, Alfred
Roberts, Kris

Butcher, Suzanne
Dunn, J. Timothy
Mitchell, Bonnie
Robertson, Timothy

Butterworth, Timothy
Eaton, Daniel
Parkhurst, Henry
Weber, Lucy

Butynski, William
Espieffs, Peter
Richardson, Barbara

COOS

Hatch, William
Remick, William

King, Frederick
Theberge, Robert

Mears, Edgar

Merrick, Scott

GRAFTON

Almy, Susan
Friedrich, Carol
Matheson, Robert
Preston, Philip

Benn, Bernard
Hammond, Lee
McLeod, Martha
Solomon, Peter

Bleyler, Ruth
Harding, A Laurie
Nordgren, Sharon

Cooney, Mary
Lovett, Sid
Pierce, David

HILLSBOROUGH

Beaulieu, Jane
Chase, Claudia
Emerton, Larry
Foster, Linda
Hall, Betty
Irwin, Anne-Marie
Knowles, Mary Ann
Levesque, Melanie

Beck, Catriona
Daler, Jennifer
Essex, David
Gargas, Carolyn
Hammond, Jill
Kaelin, Michael
Kopka, Angeline
Mack, Ron

Bergin, Peter
Dokmo, Cynthia
Fontas, Jeffrey
Garrity, Patrick
Harvey, Suzanne
Kelley, John
Leishman, Peter
Matarazzo, Anthony
Sr
O'Brien, Michael Sr
Rowe, Robert

Campbell, David
Edwards, Andrew
Forest, Armand
Hackel, Paul
Hebert, Roger
Knowles, John
Levasseur, Nickolas
Mesa, Lily
Peterson, Andy
Schulze, Joan

Shattuck, Gilman
Sullivan, Daniel

Simon, Anthony
Sullivan, Francis

Smith, David
Velez, Hector

Spratt, Stephen

MERRIMACK

Anderson, Eric
Brown, Carole
DeStefano, Stephen
Gile, Mary
Kjellman, Eleanor
Glynn
Porter, Margaret
Ryan, Jim
Wheeler, Deborah

Baxley, Maureen
Brueggemann, Donald
Ehlers, Eileen
Hager, Elizabeth
McMahon, Patricia

Potter, Frances
Shurtleff, Stephen
Yeaton, Charles

Blanchard, Elizabeth
Davis, Frank
Foose, Robert
Kelly, Sally
Osborne, Jessie

Reardon, Tara
Tilton, Joy

Bouchard, Candace
DeJoie, John
French, Barbara
Kidder, David
Owen, Derek

Richardson, Gary
Wallner, Mary

ROCKINGHAM

Cali-Pitts, Jacqueline
Gould, Kenneth
Johnson, Robert
McKenna, Daniel
Robertson, Carl
Snow, Richard

Casey, Kimberley
Grote, Otto
Kelley, Jane
Nord, Susi
Russell, Trink
Splaine, James

Day, Judith
Howard, Doreen
Kepner, Susan
Pantelakos, Laura
Sanders, Elisabeth

Flockhart, Eileen
Ingram, Russell
Lister, Charlotte
Powers, James
Serlin, Christopher

STRAFFORD

Berube, Roger
Brown, Larry
Fargo, Thomas
Miller, Joseph
Schmidt, Peter

Billian, Deborah
Browne, Brendon
Hubbard, Pamela
Perry, Robert
Spang, Judith

Brown, Jennifer
Burke, Rachel
Kaen, Naida
Rollo, Deanna
Wall, Janet

Brown, Julie
Cyr, James
Mickelonis, Shawn
Rous, Emma

SULLIVAN

Cloutier, John
Gagnon, Raymond
Nielsen, Ellen

Converse, Larry
Gottling, Suzanne
Phinzy, James

Donovan, Thomas
Houde, Matthew
Skinder, Carla

Franklin, Peter
Jillette, Arthur Jr

and floor amendment (0989h) failed.

Rep. Sorg offered floor amendment (0990h).

Floor Amendment (0990h)

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

AN ACT prohibiting payment or reimbursement by the state of certain legal fees to former supreme court chief justice David A. Brock.

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

1 Payment or Reimbursement of Legal Fees Prohibited. The state shall not pay or reimburse legal fees incurred during impeachment proceedings to former supreme court chief justice David A. Brock, based upon a determination of the house of representatives, by a vote of 233 to 95, that by clear and convincing evidence justice Brock committed those violations and impeachable offenses set forth in articles I through IV of HR 51 adopted in the 2000 session of the house of representatives.

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

AMENDED ANALYSIS

This bill prohibits the state from paying or reimbursing legal fees incurred during impeachment proceedings by former supreme court chief justice David A. Brock.

Rep. Sorg spoke in favor and yielded to questions.

LAID ON THE TABLE

Rep. Campbell moved that floor amendment (0990h) be laid on the table.

On a division vote, 171 members having voted in the affirmative and 155 in the negative, the motion was adopted.

MOTION TO LAY ON THE TABLE

Rep. Hopfgarten moved that **HB 553-FN-A**, requiring the state to pay legal fees for certain supreme court justices, be laid on the table.

Rep. Hopfgarten requested a roll call; sufficiently seconded.

YEAS 145 NAYS 182

YEAS 145

BELKNAP

Allen, Janet	Boyce, Laurie	Clark, Charles	Flanders, Donald
Millham, Alida	Nedeau, Stephen	Pilliod, James	Russell, David
Thomas, John	Tilton, Franklin	Wendelboe, Fran	Whalley, Michael

CARROLL

Ahlgren, Christopher	Brown, Carolyn	Chandler, Gene	Denley, William
Knox, J. David	Merrow, Harry	Patten, Betsey	Stevens, Stanley

CHESHIRE

Emerson, Susan	Hunt, John	Johnson, Jane	Pelkey, Stephen
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COOS

Merrick, Evalyn	Stohl, Eric	Tholl, John Jr	Thomas, Yvonne
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GRAFTON

Andersen, Gene	Bulis, Lyle	Dingman, Vernon III	Estes, Carole
Gionet, Edmond	Solomon, Peter	Sorg, Gregory	

HILLSBOROUGH

Barry, Richard	Bergeron, Jean-Guy	Coughlin, Pamela	Crane, Elenore Casey
Daler, Jennifer	Daniels, Gary	Day, Russell	Drisko, Richard
Elliott, Nancy	Fletcher, Richard	Francoeur, Bea	Graham, John
Hansen, Ryan	Hawkins, Ken	Hinkle, Peyton	Hogan, Edith
Holden, Randolph	Infantine, William	Kurk, Neal	L'Heureux, Robert
Lawrence, James	Manney, Pamela	Martineau, Jesse	McRae, Karen
Mooney, Maureen	Moran, Edward	O'Brien, Michael Sr	Pilotte, Maurice
Price, Pamela	Reeves, Sandra	Renzullo, Andrew	Simon, Anthony
Soucy, Connie	Stepanek, Stephen	Sullivan, Francis	Ulery, Jordan
Vaillancourt, Steve	Villeneuve, Maurice	Winters, Joel	

MERRIMACK

Beauchesne, Suzanne	Blanchard, Elizabeth	Brown, Carole	Humphries, Charlie
Lockwood, Priscilla	MacKay, James	Ryan, Jim	Walz, Mary
Webb, Leigh			

ROCKINGHAM

Abbott, Dennis	Allen, Mary	Baldasaro, Alfred	Bedrick, Jason
Belanger, Ronald	Bettencourt, David	Brown, C. Pennington	Buxton, Donald
Cali-Pitts, Jacqueline	Camm, Kevin	Carson, Sharon	Case, Frank
Charron, Gene	Dalrymple, David	Devine, James	DiFruscia, Anthony
Dumaine, Dudley	Elliott, Robert	Emiro, Frank	Fesh, Bob
Garcia, Marilinda	Garrity, James	Gleason, John	Griffin, Mary
Guthrie, Joseph	Headd, James	Henson, John	Hopfgarten, Paul
Introne, Robert	Itse, Daniel	Kappler, Lawrence	Katsakiores, George
Katsakiores, Phyllis	Kelley, Jane	Lund, Howie	Major, Norman
Marsh, Michael	McKinney, Betsy	Moody, Marcia	Moore, Bennett
Nowe, Ronald	Packard, Sherman	Pearson, Mark	Priestley, Anne
Quandt, Matthew	Rausch, James	Reagan, John	Sanders, Elisabeth
Stiles, Nancy	Weare, Everett	Welch, David	Weyler, Kenneth
Wickson, Rick	Winchell, George		

STRAFFORD

Brown, George	DeChane, Marlene	Domingo, Baldwin	Hutz, Sarah
Rollo, Michael	Sprague, Dale	Watson, Robert	

SULLIVAN

Rodeschin, Beverly

NAYS 182

BELKNAP

Arsenault, Beth	Morrison, Gail	Reever, Judith	Wood, Jane
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CARROLL

Bridgham, Robert	Buco, Thomas	Butler, Edward	Cunningham, Howard
Heard, Virginia	Martin, James		

CHESHIRE

Burridge, Delmar	Butcher, Suzanne	Butterworth, Timothy	Butynski, William
Chase, William	Dunn, J. Timothy	Eaton, Daniel	Espiefs, Peter
Lerandeau, Alfred	Mitchell, Bonnie	Parkhurst, Henry	Richardson, Barbara
Roberts, Kris	Robertson, Timothy	Sad, Tara	Weber, Lucy

COOS

Hatch, William	Ingersoll, Paul Sr	King, Frederick	Mears, Edgar
Merrick, Scott	Remick, William	Theberge, Robert	

GRAFTON

Aguiar, James	Almy, Susan	Benn, Bernard	Bleyler, Ruth
Cooney, Mary	Friedrich, Carol	Hammond, Lee	Harding, A Laurie
Lovett, Sid	Matheson, Robert	McLeod, Martha	Nordgren, Sharon
Pierce, David	Preston, Philip		

HILLSBOROUGH

Batula, Peter	Beaulieu, Jane	Beck, Catriona	Bergin, Peter
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Brunelle, Michael
Edwards, Andrew
Forest, Armand
Gorman, Mary
Hammond, Jill
Kaelin, Michael
Kopka, Angeline
Levesque, Melanie

Mesa, Lily
Reuschel, Michael
Shattuck, Gilman
Spratt, Stephen

Campbell, David
Emerton, Larry
Foster, Linda
Hackel, Paul
Harvey, Suzanne
Kelley, John
Lasky, Bette
Long, Patrick

Messier, Irene
Rosenwald, Cindy
Shaw, Barbara
Sullivan, Daniel

Chase, Claudia
Essex, David
Gargasz, Carolyn
Haefner, Robert
Hebert, Roger
Knowles, John
Leishman, Peter
Mack, Ron

Movsesian, Lori
Rowe, Robert
Shaw, Kimberly
Velez, Hector

Dokmo, Cynthia
Fontas, Jeffrey
Garrity, Patrick
Hall, Betty
Irwin, Anne-Marie
Knowles, Mary Ann
Levasseur, Nickolas
Matarazzo, Anthony
Sr
Peterson, Andy
Schulze, Joan
Smith, David

MERRIMACK

Anderson, Eric
Davis, Frank
Foose, Robert
Kelly, Sally

Osborne, Jessie
Reardon, Tara
Tupper, Frank

Baxley, Maureen
DeJoie, John
French, Barbara
Kidder, David

Owen, Derek
Richardson, Gary
Wallner, Mary

Bouchard, Candace
DeStefano, Stephen
Gile, Mary
Kjellman, Eleanor
Glynn
Porter, Margaret
Shurtleff, Stephen
Wheeler, Deborah

Brueggemann, Donald
Ehlers, Eileen
Hager, Elizabeth
McMahon, Patricia

Potter, Frances
Tilton, Joy
Yeaton, Charles

ROCKINGHAM

Casey, Kimberley
Gould, Kenneth
Johnson, Robert
McCarthy, Linda
Nord, Susi
Russell, Trinkia

Day, Judith
Grote, Otto
Kennedy, James
McEachern, Paul
Pantelakos, Laura
Serlin, Christopher

Flanders, John Sr
Howard, Doreen
Kepner, Susan
McKenna, Daniel
Powers, James
Snow, Richard

Flockhart, Eileen
Ingram, Russell
Lister, Charlotte
McMahon, Charles
Robertson, Carl
Splaine, James

STRAFFORD

Berube, Roger
Brown, Larry
Fargo, Thomas
Miller, Joseph
Schmidt, Peter

Billian, Deborah
Browne, Brendon
Hubbard, Pamela
Perry, Robert
Spang, Judith

Brown, Jennifer
Burke, Rachel
Kaen, Naida
Rollo, Deanna
Wall, Janet

Brown, Julie
Cyr, James
Mickelonis, Shawn
Rous, Emma
Warren, Nancy

SULLIVAN

Cloutier, John
Franklin, Peter
Jillette, Arthur Jr
and the motion failed.

Converse, Larry
Gagnon, Raymond
Nielsen, Ellen

Donovan, Thomas
Gottling, Suzanne
Phinizy, James

Ferland, Brenda
Houde, Matthew
Skinder, Carla

The question now being adoption of the committee report of Ought to Pass with Amendment.
Rep. Renzullo requested a roll call; sufficiently seconded.

YEAS 170 NAYS 157

YEAS 170

BELKNAP

Arsenault, Beth
Wood, Jane

Morrison, Gail

Pilliod, James

Reever, Judith

CARROLL

Bridgham, Robert
Heard, Virginia

Buco, Thomas
Knox, J. David

Butler, Edward
Martin, James

Cunningham, Howard

CHESHIRE

Burridge, Delmar
Chase, William
Mitchell, Bonnie
Robertson, Timothy

Butcher, Suzanne
Eaton, Daniel
Parkhurst, Henry
Weber, Lucy

Butterworth, Timothy
Espieffs, Peter
Richardson, Barbara

Butynski, William
Lerandeau, Alfred
Roberts, Kris

COOS

Hatch, William
Merrick, Scott

Ingersoll, Paul Sr
Remick, William

King, Frederick

Mears, Edgar

GRAFTON

Aguiar, James
Cooney, Mary
Lovett, Sid
Pierce, David

Almy, Susan
Friedrich, Carol
Matheson, Robert
Preston, Philip

Benn, Bernard
Hammond, Lee
McLeod, Martha

Bleyler, Ruth
Harding, A Laurie
Nordgren, Sharon

HILLSBOROUGH

Beaulieu, Jane
Chase, Claudia
Essex, David
Gargas, Carolyn
Hammond, Jill
Kelley, John
Leishman, Peter
Matarazzo, Anthony
Sr
O'Brien, Michael Sr
Rowe, Robert
Smith, David

Beck, Catriona
Dokmo, Cynthia
Fontas, Jeffrey
Garritty, Patrick
Hebert, Roger
Knowles, John
Levasseur, Nickolas
Mesa, Lily

Peterson, Andy
Schulze, Joan
Spratt, Stephen

Bergin, Peter
Edwards, Andrew
Forest, Armand
Hackel, Paul
Irwin, Anne-Marie
Knowles, Mary Ann
Levesque, Melanie
Messier, Irene

Reuschel, Michael
Shattuck, Gilman
Sullivan, Daniel

Campbell, David
Emerton, Larry
Foster, Linda
Hall, Betty
Kaelin, Michael
Kopka, Angeline
Mack, Ron
Movsesian, Lori

Rosenwald, Cindy
Simon, Anthony
Velez, Hector

MERRIMACK

Anderson, Eric
Brueggemann, Donald
Ehlers, Eileen
Hager, Elizabeth

Baxley, Maureen
Davis, Frank
Foosse, Robert
Kelly, Sally

Bouchard, Candace
DeJoie, John
French, Barbara
Kidder, David

Brown, Carole
DeStefano, Stephen
Gile, Mary
Kjellman, Eleanor
Glynn

McMahon, Patricia
Potter, Frances
Shurtleff, Stephen
Yeaton, Charles

Osborne, Jessie
Reardon, Tara
Tilton, Joy

Owen, Derek
Richardson, Gary
Wallner, Mary

Porter, Margaret
Ryan, Jim
Wheeler, Deborah

ROCKINGHAM

Casey, Kimberley
Grote, Otto
Kelley, Jane

Day, Judith
Howard, Doreen
Kennedy, James

Flockhart, Eileen
Ingram, Russell
Kepner, Susan

Gould, Kenneth
Johnson, Robert
Lister, Charlotte

McEachern, Paul
Pantelakos, Laura
Snow, Richard

McKenna, Daniel
Powers, James
Splaine, James

Moody, Marcia
Robertson, Carl

Nord, Susi
Serlin, Christopher

STRAFFORD

Berube, Roger
Brown, Larry
Fargo, Thomas
Miller, Joseph
Schmidt, Peter

Billian, Deborah
Browne, Brendon
Hubbard, Pamela
Perry, Robert
Spang, Judith

Brown, Jennifer
Burke, Rachel
Kaen, Naida
Rollo, Deanna
Wall, Janet

Brown, Julie
Cyr, James
Mickelonis, Shawn
Rous, Emma

SULLIVAN

Converse, Larry
Gottling, Suzanne
Phinzy, James

Donovan, Thomas
Houde, Matthew
Skinder, Carla

Franklin, Peter
Jillette, Arthur Jr

Gagnon, Raymond
Nielsen, Ellen

NAYS 157

BELKNAP

Allen, Janet
Millham, Alida
Tilton, Franklin

Boyce, Laurie
Nedeau, Stephen
Wendelboe, Fran

Clark, Charles
Russell, David
Whalley, Michael

Flanders, Donald
Thomas, John

CARROLL

Ahlgren, Christopher
Merrow, Harry

Brown, Carolyn
Patten, Betsey

Chandler, Gene
Stevens, Stanley

Denley, William

CHESHIRE

Dunn, J. Timothy
Pelkey, Stephen

Emerson, Susan
Sad, Tara

Hunt, John

Johnson, Jane

COOS

Merrick, Evalyn
Thomas, Yvonne

Stohl, Eric

Theberge, Robert

Tholl, John Jr

GRAFTON

Andersen, Gene
Gionet, Edmond

Bulis, Lyle
Solomon, Peter

Dingman, Vernon III
Sorg, Gregory

Estes, Carole

HILLSBOROUGH

Barry, Richard
Coughlin, Pamela
Day, Russell
Francoeur, Bea
Hansen, Ryan
Hogan, Edith
L'Heureux, Robert
Manney, Pamela
Moran, Edward
Renzullo, Andrew
Stepanek, Stephen

Batula, Peter
Crane, Elenore Casey
Drisko, Richard
Gorman, Mary
Harvey, Suzanne
Holden, Randolph
Lasky, Bette
Martineau, Jesse
Pilotte, Maurice
Shaw, Barbara
Sullivan, Francis

Bergeron, Jean-Guy
Daler, Jennifer
Elliott, Nancy
Graham, John
Hawkins, Ken
Infantine, William
Lawrence, James
McRae, Karen
Price, Pamela
Shaw, Kimberly
Ulery, Jordan

Brunelle, Michael
Daniels, Gary
Fletcher, Richard
Haefner, Robert
Hinkle, Peyton
Kurk, Neal
Long, Patrick
Mooney, Maureen
Reeves, Sandra
Soucy, Connie
Vaillancourt, Steve

Villeneuve, Maurice

Winters, Joel

MERRIMACK

Beauchesne, Suzanne
MacKay, James

Blanchard, Elizabeth
Tupper, Frank

Humphries, Charlie
Walz, Mary

Lockwood, Priscilla
Webb, Leigh

ROCKINGHAM

Abbott, Dennis
Belanger, Ronald
Cali-Pitts, Jacqueline
Charron, Gene
Dumaine, Dudley
Flanders, John Sr
Griffin, Mary
Hopfgarten, Paul
Katsakiores, George
Marsh, Michael
Moore, Bennett
Priestley, Anne
Russell, Trink
Welch, David

Allen, Mary
Bettencourt, David
Camm, Kevin
Dalrymple, David
Elliott, Robert
Garcia, Marilinda
Guthrie, Joseph
Introne, Robert
Katsakiores, Phyllis
McCarthy, Linda
Nowe, Ronald
Quandt, Matthew
Sanders, Elisabeth
Weyler, Kenneth

Baldasaro, Alfred
Brown, C. Pennington
Carson, Sharon
Devine, James
Emiro, Frank
Garrity, James
Headd, James
Itse, Daniel
Lund, Howie
McKinney, Betsy
Packard, Sherman
Rausch, James
Stiles, Nancy
Wickson, Rick

Bedrick, Jason
Buxton, Donald
Case, Frank
DiFruscia, Anthony
Fesh, Bob
Gleason, John
Henson, John
Kappler, Lawrence
Major, Norman
McMahon, Charles
Pearson, Mark
Reagan, John
Weare, Everett
Winchell, George

STRAFFORD

Brown, George
Rollo, Michael

DeChane, Marlene
Sprague, Dale

Domingo, Baldwin
Warren, Nancy

Hutz, Sarah
Watson, Robert

SULLIVAN

Cloutier, John
and the committee report was adopted.
Ordered to third reading.

Ferland, Brenda

Rodeschin, Beverly

MOTION TO RECONSIDER

Having voted with the prevailing side, Rep. Hawkins moved that the House reconsider its action whereby it found **HB 923**, prohibiting dog racing in New Hampshire and establishing a committee to make recommendations for mitigating the impacts of prohibiting dog racing, Inexpedient to Legislate.

Rep. Hawkins spoke against and requested a roll call; sufficiently seconded.

YEAS 87 NAYS 242

YEAS 87

BELKNAP

Morrison, Gail

Wendelboe, Fran

CARROLL

Brown, Carolyn

Martin, James

CHESHIRE

Butcher, Suzanne

Emerson, Susan

Parkhurst, Henry

Robertson, Timothy

COOS

Merrick, Evalyn

Merrick, Scott

GRAFTON

Andersen, Gene

Cooney, Mary

Pierce, David

HILLSBOROUGH

Chase, Claudia
Daniels, Gary
Fontas, Jeffrey
Kaelin, Michael
Lawrence, James
Moran, Edward
Schulze, Joan
Vaillancourt, Steve

Coughlin, Pamela
Day, Russell
Hebert, Roger
Knowles, John
Levasseur, Nickolas
Pilotte, Maurice
Shaw, Barbara
Villeneuve, Maurice

Crane, Elenore Casey
Edwards, Andrew
Hinkle, Peyton
Knowles, Mary Ann
Levesque, Melanie
Renzullo, Andrew
Shaw, Kimberly

Daler, Jennifer
Elliott, Nancy
Infantine, William
Kurk, Neal
Mooney, Maureen
Rowe, Robert
Soucy, Connie

MERRIMACK

Baxley, Maureen
DeStefano, Stephen
Kelly, Sally

Porter, Margaret

Blanchard, Elizabeth
Ehlers, Eileen
Kjellman, Eleanor
Glynn
Potter, Frances

Brown, Carole
French, Barbara
Osborne, Jessie
Yeaton, Charles

Davis, Frank
Gile, Mary
Owen, Derek

ROCKINGHAM

Bedrick, Jason
Carson, Sharon
Kepner, Susan
Moody, Marcia
Reagan, John

Bettencourt, David
Day, Judith
Marsh, Michael
Packard, Sherman
Splaine, James

Brown, C. Pennington
Emiro, Frank
McCarthy, Linda
Powers, James

Cali-Pitts, Jacqueline
Gould, Kenneth
McKenna, Daniel
Quandt, Matthew

STRAFFORD

Billian, Deborah
Domingo, Baldwin
Schmidt, Peter

Brown, Jennifer
Fargo, Thomas
Spang, Judith

Brown, Larry
Hubbard, Pamela
Watson, Robert

Burke, Rachel
Miller, Joseph

SULLIVAN

None

NAYS 242

BELKNAP

Allen, Janet
Flanders, Donald
Reever, Judith
Whalley, Michael

Arsenault, Beth
Millham, Alida
Russell, David
Wood, Jane

Boyce, Laurie
Nedeau, Stephen
Thomas, John

Clark, Charles
Pilliod, James
Tilton, Franklin

CARROLL

Ahlgren, Christopher
Chandler, Gene
Knox, J. David

Bridgham, Robert
Cunningham, Howard
Merrow, Harry

Buco, Thomas
Denley, William
Patten, Betsey

Butler, Edward
Heard, Virginia
Stevens, Stanley

CHESHIRE

Burridge, Delmar	Butterworth, Timothy	Butynski, William	Chase, William
Dunn, J. Timothy	Eaton, Daniel	Espiefs, Peter	Hunt, John
Johnson, Jane	Lerandeau, Alfred	Mitchell, Bonnie	Pelkey, Stephen
Richardson, Barbara	Roberts, Kris	Sad, Tara	Weber, Lucy

COOS

Hatch, William	Ingersoll, Paul Sr	King, Frederick	Mears, Edgar
Remick, William	Stohl, Eric	Theberge, Robert	Tholl, John Jr
Thomas, Yvonne			

GRAFTON

Aguiar, James	Almy, Susan	Benn, Bernard	Bleyler, Ruth
Bulis, Lyle	Dingman, Vernon III	Estes, Carole	Friedrich, Carol
Gionet, Edmond	Hammond, Lee	Harding, A Laurie	Lovett, Sid
Matheson, Robert	McLeod, Martha	Nordgren, Sharon	Preston, Philip
Solomon, Peter	Sorg, Gregory		

HILLSBOROUGH

Barry, Richard	Batula, Peter	Beaulieu, Jane	Beck, Catriona
Bergeron, Jean-Guy	Bergin, Peter	Brunelle, Michael	Campbell, David
Cote, David	Dokmo, Cynthia	Drisko, Richard	Emerton, Larry
Essex, David	Fletcher, Richard	Forest, Armand	Foster, Linda
Francoeur, Bea	Gargasz, Carolyn	Garrity, Patrick	Gorman, Mary
Graham, John	Hackel, Paul	Haefner, Robert	Hall, Betty
Hammond, Jill	Hansen, Ryan	Harvey, Suzanne	Hawkins, Ken
Hogan, Edith	Holden, Randolph	Irwin, Anne-Marie	Kelley, John
Kopka, Angeline	L'Heureux, Robert	Lasky, Bette	Leishman, Peter
Long, Patrick	Mack, Ron	Manney, Pamela	Martineau, Jesse
Matarazzo, Anthony Sr	McRae, Karen	Mesa, Lily	Messier, Irene
Movsesian, Lori	O'Brien, Michael Sr	Peterson, Andy	Price, Pamela
Reeves, Sandra	Reuschel, Michael	Rosenwald, Cindy	Shattuck, Gilman
Simon, Anthony	Smith, David	Spratt, Stephen	Stepanek, Stephen
Sullivan, Daniel	Sullivan, Francis	Ulery, Jordan	Velez, Hector
Winters, Joel			

MERRIMACK

Anderson, Eric	Beauchesne, Suzanne	Bouchard, Candace	Brueggemann, Donald
DeJoie, John	Foose, Robert	Hager, Elizabeth	Humphries, Charlie
Kidder, David	Lockwood, Priscilla	MacKay, James	McMahon, Patricia
Reardon, Tara	Richardson, Gary	Ryan, Jim	Shurtleff, Stephen
Tilton, Joy	Tupper, Frank	Wallner, Mary	Walz, Mary
Webb, Leigh	Wheeler, Deborah		

ROCKINGHAM

Abbott, Dennis	Allen, Mary	Baldasaro, Alfred	Belanger, Ronald
Buxton, Donald	Camm, Kevin	Case, Frank	Casey, Kimberley
Charron, Gene	Dalrymple, David	Devine, James	DiFruscia, Anthony
Dumaine, Dudley	Elliott, Robert	Fesh, Bob	Flanders, John Sr

Flockhart, Eileen
Griffin, Mary
Henson, John
Introne, Robert
Katsakiores, George
Lister, Charlotte
McKinney, Betsy
Nowe, Ronald
Rausch, James
Serlin, Christopher
Welch, David

Garcia, Marilinda
Grote, Otto
Hopfgarten, Paul
Itse, Daniel
Katsakiores, Phyllis
Lund, Howie
McMahon, Charles
Pantelakos, Laura
Robertson, Carl
Snow, Richard
Weyler, Kenneth

Garrity, James
Guthrie, Joseph
Howard, Doreen
Johnson, Robert
Kelley, Jane
Major, Norman
Moore, Bennett
Pearson, Mark
Russell, Trink
Stiles, Nancy
Wickson, Rick

Gleason, John
Headd, James
Ingram, Russell
Kappler, Lawrence
Kennedy, James
McEachern, Paul
Nord, Susi
Priestley, Anne
Sanders, Elisabeth
Weare, Everett
Winchell, George

STRAFFORD

Berube, Roger
Cyr, James
Mickelonis, Shawn
Rous, Emma
Warren, Nancy

Brown, George
DeChane, Marlene
Perry, Robert
Smith, Marjorie

Brown, Julie
Hutz, Sarah
Rollo, Deanna
Sprague, Dale

Browne, Brendon
Kaen, Naida
Rollo, Michael
Wall, Janet

SULLIVAN

Cloutier, John
Franklin, Peter
Jillette, Arthur Jr
Skinder, Carla

Converse, Larry
Gagnon, Raymond
Nielsen, Ellen

Donovan, Thomas
Gottling, Suzanne
Phinizz, James

Ferland, Brenda
Houde, Matthew
Rodeschin, Beverly

and the motion failed.

MOTION TO RECONSIDER

Having voted with the prevailing side, Rep. Bergin moved that the House reconsider its action whereby it adopted the committee report of Ought to Pass with Amendment, **HB 553-FN-A**, requiring the state to pay legal fees for certain supreme court justices.

Rep. Bergin spoke against.

On a division vote, 134 members having voted in the affirmative and 194 in the negative, the motion failed.

MOTION TO RECONSIDER

Having voted with the prevailing side, Rep. Daniel Eaton moved that the House reconsider its action whereby it adopted the majority committee report of Ought to Pass with Amendment, **HB 927-FN**, relative to the specific criteria and substantive educational program that define an adequate education.

Rep. Daniel Eaton spoke against.

On a division vote, 107 members having voted in the affirmative and 220 in the negative, the motion failed.

RESOLUTION

Rep. Wallner 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, and when the House adjourns today it be to meet Wednesday, March 28, 2007 at 10:00 a.m.
Adopted.

LATE SESSION UNANIMOUS CONSENT

Rep. Wendelboe addressed the House.

Rep. Vaillancourt moved that the remarks made by Rep. Wendelboe be printed in the

Permanent Journal.

On a division vote, 114 members having voted in the affirmative and 209 in the negative, the motion failed.

RECESS MOTION

Rep. Wallner moved that the House stand in recess for the purpose of introduction of bills and receiving Senate messages.

Adopted.

The House recessed at 7:15 p.m.

RECESS