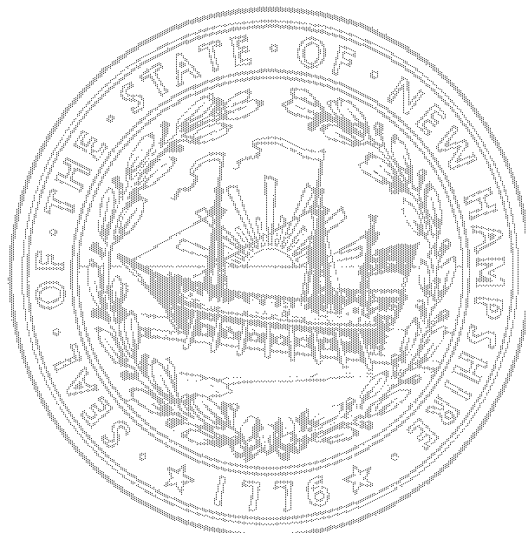


January 3, 2008
No. 1

STATE OF NEW HAMPSHIRE

WEB SITE ADDRESS:
www.gencourt.state.nh.us



Legislative

SENATE CALENDAR

**REPORTS, AMENDMENTS, HEARINGS,
MEETINGS AND NOTICES**

**THE SENATE WILL MEET IN SESSION ON THURSDAY, JANUARY 17,
2008 AT 10:00 A.M.**

**THE SENATE WILL MEET IN JOINT SESSION FOR THE GOVERNOR'S
STATE OF THE STATE ADDRESS ON WEDNESDAY, JANUARY 23, 2008
AT 10:00 A.M.**

LAID ON THE TABLE

SB 177, relative to orders of reparation by the public utilities commission. **1/2/08, pending motion Committee Amendment (2499s), Energy, Environment and Economic Development, SJ 1, pg. TBA**

SB 248, relative to ethical standards for volunteers in the executive branch. **1/2/08, pending motion ITL, Election Law and Internal Affairs, SJ 1, pg. TBA**

HB 456, (New Title) limiting liability for town health officers and overseers of public welfare when acting in the course of their official duties. **1/2/08, pending motion Committee Amendment (2495s), Public and Municipal Affairs, SJ 1, pg. TBA**

REPORTS

EDUCATION

HB 304, relative to the criteria under which guardianship over a minor is granted.
Inexpedient to Legislate, Vote 4-0
Senator Bragdon for the committee.

ENERGY, ENVIRONMENT AND ECONOMIC DEVELOPMENT

SB 158, relative to review of activities affecting surface waters.

Ought to pass with amendment, Vote 5-0

Senator Cilley for the committee.

SB 259, establishing state appliance and equipment energy efficiency standards.

Ought to pass with amendment, Vote 5-0

Senator Fuller Clark for the committee.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

SB 205-FN, eliminating an exception to state reimbursement for drug testing for racing dogs and horses.

Inexpedient to Legislate, Vote 3-2

Senator Burling for the committee.

SB 210-FN, relative to transferring regulation of fuel gas fitters to the board of licensing and regulation of plumbers, and making certain changes to the regulation of plumbers.

Ought to pass with amendment, Vote 4-0

Senator Cilley for the committee.

SB 212-FN, relative to the regulation of home inspectors.

Ought to pass with amendment, Vote 4-0

Senator Cilley for the committee.

JUDICIARY

CACR 20, relating to funding of public education. Providing that the local political subdivision shall provide public education and determine curriculum and the amount of funding thereof, and the legislature shall have the authority to make reasonable determinations as to public education, provide supplemental funding, and determine the amount and allocation of such state funds.

Inexpedient to Legislate, Vote 5-0

Senator Foster for the committee.

SB 165-FN, relative to informing physicians of results of the screening panels for medical injury claims.

Inexpedient to Legislate, Vote 5-0

Senator Gottesman for the committee.

SB 240-FN, establishing contractual cohabitation and extending certain rights to parties to a contractual cohabitation.

Inexpedient to Legislate, Vote 5-0

Senator Clegg for the committee.

SB 250-FN, relative to damages awarded to a prisoner resulting from prison conditions litigation.

Inexpedient to Legislate, Vote 5-0

Senator Gottesman for the committee.

SB 264, relative to filing liens on personal and real property to recover uncollected small claims judgments.

Ought to pass with amendment, Vote 5-0

Senator Reynolds for the committee.

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

Inexpedient to Legislate, Vote 5-0

Senator Reynolds for the committee.

HB 539-FN, relative to manslaughter.

Inexpedient to Legislate, Vote 5-0

Senator Gottesman for the committee.

PUBLIC AND MUNICIPAL AFFAIRS

SB 62-FN, relative to penalties for violations of the state building code.

Inexpedient to Legislate, Vote 6-0

Senator DeVries for the committee.

SB 199, relative to the assessment of property subject to a housing subsidy restriction.

Ought to pass with amendment, Vote 6-0

Senator DeVries for the committee.

SB 257-FN, relative to penalties for life safety code violations under municipal housing standards.

Inexpedient to Legislate, Vote 6-0

Senator DeVries for the committee.

HB 379, relative to the adoption, revision, and amendment of municipal charters.

Interim Study, Vote 5-0

Senator Burling for the committee.

HB 380, relative to the forms of government under town charters.

Interim Study, Vote 5-0

Senator Burling for the committee.

TRANSPORTATION AND INTERSTATE COOPERATION

HB 754-FN, repealing the law relative to the Maine-New Hampshire Interstate Bridge Authority.

Ought to Pass, Vote 3-1

Senator Burling for the committee.

WAYS AND MEANS

HB 351, clarifying that the definition of "overseas business organization" includes all foreign incorporated business organizations and all 80/20 business organizations, and redefining "business activity" for purposes of the business profits tax.

Ought to pass with amendment, Vote 5-0

Senator Janeway for the committee.

AMENDMENTS

Energy, Environment, and Economic Development

December 12, 2007

2008-0010s

06/10

Amendment to SB 158

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

1 Purpose. This act provides for technical review and certification of proposed activities affecting surface waters to ensure that water quality standards appropriate to the legislative classification of the waters are attained during construction or operation of the proposed activity. The act makes New Hampshire statutes consistent with section 401 of the federal Clean Water Act for activities requiring federal permits or licenses, and extends the review to activities requiring registration under RSA 488:3.

2 New Paragraphs; Enforcement of Classification. Amend RSA 485-A:12 by inserting after paragraph II the following new paragraphs:

III. No activity that requires a license, permit, or registration with the federal government and that may result in a discharge to surface waters of the state may commence unless the department certifies that construction or operation of the proposed activity complies with the state surface water quality standards applicable to the classification for the receiving surface water body. The department shall provide its response to a request for certification to the federal agency or authority responsible for issuing the license, permit, or registration. Certification shall include any conditions on, modifications to, or monitoring of the proposed activity necessary to provide assurance that the proposed activity complies with applicable surface water quality standards. The department may enforce compliance with any such conditions, modifications, or monitoring requirements as provided in RSA 485-A:22.

IV. No activity that involves water withdrawal or diversion of surface water that requires registration under RSA 488:3 and which was not in operation as of July 1, 2008, may commence unless the department certifies that the withdrawal or diversion complies with state surface water quality standards applicable to the classification for the surface water body. The certification shall include any conditions on, modifications to, or monitoring of the proposed activity necessary to provide reasonable assurance that the proposed activity complies with applicable surface water quality standards. The department may enforce compliance with any such conditions, modifications, or monitoring requirements as provided in RSA 485-A:22.

3 New Paragraph; Rulemaking. Amend RSA 485-A:6 by inserting after paragraph VI the following new paragraph:

VI-a. Procedures and criteria for requesting, reviewing, and granting certifications under RSA 485-A:12, III and IV.

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

Sen. DeVries, Dist. 18
November 16, 2007
2007-2665s
10/04

Amendment to SB 199

Amend the bill by replacing section 2 with the following:

2 New Section; Residential Property Subject to Housing Subsidy Restriction. Amend RSA 75 by inserting after section 1 the following new section:

75:1-a Residential Property Subject to Housing Subsidy Restriction. The appraisal for property tax purposes on multifamily residential rental property which is entitled to federal low income housing tax credits under Section 42 of the Internal Revenue Code and which is subject to a recorded housing subsidy covenant or other legal restriction imposed by a governmental entity or instrumentality that restricts tenant eligibility and rents shall, upon the affirmative request of the taxpayer, be determined by an income approach. A copy of the recorded land use restriction required by Section 42 of the Internal Revenue Code or other low income rental use restriction covenant required by the New Hampshire housing finance authority, is sufficient proof of entitlement. To make an annual election for an appraisal of property subject to a recorded housing subsidy restriction, the taxpayer shall, by March 31, provide relevant information described in this section and request that the municipal assessor use the income approach. The income approach factors shall be:

I. Potential gross income, determined as follows:

(a) For units receiving assistance under a project-based rental subsidy contract, using the rents specified in the contract.

(b) For all other units subject to a legal restriction, using the maximum restricted rents allowed by the legal restrictions governing the rents of the units for the geographic area in which the property is located. Where multiple legal restrictions apply, the most restrictive shall be used. Maximum restricted rents shall be adjusted as appropriate using utility allowances for the geographic area in which the property is located, and as provided by the New Hampshire housing finance authority pursuant to RSA 204-C:8-a.

(c) For all non-restricted units in properties where only a portion of the units are subject to a legal restriction, using non-restricted rents as determined by the local market.

II. Actual operating expenses, including deposits to reserve accounts required by the housing subsidy covenant or other legal restriction, but excluding mortgage debt service and depreciation, incurred with respect to the property, as provided by the taxpayer and certified by a third-party certified public accountant.

III. A vacancy loss rate that is equal to the rental market vacancy rate for the geographic area in which the property is located, as provided by the New Hampshire housing finance authority pursuant to RSA 204-C:8-a.

IV. A capitalization rate that is typical for the geographic area in which the property is located, as determined annually by March 31 by the commissioner of revenue administration, and as published by the New Hampshire housing finance authority pursuant to RSA 204-C:8-a.

V. The assessed valuation of residential rental property with restricted rents shall not take into consideration the value of intangible assets including, but not limited to, government subsidies or grants, below market rate mortgage financing, rental subsidy contracts, and tax credits where such subsidies are used to offset project development expenses in order to allow for restricted rents. The assessed valuation shall not take into consideration the actual cost of acquisition or construction of the project.

Amend the bill by replacing section 4 with the following:

4 Effective Date. This act shall take effect July 1, 2008.

Senate Executive Departments and Administration
November 29, 2007
2007-2669s
10/05

Amendment to SB 210-FN

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

AN ACT relative to making various changes to the regulation of plumbers and water treatment technicians by the board of licensing and regulation of plumbers.

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

1 Purpose. RSA 329-A:1 is repealed and reenacted to read as follows:

329-A:1 Purpose. The purpose of this chapter is to protect and improve the general health and welfare of the people of the state of New Hampshire in the fields of environmental sanitation and building safety by authorizing the licensing and regulation of plumbers and the voluntary certification of water treatment technicians.

2 Definitions. RSA 329-A:2, I – IV are repealed and reenacted to read as follows:

I. “Master plumber” means any individual licensed under this chapter, and any corporation, partnership or limited liability company licensed under this chapter that, as a business, employs one or more individuals to do plumbing work, or, without hiring anyone, does that work as a principal business or as an auxiliary to a principal business.

II. “Journeyman plumber” means any individual licensed under this chapter to perform plumbing work under the direction of a master plumber.

III. “Apprentice” means any individual who is engaged in learning and assisting in the practice of plumbing under the supervision of a licensed journeyman plumber or licensed master plumber as part of an apprenticeship program that meets the requirements of the Office of Apprenticeship of the United States Department of Labor.

IV. “Plumbing” means the work or practice of installation, removal, repair, replacement, extension, or alteration of a plumbing system, and the materials and fixtures used in the work or practice.

3 New Paragraph; Definition; Plumbing System. Amend RSA 329-A:2 by inserting after paragraph IV the following new paragraph:

IV-a. “Plumbing system” means all piping, fixtures, fixed appliances and appurtenances, and connections required for the following: sanitary drainage and storm drainage of a building to a minimum of 30 inches beyond the foundation wall or the building’s outside dimension; special wastes systems; venting systems; and water distribution systems including backflow prevention devices, and any necessary interconnections of piping between buildings or structures.

4 Definition; Water Treatment Technician. RSA 329-A:2, VII is repealed and reenacted to read as follows:

VII. “Water treatment technician” means any individual who installs, maintains, or repairs water treatment systems and any corporation, partnership, or limited liability company

that, as a business, employs one or more individuals to install, maintain, or repair water treatment systems, or, without hiring anyone, does that work as a principal business or as an auxiliary to a principal business.

5 Board; Public Member; Duty. RSA 329-A:3, II is repealed and reenacted to read as follows:

II. A public member of the board shall be a person who is not, and never was, a member of the plumbing or water treatment trades or the spouse of such person; who does not have, and never has had, a material financial interest in the provision of plumbing or water treatment services; and does not have, and has not for 5 years preceding appointment had, a material financial interest in an activity directly related to plumbing or water treatment, including the representation for a fee of the board or the plumbing or water treatment trades.

II-a. The board shall be responsible for the regulation of plumbing and plumbers, and for the voluntary certification of water treatment technicians and their regulation.

6 Compensation of Board. Amend RSA 329-A:4 to read as follows:

329-A:4 Compensation and Expenses. Members of the board shall each be allowed the sum of ~~[\$30]~~ **\$50** per day and their necessary traveling expenses incurred in carrying out their official duties.

7 Meetings; Quorum. Amend RSA 329-A:5 to read as follows:

329-A:5 Organization and Meetings. The board shall hold at least 4 regular meetings each year, and special meetings may be held at such times as the business of the board may require. Notice of all meetings shall be given in such manner as ***RSA 91-A:2, II and*** the rules of the board may provide. The board shall annually elect a chairman and a vice-chairman from among its members. A quorum of the board shall consist of not ~~[less]~~ ***fewer*** than 3 members, at least one of whom shall be a public member.

8 Fees. Amend RSA 329-A:5-a to read as follows:

329-A:5-a Fees. The board shall establish fees for ***processing applications; for*** licensure, renewal of licensure, ***reinstatement of licensure***, and late renewal of licensure to practice under this chapter~~[-];~~ for certification, renewal of certification, ***reinstatement of certification***, and late renewal of certification under this chapter~~[-];~~ for initial apprentice identification cards and renewal of apprentice identification cards~~[-];~~ for inspections done pursuant to RSA 329-A:17~~[-for copies of the state plumbing code.];~~ for letters of verification requested by other jurisdictions relating to licensure and certification~~[-];~~ for any courses, workshops, and seminars offered by the board~~[-];~~ and for transcribing and transferring records and other services. The fees established by the board shall be sufficient to produce estimated revenues equal to 125 percent of the direct operating expenses of the board for the previous fiscal year. The fee for the annual renewal of certification issued to persons certified as water treatment technicians shall not be more than the fee for the annual renewal of licenses issued to journeyman plumbers.

9 Receipts. Amend RSA 329-A:6 to read as follows:

329-A:6 Receipts and Disbursements. The secretary of the board shall receive and account at least monthly for all moneys derived ~~[under]~~ ***from*** the provisions of this chapter, and shall pay the same to the state treasurer. The board may employ such clerical or other assistants as are necessary for the proper performance of its work, and may make expenditures from this fund for any purpose which, in the opinion of the board, is reasonably necessary for the proper performance of its duties under this chapter. Under no circumstances shall the total amount of payments made hereunder exceed the amount of the fees collected hereunder. Any balance in said account shall lapse at the end of each fiscal year.

10 Examinations. Amend RSA 329-A:7 to read as follows:

329-A:7 Examinations; Licenses and Certificates. The board shall establish through rulemaking, pursuant to RSA 541-A, the nature of proctored examinations required for ***the*** issuance ***to individuals*** of master plumber licenses, journeyman plumber licenses, and certifications as a water treatment technician~~[-respectively].~~ The scope of such examinations and the methods of procedure shall be prescribed by the board, provided that the scope of examination of water treatment technicians shall be limited to the configuration and installation of water treatment systems ~~[and]~~, the provisions of this chapter, and the rules adopted by the board ~~[that~~

~~relate]~~ ***relating*** to water treatment systems. ***Any individual refused a license or certificate on the basis of his or her examination score may be reexamined as often as the individual desires.***

11 Licenses; Master Plumbers; Business Entities. RSA 329-A:8 and 9 are repealed and reenacted to read as follows:

329-A:8 Licenses; Master Plumbers; Business Entities.

I. Any individual who, having held a journeyman plumber's license for at least 12 months, shall, upon the payment of the application processing fee established by the board, be entitled to an examination. If he or she passes the examination, pays the license fee and is found qualified by the board, he or she shall be licensed as a master plumber. The license issued shall be carried on the individual while working and displayed upon request.

II. Upon the payment of the required application processing and license fees the board may issue a master plumber license without examination to a corporation, partnership, or limited liability company engaged in the business of plumbing, provided one or more officers of the corporation, one or more members of the partnership, or one or more managing members of the limited liability company, as applicable, holds a master plumber license issued under this chapter. The business entity shall designate a corporate officer, partner or managing member who is a licensed master plumber to be responsible for its compliance with this chapter and the rules adopted by the board. Within 30 days after the death of the designated person or the withdrawal of the designated person as a principal of the business, the designated person or the business entity itself shall give notice thereof to the board and a new principal shall be designated to be responsible for the business entity's compliance with this chapter and the rules adopted by the board. If no such designation is made, the business entity shall not engage in plumbing until some other corporate officer, partner, or managing member licensed as a master plumber has been designated as responsible for the business entity's compliance. A license issued under this section shall be publicly displayed at the licensee's principal place of business.

329-A:9 Licenses; Journeyman Plumbers. Any individual who, having successfully completed his or her apprenticeship in plumbing, has received an official completion certificate from the organization conducting the program shall, upon payment of the application processing fee established by the board, be entitled to examination. If he or she passes the examination, pays the license fee and is found qualified by the board, he or she shall be licensed as a journeyman plumber. The license issued shall be carried on the individual while working and displayed upon request.

12 Voluntary Certification of Water Treatment Technicians. RSA 329-A:9-a is repealed and reenacted to read as follows:

329-A:9-a Voluntary Certification of Water Treatment Technicians.

I. Any individual who has acted as a water treatment trainee for a period of not less than one year shall, upon payment of the application processing fee established by the board, be entitled to examination and, upon achieving the passing score on the examination and paying the certification fee, be certified as a water treatment technician. A certificate issued under this section shall be carried on the person and displayed upon request.

II. The title "certified water treatment technician" shall be used only by individuals and business entities certified under this chapter. No individual shall continue to represent himself or herself and no business entity shall continue to represent itself as a certified water treatment technician after certification has been revoked or non-renewed under this chapter.

III. The board may issue, upon payment of the required application processing and certification fees, certification without examination to a corporation, partnership or limited liability company that installs, maintains, or repairs water treatment systems, provided that one or more officers of the corporation, one or more members of the partnership or one or more managing members of the limited liability company, as applicable, holds a water treatment certificate issued under this chapter. The business entity shall designate a corporate officer, partner or managing member who is a certified water treatment technician to be responsible for its compliance with this chapter and the rules adopted by the board. Within 30 days after the death of the designated

person or the designated person's withdrawal as a principal of the business, the designated person or the business entity itself shall give notice thereof to the board and a new principal shall be designated to be responsible for the business entity's compliance with this chapter and the rules adopted by the board. If no such designation is made, the business entity shall not engage in water treatment until some other corporate officer, partner, or managing member certified as a water treatment technician has been designated as responsible for the business entity's compliance. A certification issued under this section shall be publicly displayed at the principal location of the business.

IV. The board may issue certification without examination to those water treatment technicians who provide adequate documentation of having operated in the capacity of a water treatment technician for a period of at least one year prior to January 1, 2006 and who pay the required fees.

13 Apprentice Plumbers. RSA 329-A:9-b is repealed and reenacted to read as follows:

329-A:9-b Apprentice Plumbers. Apprentice plumbers shall register with the board and, upon payment of the registration fee established by the board, be issued an identification card. Apprentice identification cards shall expire each year on the last day of the month of the apprentice's birth. The board shall renew the identification cards of apprentice plumbers if they pay the renewal fee and continue to be engaged in learning and assisting in the practice of plumbing under an apprenticeship program that meets the requirements of the state apprenticeship council.

14 Renewal. Amend RSA 329-A:11 to read as follows:

329-A:11 Expiration and Renewal.

I. Licenses and certificates issued by the board shall expire each year on the last day of the month of the holder's birth.

II. Licenses issued to corporations, partnerships, and limited liability companies shall expire on the last day of January of each year.

II-a. To be eligible for renewal, each individual licensee and certificate holder shall maintain his or her competence through continuing education offered or approved by the board.

III. The board shall renew the licenses and certificates of eligible applicants upon the payment of the required fee and documentation of having met continuing education requirements and any other eligibility requirements established by the board pursuant to RSA 541-A.

IV. The board is authorized to offer continuing education courses, workshops, and seminars, ***and to approve providers of continuing education pursuant to standards set forth in rules adopted by the board in accordance with RSA 541-A.***

15 New Section; Inactive Status; Military Service. Amend RSA 329-A by inserting after section 11 the following new section:

329-A:11-a Inactive Status During Active Military Service.

I. Upon the request of a person licensed or certified by the board who is called to active military service for the United States, the board shall place such person's license or certificate on inactive status. The inactive status shall continue until the person is discharged from active military duty.

II. If the holder of a license or certificate inactivated under this provision wishes reactivation of the license or certificate, she or he shall so notify the board. Upon such notification the board shall extend the period for renewal of the license or certificate, and for meeting the eligibility standards for renewal, by the length of time that the license or certificate was inactive.

16 Disciplinary Action. RSA 329-A:12 is repealed and reenacted to read as follows:

329-A:12 Disciplinary Action.

I. The board may undertake disciplinary proceedings:

(a) Upon its own initiative; or

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

II. Misconduct sufficient to support disciplinary proceedings shall include:

- (a) The practice of fraud or deceit in procuring, or attempting to procure, a license or certificate to practice under this chapter;
- (b) Conviction during the period of licensure or certification of a felony or any criminal offense involving injury to a victim or the risk of such injury, or any criminal offense involving dishonesty;
- (c) Suspension or revocation of a license or certification, similar to one issued under this chapter, issued by another jurisdiction, without reinstatement of such license or certification;
- (d) Negligent or willful acts performed in a manner inconsistent with the health or safety of persons;
- (e) Violation of ethical standards adopted by the board;
- (f) Addiction to the use of alcohol or other habit-forming drugs to a degree which renders the licensee or certificate holder unfit to practice;
- (g) Mental or physical incompetence to practice as a plumber or water treatment technician;
- (h) Willful or repeated violation of the provisions of this chapter; or
- (i) A violation of the state plumbing code.

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

- (a) By private reprimand;
- (b) By suspension, limitation or restriction of license or certification for a period of up to 5 years;
- (c) By revocation of license or certification;
- (d) By requiring the licensee or certificate holder to participate in a program of continuing education or personal training in the area or areas in which he or she has been found deficient;
- (e) By the imposition of an administrative fine not to exceed \$1,000 for each instance of misconduct by a licensed plumber or certified water treatment technician;
- (f) By the imposition of an administrative fine not to exceed \$1,000 for performing plumbing after the expiration date of the plumbing license;
- (g) By the imposition of an administrative fine not to exceed \$1,000 for a violation of the terms of the board's suspension of a license or certificate, or for a violation of limitations or restrictions previously placed by the board upon a license or certificate;
- (h) By the imposition of an administrative fine for continuation of any misconduct described in subparagraphs (d) through (i) in the amount of \$100 for each day the misconduct continues after notice from the board that the misconduct shall cease; and
- (i) By denial of an application for renewal or reinstatement of a license or certificate.

IV. Upon the issuance of an administrative fine, the board may suspend the license or certificate until the fine has been paid.

17 Exceptions. Amend RSA 329-A:13, IV to read as follows:

IV. To persons ~~[engaged in the installation of any heating, cooling, air conditioning or domestic water heating systems, whether solar, oil, gas, or electric, and persons engaged in the installation and servicing of water treatment systems or swimming pools.]~~ **performing only essential plumbing work necessary for the installation of any heating system, cooling system, water heater, air conditioning system, or essential plumbing work necessary for installation of swimming pools.**

IV-a. To persons not certified under this chapter who are engaged in the installation and servicing of water treatment systems.

18 Rulemaking. RSA 329-A:14 is repealed and reenacted to read as follows:

329-A:14 Rulemaking Authority.

I. The board shall adopt rules pursuant to RSA 541-A relative to:

- (a) Applications for licensure and certification, renewal licensure and certification, and reinstatement of licensure and certification.

(b) Any eligibility requirements in addition to those in this chapter for an initial license to practice plumbing, for plumbing license renewal and for plumbing license reinstatement.

(c) The application procedure and any eligibility requirements in addition to those in this chapter for certification as a certified water treatment technician, for renewal of certification and for reinstatement of certification.

(d) The establishment of all fees authorized by this chapter.

(e) The allocation of disciplinary sanctions in cases of misconduct by holders of licenses and certificates.

(f) Apprentice registration and renewed apprentice registration.

(g) Standards for continuing education required for license and certification renewal.

(h) Procedures for the conduct of hearings consistent with the requirements of due process.

II. The board may adopt rules pursuant to RSA 541-A relative to:

(a) Any continuing education requirements for reinstatement of licenses and certificates.

(b) Standards to be met by providers of continuing education.

(c) Ethical standards to be met by each holder of a license or certificate.

(d) Procedures for the voluntary surrender of licenses and certificates issued by the board.

(e) Procedures for placing the licenses and certificates of those on active military duty on inactive status and reactivating such licenses and certificates.

18 Enforcement. Amend RSA 329-A:16 to read as follows:

329-A:16 Enforcement.

I. The state plumbing code shall be enforced by the building inspection department or by any officer designated by the administrative authority of the city or town; provided, however, that a city or town may adopt and enforce rules more stringent than the state plumbing code. In the absence of a building inspection department or officer designated to enforce the state plumbing code, the board shall have the authority to enforce the state plumbing code.

II. The board shall refer all allegations of violations ~~[specified in RSA 329-A:18]~~ **of the state plumbing code** to the New Hampshire attorney general and to the county attorney in the appropriate county. The county attorney shall investigate such allegations and take appropriate action if the attorney general does not do so.

III. The board is authorized to sanction with a civil fine not to exceed \$1,000, and to issue a cease and desist order against, any individual or business entity violating the state plumbing code.

IV. The board is authorized to sanction with a civil fine not to exceed \$1,000, and to issue a cease and desist order against, any individual not an apprentice plumber who is engaged in plumbing without a currently valid license. The board is authorized to sanction with a civil fine not to exceed \$1,000, and to issue a cease and desist order against, any business entity engaged in plumbing without a currently valid license. Cease and desist orders issued by the board shall be enforceable in superior court.

19 Inspectors. Amend RSA 329-A:17 to read as follows:

329-A:17 Inspectors.

I. The board shall have the authority to appoint such inspectors as are necessary to insure compliance throughout the state with ~~[plumbing practices consistent with the public safety and welfare]~~ **the state plumbing code and this chapter.**

II. An inspector appointed under this section shall have the authority to enter any premises in which ~~[a] plumbing [installation subject to regulation under this chapter]~~ **or water treatment** is being ~~[installed, replaced or repaired]~~ **performed** for the purpose of making such inspection as is necessary to carry out his **or her** duties under this section.

III. Any inspector may order the removal or correction of any violation of **the plumbing code or** this chapter, and may order any public utility furnishing water to ~~[such installation]~~ **the site of violation** to discontinue such service until the violations are corrected.

IV. Whenever an inspector orders the removal or correction of a violation under paragraph III, he or she shall immediately notify the local building inspection department or administrative authority of the town where the violation is located, and further order that ~~[all] the [work in]~~ violation be corrected prior to continuance **of the plumbing or water treatment work**. The local building authority shall approve the continuation of work ~~[on the installation]~~ upon being satisfied that violations have been corrected and shall notify the inspector of such approval. ***If there is no local building authority, the board's inspector shall approve the continuation of work after violations have been corrected.***

20 Penalties. RSA 329-A:18 is repealed and reenacted to read as follows:

329-A:18 Penalties.

I. Any business entity or individual who procures a plumbing license or water treatment certificate wrongfully or by fraud is guilty of a misdemeanor.

II. Any business entity which performs plumbing without a currently valid plumbing license, and any individual who is not an apprentice and performs plumbing without a currently valid license, is guilty of a misdemeanor, unless the business entity or individual has a license which has been expired for no more than 12 months, in which case such business entity or individual is guilty of a violation.

III. Any business entity or individual employing an individual to perform plumbing when the employee is not an apprentice and does not have a currently valid plumbing license is guilty of a misdemeanor, unless the employee has a license which has been expired for no more than 12 months, in which case the employer is guilty of a violation.

IV. Any business entity not licensed as a plumbing business or certified as a water treatment technician which represents itself as so licensed or certified, and any individual not licensed as a plumber or not certified as a water treatment technician who represents himself or herself as so licensed or certified, is guilty of a misdemeanor.

V. Any person who does any plumbing work in violation of the state plumbing code, or causes any violation of the state plumbing code, shall be guilty of a misdemeanor.

21 Repeal. RSA 329-A:10, relative to licenses without examination, is repealed.

22 Effective Date. This act shall take effect January 1, 2009.
2007-2669s

AMENDED ANALYSIS

The bill makes various changes to the regulation of plumbers and certified water treatment technicians by the state board for the licensing and regulation of plumbers.

Senate Executive Departments and Administration
November 30, 2007
2007-2670s
10/04

Amendment to SB 212-FN

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

1 New Subdivision; Home Inspectors. Amend RSA 310-A by inserting after section 181 the following new subdivision:
Home Inspectors

310-A:182 Purpose. The purpose of this subdivision is to assure that a home inspector performs professional services only when the home inspector is qualified by education and training in the specific technical areas involved.

310-A:183 Definitions. In this subdivision:

I. "Auxiliary services" means any fee paid services provided by the home inspector to the client in addition to a home inspection.

II. "Board" means the board of home inspectors.

III. "Client" means an individual who signs a home inspection agreement in order to have a home inspection performed.

IV. "Code of ethics" means the code of ethics followed by home inspectors who are licensed as home inspectors by the board.

V. "Home inspection" means the process by which an home inspector visually examines the readily accessible systems and components of a home and which describes those systems and components in accordance with the board approved standards of practice and code of ethics.

VI. "Home inspector" means a person who, by reason of professional education or practical experience, or both, is qualified to engage in the practice of home inspections as attested by licensing as a home inspector.

310-A:184 Standards Of Practice. The board shall adopt, under RSA 541-A, minimum and uniform standards of practice which shall apply to New Hampshire home inspectors and be enforced by the board.

310-A:185 Code of Ethics for New Hampshire Home Inspectors.

I. The code of ethics details the core guidelines of home inspection professionalism and home inspection ethics, covering crucial issues such as conflicts of interest, good faith and public perception. Integrity, honesty, and objectivity are fundamental principles embodied by this code, which sets forth obligations of ethical conduct for the home inspection profession.

II. Inspectors shall comply with this code, avoid association with any enterprise whose practices violate this code, and strive to uphold, maintain, and improve the integrity, reputation, and practice of the home inspection profession.

III. Inspectors shall avoid conflicts of interest or activities that compromise, or appear to compromise, professional independence, objectivity, or inspection integrity. Inspectors shall not:

(a) Inspect properties for compensation in which they have, or expect to have, a financial interest.

(b) Inspect properties under contingent arrangements whereby any compensation or future referrals are dependent on reported findings or on the sale of a property.

(c) Directly or indirectly compensate realty agents, or other parties having a financial interest in closing or settlement of real estate transactions, for the referral of inspections or for inclusion on a list of recommended inspectors, preferred providers, or similar arrangements.

(d) Receive compensation for an inspection from more than one party unless agreed to by the client.

(e) Accept compensation, directly or indirectly, for recommending contractors, services, or products to inspection clients or other parties having an interest in inspected properties.

(f) Repair, replace, or upgrade, for compensation, systems or components covered by the standards of practice, for one year after the inspection.

IV. Inspectors shall act in good faith toward each client and other interested parties.

(a) Inspectors shall perform services and express opinions based on genuine conviction and only within their areas of education, training, or experience.

(b) Inspectors shall be objective in their reporting and not knowingly understate or overstate the significance of reported conditions.

(c) Inspectors shall not disclose inspection results or client information without client approval. Inspectors, at their discretion, may disclose observed immediate safety hazards to occupants exposed to such hazards, when feasible.

V. Inspectors shall avoid activities that may harm the public, discredit themselves, or reduce public confidence in the profession.

(a) Advertising, marketing, and promotion of inspectors' services or qualifications shall not be fraudulent, false, deceptive, or misleading.

(b) Inspectors shall report substantive and willful violations of this code to the board.

310-A:186 Board of Home Inspectors.

I. A board of home inspectors is established to administer the provisions of this subdivision. The board shall consist of 7 persons as follows:

(a) Five members shall be home inspectors, one from each executive council district, nominated by the respective executive councilors, and appointed by the governor and council.

(b) Two shall be public members, each to be appointed by the governor and council. Each public member of the board shall be a person who is not, and never was, a home inspector 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 home inspector services or an activity directly related to the home inspection trade, including the representation of the board or trade for a fee at any time during the 5 years preceding appointment.

II. Each member of the board shall be a citizen of the United States and a resident of this state. Each home inspector board member shall have actively practiced home inspections for his or her means of livelihood during or, if retired, prior to, his or her appointment.

III. Members shall be appointed for 2-year terms. Appointments for terms of less than 2 years may be made in order to stagger the appointments. 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 $\frac{1}{2}$ of the 2-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. Vacancies occurring prior to the expiration of a specific term shall be filled by appointment for the unexpired term. A board member may be removed for cause by the governor and council under RSA 4:1.

IV. 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.

V. 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. Four members shall constitute a quorum.

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

- (1) The name, age, and residence of each applicant.
- (2) The date of application.
- (3) The place of business of such applicant.
- (4) The applicant's educational and other qualifications.
- (5) Proof of passing home inspection exam.
- (6) Whether the applicant was rejected and the reasons for such rejection.
- (7) Whether a license was granted.
- (8) The date of the action of the board.
- (9) Such other information as may be deemed necessary by the board.

(b) 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. Biennially, as of 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.

VII. The secretary of the board shall publish a roster listing the names and addresses of all home inspectors licensed under this subdivision by the board during February of each even-numbered year. Copies of this roster shall be sent 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.

VIII. The board, its members, and its agents shall be immune from personal liability for actions taken in good faith in the discharge of the board's responsibilities, and the state shall hold the board, its members, and its agents harmless from all costs, damages, and attorneys' fees arising from claims and suits against them with respect to matters to which such immunity applies.

310-A:187 Rulemaking Authority.

- I. The board shall adopt rules, pursuant to RSA 541-A, relative to:
 - (a) The application procedure for a license to practice under this subdivision.
 - (b) The qualifications of applicants in addition to requirements of this subdivision, and including the qualifications for satisfactory evidence of good professional character.
 - (c) Procedures for auditing applicants and licensees.
 - (d) How a license to practice under this subdivision shall be renewed or reinstated, including late fees and any requirements for continuing education.
 - (e) The establishment of all fees required under this subdivision.
 - (f) Disciplinary actions by the board that shall be implemented for violations of the standards of practice, code of ethics, and rules adopted by the board.
 - (g) Procedures for the conduct of hearings consistent with the requirements of due process.
 - (h) Procedures for approving education courses for eligibility for licensure and for a continuing education program
 - (i) Matters related to the proper administration of this subdivision.

II. The board shall adopt one eligibility examination required for licensure that is compiled from examination materials submitted by the board members.

III. At least 40 days prior to any hearing to be held pursuant to RSA 541-A:11, the board shall furnish a copy of any proposed rules of or amendments thereto, to all affected professionals licensed by the board.

310-A:188 Fees. The board shall adopt rules, under RSA 541-A, which shall establish fees required under this subdivision, which shall be sufficient to produce estimated revenues equal to 125 percent of the direct operating expenses of the board, including the following:

- I. Application for licensure.
- II. Renewal for licensed home inspectors.
- III. Late fees for a late renewal of license.
- IV. Replacement of a lost or mutilated license.
- V. Transcribing and transferring records and other services.
- VI. Reinstatement fees.
- VII. Other fees or fines deemed necessary by the board.

310-A:189 License Required. Beginning January 1, 2010, no person shall practice as a home inspector or conduct home inspections in this state without a home inspector's license issued by the board under this subdivision.

310-A:190 Eligibility Requirements For Licensure As A Home Inspector.

I. Each applicant for licensure as a home inspector shall meet the following minimum requirements:

(a) Completion of no less than 80 hours of board-approved education covering all of the following core components of a residential building of 4 units or less:

- (1) Heating system.
- (2) Cooling system.
- (3) Plumbing system.
- (4) Electrical system.
- (5) Structural components.
- (6) Foundation.
- (7) Roof covering.
- (8) Exterior and interior components.
- (9) Site aspects as they affect the building.

- (b) Proof of passing the board adopted examination required for licensure.
- (c) Have successfully completed high school or its equivalent.
- (d) Be at least 18 years of age.
- (e) Submit to the board a notarized criminal history records release form as provided by the New Hampshire state police, which authorizes the release of the applicant's criminal records, if any. The applicant shall bear the cost of the criminal records check.

II. The board shall approve all education programs under subparagraph (a) of organizations or education institutions providing acceptable education and training.

III. The board shall have the discretion to reject an applicant who is not of good professional character, as evidenced by:

- (a) Conviction for commission of a felony;
- (b) Misstatement of facts by the applicant in connection with the application;
- (c) Violation of any of the standards of practice or code of ethics as they are set forth in this subdivision or in rules adopted by the board; or
- (d) Practicing home inspections without being licensed in violation of laws of the jurisdiction in which the practice took place.

310-A:191 License Applications.

I. Applications for licensure shall be on forms prescribed and furnished by the board.

II. Applicants shall include the following:

- (a) Proof of required education.
- (b) Proof of passing the eligibility testing requirements.
- (d) Payment of applicable fees.
- (e) Any other attachments as required by board.

III. If the board denies the issuance of a license to any applicant, any fee paid shall be retained as an application fee.

310-A:192 Continuing Education. Evidence satisfactory to the board of the completion in each 2-year renewal period of a minimum of 20 hours of continuing education shall be required for license renewal, provided that one hour of the 20 required hours shall be from a board approved course on license regulation review. The board shall approve educational courses and activities that would further the professional competence of licensees. The continuing education credits shall be determined on the basis of one credit for each contact hour of course instruction or professional development activity actually attended by a licensee.

310-A:193 Issuance of Licenses. The board shall issue a license upon payment of the license fee established by the board, to any applicant who, in the opinion of the board, has satisfactorily met all the requirements of this subdivision. Licenses shall show the full name of the licensee, have a serial number, and be signed by the chairperson or the secretary of the board. The issuance of a license by the board shall be prima facie evidence that the person named in the license is entitled to all the rights and privileges of a licensed home inspector while the license remains valid. It shall be a class B misdemeanor for the licensee to perform home inspections after the license of the licensee has expired or has been revoked, unless such license shall have been renewed, reinstated, or reissued.

310-A:194 Reciprocity. If, in the determination of the board, another state grants reciprocity to residents of this state and is deemed to have state licensure requirements equal to or exceeding those of this state, the board may enter into a reciprocity agreement allowing applicants who are licensed under the laws of such other state to obtain a license as a home inspector in this state upon such terms and conditions as may be determined by the board.

310-A:195 Expiration and Renewals.

I. The board shall send by mail or otherwise notification of the impending license expiration to each licensee at least 60 days prior to the expiration of the license, along with a request for payment of a renewal fee. Licensees in good standing may renew their licenses by paying the renewal fee prior to the expiration date of the license, and by presenting evidence satisfactory to the board of completion of the continuing education requirements. If properly

renewed, a license shall remain in effect continuously from the date of issuance, unless suspended or revoked by the board for just cause.

II. All licenses issued by the board shall expire after 2 years on the last day of the licensee's birth month. Such license may be renewed at any time during the following month but shall be effective on the first day of the month. The fee for renewal of all licenses issued under this chapter shall be established by the board. Upon failure to pay the renewal fee within the required period, a licensee may renew his or her license by submitting the required fee plus 20 percent of the customary license fee before the last day of the second month following his or her birth month. Any application received after this time shall be rejected unless accompanied by proof of successful completion of the examination required by the board. A licensed home inspector shall complete at least 20 hours of board-approved continuing education during each license period in order to maintain his or her license.

III. Licensees who have been activated by the military shall be exempt from any penalties or fees for renewal or reinstatement due to their absence, as approved by the board.

310-A:196 Disciplinary Action.

I. The board may undertake disciplinary proceedings:

(a) Upon its 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) Conviction of a felony or any offense involving moral turpitude.
- (c) Any unprofessional conduct, or dishonorable conduct unworthy of, and affecting the practice of, the profession.
- (d) Unfitness or incompetence by reason of negligence or other causes; or negligent or willful acts performed in a manner inconsistent with the interests of persons relying on the expertise of the licensee.
- (e) Addiction to the use of alcohol or other habit-forming drugs to a degree which renders the licensee unfit to practice under this subdivision.
- (f) Mental or physical incompetence to practice under this subdivision.
- (g) Willful or repeated violation of the provisions of this subdivision.
- (h) Suspension or revocation of a license, similar to one issued under this subdivision, in another jurisdiction and not reinstated.
- (i) Violations of the code of ethics for home inspectors, or any other rule adopted by the board.
- (j) Providing false testimony before the board.
- (k) Failure to provide, within 30 calendar days of receipt of notice by certified mail, return receipt requested, information requested by the board as a result of any formal complaint to the board alleging a violation of this subdivision.
- (l) Knowingly making or signing any false statement, certificate, or affidavit in connection with the practice of home inspections.

310-A:197 Hearings.

I. The board shall take no disciplinary action without a hearing. At least 14 days prior to hearing, both parties to a disciplinary proceeding shall be served, either personally or by certified mail, return receipt requested, with a written copy of the complaint filed and notice of the time and place for hearing. All complaints shall be objectively received and appropriately pursued by the board. Written complaints received by the board shall be acknowledged within 3 months of the date of notice to the board. Written notice of all disciplinary decisions made by the board shall be given to both parties to the proceeding upon their issuance.

II.(a) The board shall have the power to administer oaths or affirmations, preserve testimony, subpoena witnesses, and to compel, by subpoena duces tecum, the production of all

books, records, files and documents, whether originals, copies, or in electronic or other form, and other materials, relevant to its investigation of any grievance, complaint, or disciplinary proceeding before the board.

(b) The board may issue subpoenas with the approval of the office of the attorney general.

(c) A minimum of 10 business days' notice shall be given for compliance with a subpoena under this subdivision.

III. At any hearing, the named person or licensee shall have the right to:

(a) Appear in person, by counsel, or both.

(b) Produce evidence and witnesses.

(c) Cross-examine witnesses.

IV. If the named person fails or refuses to appear, the board may proceed to hear and determine the validity of the charges.

V. The board, upon making an affirmative finding under RSA 310-A:196, II, may take disciplinary action in any one or more of the following ways:

(a) By written reprimand.

(b) By suspension, refusal to renew, limitation or restriction of a license, or probation for a period of time determined to be reasonable by the board.

(c) By revocation of a license.

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

(e) By requiring the person to practice under the direct supervision of a licensed home inspector for a period of time specified by the board.

(f) By assessing civil penalties, after notification and due process, 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 the violation continues, whichever is greater.

(g) By requiring the home inspector to obtain insurance against loss, expense and liability resulting from errors and omissions or neglect in the performance of services as a home inspector.

VI. Any person affected by a final decision of the board may appeal such final decision to the state building code review board, pursuant to RSA 155-A:11-a.

VII. In addition to any other action, the board may assess all reasonable costs incurred in connection with any disciplinary proceeding, including investigations, stenographers, and attorneys' fees, as a condition of probation or reinstatement.

VIII. Any disciplinary action by the board shall be published in the report of the board and shall be a public record in accordance with RSA 91-A.

310-A:198 Reissuance Of Licenses. The board, for reasons it may deem sufficient, may reissue a license to any person whose license has been suspended or revoked, provided 3 or more members of the board vote in favor of such reissuance. A new license may be issued, subject to the rules of the board, and a fee shall be charged for such issuance.

310-A:199 Violations; Penalty. It shall be a class B misdemeanor for any natural person or a felony for any business organization to:

I. Present or attempt to use the license of another as one's own;

II. Give any false or forged evidence of any kind to the board or to any board member in obtaining a license;

III. Falsely impersonate any other licensee of like or different name;

IV. Attempt to use an expired or revoked license;

V. Beginning January 1, 2010, practice home inspections or to offer, advertise, or hold oneself out to the public as being in the practice of home inspection in this state without a license ;
or

VI. Violate any of the provisions of this subdivision.

310-A:200 Restraint Of Violations. The superior court shall have jurisdiction in equity to restrain violations of RSA 310-A:199 on proceedings brought by the attorney general, the board, or any society of licensed home inspectors duly incorporated under the laws of this state.

310-A:201 Exemptions. Nothing in this subdivision shall be construed to prevent or affect:

I. A person who is employed by a governmental entity from inspecting residential buildings if the inspection is within official duties and responsibilities.

II. A person from performing a home inspection if the inspection will be used solely by a bank, savings and loan association or credit union to monitor progress on the construction of a residential structure.

III. A person who is employed as a property manager for a residential structure and whose official duties and responsibilities include inspecting the residential structure from performing an inspection on the structure if the person does not receive separate compensation for the inspection work.

IV. A person who is regulated in another profession from acting within the scope of that person's license, registration or certification.

2 Joint Board. 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, landscape architects, ~~and~~ court reporters, **and home inspectors** 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, the board of landscape architects, ~~and~~ the board of court reporters, **and the board of home inspectors**. The joint board shall meet at least quarterly to carry out its duties established under this chapter.

3 Appeal to State Building Code Review Board. Amend RSA 155-A:11-a, I to read as follows:

I. The board shall hear appeals of final decisions of the board established under RSA 319-C:4 ~~and~~, the board established under RSA 329-A:3, **and the board established under RSA 310-A:186**.

4 Approval of Continuing Education Program. Within 2 years of the adoption of the continuing education program by the board of home inspectors pursuant to RSA 310-A:192, the program shall be ratified by appropriate legislation.

5 Effective Date. This act shall take effect July 1, 2008.

Sen. Fuller Clark, Dist. 24
December 10, 2007
2008-0006s
03/04

Amendment to SB 259

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

1 New Chapter; Minimum Energy Efficiency Standards for Certain Products. Amend RSA by inserting after chapter 339-F the following new chapter:

CHAPTER 339-G

MINIMUM ENERGY EFFICIENCY STANDARDS FOR CERTAIN PRODUCTS

339-G:1 Definitions. In this chapter:

I. "Ballast" means a device used with an electric discharge lamp to obtain the necessary voltage, current, and waveform for starting and operating the lamp.

II. "Bottle-type water dispenser" means a water dispenser that uses a bottle or reservoir as the source of potable water.

III. "Commission" means the public utilities commission.

IV. "Commercial hot food holding cabinet" means a heated, fully-enclosed compartment with one or more solid or glass doors that are designed to maintain the temperature of hot food that has been cooked in a separate appliance. "Commercial hot food holding cabinet" does not include heated glass merchandizing cabinets, drawer warmers, or cook-and-hold appliances.

V. "Compensation" means money or any other valuable thing, regardless of form, received or to be received by a person for services rendered.

VI. "Electricity ratio" means the ratio of furnace electricity use to total furnace energy use. $\text{Electricity ratio} = (3.412 \cdot E_{AE}) / (1000 \cdot E_F + 3.412 \cdot E_{AE})$ where E_{AE} (average annual auxiliary electrical consumption) and E_F (average annual fuel energy consumption) are defined in Appendix N to subpart B of part 430 of title 10 of the Code of Federal Regulations and E_F is expressed in millions of BTUs per year.

VII. "High-intensity discharge lamp" means a lamp in which light is produced by the passage of an electric current through a vapor or gas and in which the light-producing arc is stabilized by bulb wall temperature and the arc tube has a bulb wall loading in excess of 3 watts per square centimeter.

VIII. "Metal halide lamp" means a high-intensity discharge lamp in which the major portion of the light is produced by radiation of metal halides and their products of dissociation, possibly in combination with metallic vapors.

IX. "Metal halide lamp fixture" means a light fixture designed to be operated with a metal halide lamp and a ballast for a metal halide lamp.

X. "Probe-start metal halide ballast" means a ballast used to operate metal halide lamps, which does not contain an igniter and which instead starts lamps by using a third starting electrode probe in the arc tube.

XI. "Residential boiler" means a self-contained low-pressure appliance for supplying steam or hot water primarily designed for space heating, which uses natural gas, propane, or home heating oil, and which has a heat input rate of less than 300,000 BTU per hour.

XII. "Residential furnace" means a self-contained space heater designed to supply heated air through ducts of more than 10 inches length and which utilizes only single-phase electric current, or single-phase electric current or DC current in conjunction with natural gas, propane, or home heating oil, and which:

(a) Is designed to be the principle heating source for the living space of one or more residences;

(b) Is not contained within the same cabinet with a central air conditioner whose rated cooling capacity is above 65,000 BTU per hour; and

(c) Has a heat input rate of less than 225,000 BTU per hour.

XIII. "Single-voltage external AC to DC power supply" means a device that:

(a) Is designed to convert line voltage AC input into lower voltage DC output;

(b) Is able to convert to only one DC output voltage at a time;

(c) Is sold with, or intended to be used with, a separate end-use product that constitutes the primary power load;

(d) Is contained within a separate physical enclosure from the end-use product;

(e) Is connected to the end-use product via a removable or hard-wired male/female electrical connection, cable, cord, or other wiring;

(f) Does not have batteries or battery packs, including those that are removable, that physically attach directly to the power supply unit;

(g) Does not have a battery chemistry or type selector switch and indicator light; or does not have a battery chemistry or type selector switch and a state of charge meter; and

(h) Has a nameplate output power less than or equal to 250 watts.

XIV. "State-regulated incandescent reflector lamp" means a lamp, not colored or designed for rough or vibration service applications, with an inner reflective coating on the outer bulb to

direct the light, an E26 medium screw base, a rated voltage or voltage range that lies at least partially within 115 to 130 volts, and that falls into either of the following categories: a blown PAR (BPAR), bulged reflector (BR), elliptical reflector (ER), or similar bulb shape with a diameter equal to or greater than 2.25 inches; or a reflector (R), parabolic aluminized reflector (PAR), or similar bulb shape with a diameter of 2.25 to 2.75 inches, inclusive.

XV. "Temperature reset" means an automatic means for adjusting the temperature of the water supplied by a residential boiler such that an incremental change in inferred heat load produces a corresponding incremental change in supply water temperature. When there is no inferred heat load, such automatic means adjusts the supply water temperature to no more than 140 degrees Fahrenheit.

XVI. "Walk-in refrigerator and freezer" means a refrigerated space that can be walked into and has a total chilled and frozen storage area of less than 3,000 square feet, operates at chilled (above 32 degrees Fahrenheit) or frozen (at or below 32 degrees Fahrenheit) temperature, and is connected to a self-contained or remote condensing unit. This term excludes products designed and marketed exclusively for medical, scientific, or research purposes. This term also excludes refrigerated warehouses.

XVII. "Water dispenser" means a factory-made assembly that mechanically cools and heats potable water and that dispenses the cooled or heated water by integral or remote means.

339-G:2 Applicability.

I. The provisions of this chapter apply to the testing, certification, and enforcement of efficiency standards for the following types of new products sold, offered for sale, or installed in the state:

- (a) Bottle-type water dispensers;
- (b) Commercial hot food holding cabinets;
- (c) Metal halide lamp fixtures;
- (d) Residential furnaces and residential boilers;
- (e) Single-voltage external AC to DC power supplies;
- (f) State-regulated incandescent reflector lamps;
- (g) Walk-in refrigerators and freezers; and

II. The provisions of this chapter do not apply to:

- (a) New products manufactured in the state and sold outside the state;
- (b) New products manufactured outside the state and sold at wholesale inside the state for final retail sale and installation outside the state;
- (c) Products installed in mobile manufactured homes at the time of construction;
- (d) Products designed expressly for installation and use in recreational vehicles; or
- (e) Residential furnaces that use natural gas or propane and that are installed as replacements for previously installed furnaces.

339-G:3 Minimum Energy Efficiency Standards.

I. Bottle-type water dispensers designed for dispensing both hot and cold water shall not have standby energy consumption greater than 1.2 kilowatt hours per day, as measured in accordance with the test criteria contained in Version 1.1 of the United States Environmental Protection Agency's "ENERGY STAR Program Requirements for Bottled Water Coolers," except that units with an integral, automatic timer shall not be tested using Section D, "Timer Usage," of the test criteria.

II. Commercial hot food holding cabinets shall have a maximum idle energy rate of 40 watts per cubic foot of interior volume, as determined by the "idle energy rate-dry test" in ASTM F2140-01, "Standard Test Method for Performance of Hot Food Holding Cabinets" published by ASTM International. Interior volume shall be measured in accordance with the method shown in the United States Environmental Protection Agency's "ENERGY STAR Program Requirements for Commercial Hot Food Holding Cabinets" as in effect on August 15, 2003.

III. Metal halide lamp fixtures designed to be operated with lamps rated greater than or equal to 150 watts but less than or equal to 500 watts shall not contain a probe-start metal halide ballast.

IV.(a) Residential furnaces and residential boilers shall comply with the following Annual Fuel Utilization Efficiency (AFUE), electricity ratio, and design requirements:

Product Type	Minimum	Maximum electricity	
Design	Requirements		
AFUE	Ratio		
Natural gas- and propane-fired furnaces	90 percent	2.0 percent	none
Oil-fired furnaces $\geq 94,000$ BTU/hour in capacity	none	2.0 percent	none
Oil-fired furnaces $< 94,000$ BTU/hour in capacity	none	2.3 percent	none
Natural gas- and propane-fired hot water residential boilers required	82 percent applicable	Not	No standing pilot Temperature reset
Natural gas- and propane-fired steam residential boilers	80 percent applicable	Not	No standing pilot
Oil-fired hot water residential boilers applicable	84 percent	Not required	Temperature reset
Oil-fired steam residential boilers applicable	82 percent	Not	none

Residential boilers shall only be operable if the temperature reset is installed. AFUE shall be measured in accordance with the federal test method for measuring the energy consumption of furnaces and boilers contained in Appendix N to subpart B of part 430, title 10, Code of Federal Regulations.

(b) The commission may adopt rules to exempt compliance with the residential furnace or residential boiler AFUE standards at any building, site or location where complying with the standards would be in conflict with any local zoning ordinance, building or plumbing code, or other rule regarding installation and venting of residential furnaces or residential boilers.

V.(a) Single-voltage external AC to DC power supplies shall meet the energy efficiency requirements in the following table:

Nameplate Output Power	Minimum Efficiency in Active Mode
0 to < 1 watt	$0.49 * \text{Nameplate Output}$
≥ 1 watt and ≤ 49 watts	$0.09 * \ln(\text{Nameplate Output}) + 0.49$
> 49 watts	0.84
No-Load Mode	Maximum Energy Consumption in
0 to < 10 watts	0.5 watts
≥ 10 watts and ≤ 250 watts	0.75 watts

Where $\ln(\text{Nameplate Output})$ = Natural Logarithm of the nameplate output expressed in watts.

(b) This standard applies to single-voltage AC to DC power supplies that are sold individually and to those that are sold as a component of or in conjunction with another product.

(c) Single-voltage external AC to DC power supplies that require United States Food and Drug Administration listing and approval as a medical device are exempt from the requirements of this section.

(d) Single-voltage external AC to DC power supplies made available by a manufacturer directly to a consumer or to a service or repair facility after and separate from the original sale of the product requiring the power supply as a service part or spare part shall not be required to meet the standards of this section before January 1, 2013.

(e) For purposes of this paragraph, the efficiency of single-voltage external AC to DC power supplies shall be measured in accordance with the test methodology specified in Appendix N to subpart B of part 430, title 10, Code of Federal Regulations.

VI. State-regulated incandescent reflector lamps shall meet the minimum average lamp efficacy requirements for federally-regulated incandescent reflector lamps contained in 42 U.S.C. section 6295 (i)(1)(A). The following types of incandescent reflector lamps are exempt from these requirements:

(a) Lamps rated at 50 watts or less of the following types: BR30, ER30, BR40, and ER40;

(b) Lamps rated at 65 watts of the following types: BR30, BR40, and ER40; and

(c) R20 lamps of 45 watts or less.

VII. Walk-in refrigerators and freezers shall meet the following requirements:

(a) All walk-in refrigerators and freezers shall have:

(1) Automatic door closers that firmly close all reach-in doors and that firmly close walk-in doors no wider than 3 feet 9 inches and no higher than 6 feet 11 inches that have been closed to within one inch of full closure.

(2) Wall, ceiling and door insulation of at least R-28 for refrigerators. Door insulation requirements do not apply to glazed portions of doors, nor to structural members.

(3) Wall, ceiling, and door insulation of at least R-32 for freezers. Door insulation requirements do not apply to glazed portions of doors, or to structural members.

(4) Floor insulation of at least R-28 for freezers.

(5) For single-phase evaporator fan motors of under one horsepower and less than 460 volts, electronically commutated motors. The commission may delay implementation of this subparagraph upon a determination that such motors are only available from one manufacturer or in insufficient quantities to serve the needs of the walk-in refrigerator and freezer industry for evaporator-fan applications.

(6) For condenser fan motors of under one horsepower, either: (a) electronically commutated motors, (b) permanent split capacitor-type motors, or (c) polyphase motors of 1/2 horsepower or more; and

(7) For all interior lights, light sources with an efficacy of 40 lumens per watt or more, including ballast losses, if any. Light sources with an efficacy of 40 lumens per watt or less, including ballast losses, if any, may be used in conjunction with a timer or device that turns off the lights within 15 minutes of when the walk-in is not occupied.

(b) In addition to the requirements in subparagraph (a), walk-in refrigerators and freezers with transparent reach-in doors shall meet the following requirements:

(1) Transparent reach-in doors and windows in walk-in doors for walk-in freezers shall be of triple-pane glass with either heat-reflective treated glass or gas fill;

(2) Transparent reach-in doors and windows in walk-in doors for walk-in refrigerators shall be either (a) double-pane glass with heat-reflective treated glass and gas fill or (b) triple pane glass with either heat-reflective treated glass or gas fill;

(3) If the appliance has an anti-sweat heater without anti-sweat heat controls, then: the appliance shall have a total door rail, glass, and frame heater power draw of no more than 7.1 watts per square foot of door opening for freezers and 3.0 watts per square foot of door opening for refrigerators; and

(4) If the appliance has an anti-sweat heater with anti-sweat heat controls, and the total door rail, glass, and frame heater power draw is more than 7.1 watts per square foot of door opening for freezers and 3.0 watts per square foot of door opening for refrigerators, then the anti-sweat heat controls shall reduce the energy use of the anti-sweat heater in an amount corresponding to the relative humidity in the air outside the door or to the condensation on the inner glass pane.

339-G:4 Sale and Installation of Products.

I. After December 31, 2008, no new bottle-type water dispenser, commercial hot food holding cabinet, metal halide lamp fixture, state-regulated incandescent reflector lamp, or walk-in

refrigerator or walk-in freezer shall be sold or offered for sale in the state unless the efficiency of the new product meets or exceeds the efficiency standards in RSA 339-G:3. After December 31, 2009 no new bottle-type water dispenser, commercial hot food holding cabinet, metal halide lamp fixture, state-regulated incandescent reflector lamp, or walk-in refrigerator or walk-in freezer shall be installed in the state unless the energy efficiency of the new product meets or exceeds the efficiency standards in RSA 339-G:3.

II. No single-voltage external AC to DC power supply manufactured after December 31, 2008 shall be sold or offered for sale in the state unless the efficiency of the single-voltage external AC to DC power supply meets or exceeds the efficiency standards in RSA 339-G:3. After December 31, 2009, no single-voltage external AC to DC power supply manufactured after December 31, 2008 shall be installed unless the energy efficiency of the new product meets or exceeds the efficiency standards in RSA 339-G:3.

III. Within 6 months after the effective date of this section, the commission, in consultation with the attorney general, shall determine if implementation of state standards for residential furnaces and residential boilers requires a waiver from federal preemption. The commission shall make separate determinations for each part of the state standards including minimum Annual Fuel Utilization Efficiency (AFUE), maximum electricity ratio, and any prescriptive requirements. If the commission determines that a waiver from federal preemption is not needed for any part, then after December 31, 2008, or the date which is one year after the date of said determination, if later, no new residential furnace or residential boiler may be sold or offered for sale in the state unless the efficiency of the new product meets or exceeds the applicable non-preempted part of the efficiency standards in RSA 339-G:3. If the commission determines that a waiver from federal preemption is required for all or part of the state standards, then the commission shall apply for such waiver within one year of such determination and upon approval of such waiver application, the applicable state standards shall go into effect at the earliest date permitted by federal law. The commission shall certify any determinations and approvals under this paragraph to the secretary of state and the director of the office of legislative services.

339-G:5 Modified and Additional Standards. The commission may establish more stringent efficiency standards for the products listed in RSA 339-G:2, I; provided no more stringent efficiency standards shall become effective within one year following the adoption of any rules providing for the more stringent efficiency standards. Not less than every 2 years, the commission shall propose to the general court new efficiency standards for products not listed in RSA 339-G:2, I. Standards proposed by the commission shall promote energy conservation in the state and be lifecycle cost-effective for consumers who purchase and use the products. The commission may apply for a waiver from preemption in accordance with federal procedures for those products regulated by the federal government. The commission may adopt rules, pursuant to RSA 541-A, necessary to implement the provisions of this section.

339-G:6 Testing. The manufacturers of products listed in RSA 339-G:2, I shall test samples of their products in accordance with the test procedures established in this chapter or those specified in the state building code as defined in RSA 155-A. The commission shall adopt by rule test procedures for determining the energy efficiency of the products listed in RSA 339-G:2, I if such procedures are not provided for in RSA 339-G:3 or in the state building code. The commission shall adopt United States Department of Energy approved test methods, or in the absence of such test methods, other appropriate nationally-recognized test methods. The commission may adopt updated test methods when new versions of test procedures become available.

339-G:7 Certification and Identification.

I. Manufacturers of new products listed in RSA 339-G:2, I, except for single-voltage external AC to DC power supplies, walk-in refrigerators, and walk-in freezers, shall certify to the commission that such products are in compliance with the provisions of this chapter. Such certifications shall be based on test results. The commission shall adopt rules, pursuant to RSA 541-A, governing the certification of such products and may coordinate with the certification programs of other states with similar standards.

II. Manufacturers of new products listed in RSA 339-G:2, I shall identify each product offered for sale or installation in the state as in compliance with the provisions of this chapter by means of a mark, label, or tag on the product and packaging at the time of sale or installation. The commission shall adopt rules, pursuant to RSA 541-A, governing the identification of such products and packaging, which shall be coordinated to the greatest practical extent with the labeling programs of other states and federal agencies with equivalent efficiency standards. The commission shall allow the use of existing marks, labels, or tags which connote compliance with the efficiency requirements of this chapter.

339-G:8 Inspections. With prior notice and at reasonable and convenient hours, the commission may cause periodic inspections to be made of distributors or retailers of new products listed in RSA 339-G:2, I in order to determine compliance with the provisions of this chapter. The commission shall also coordinate with local enforcement agencies regarding inspections prior to occupancy of newly constructed buildings containing new products that are also covered by the state building code.

339-G:9 Enforcement; Penalties. The commission shall cause investigations to be made of complaints received concerning violations of this chapter and shall report the results of such investigations to the attorney general. The attorney general may institute proceedings to enforce the provisions of this chapter. Any manufacturer, distributor, or retailer who violates any provision of this chapter shall be issued a warning by the commission for any first violation. Repeat violations shall be subject to a civil penalty of not more than \$250. Each violation of this chapter shall constitute a separate offense, and each day that such violation continues shall constitute a separate offense.

2 Effective Date. This act shall take effect January 1, 2009.

Sen. Odell, Dist. 8
November 6, 2007
2007-2628s
09/01

Amendment to HB 351

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

AN ACT clarifying that the definition of “overseas business organization” includes all foreign incorporated business organizations and all 80/20 business organizations.

Amend the bill by deleting section 1 and renumbering the original sections 2-4 to read as 1-3, respectively.
2007-2628s

AMENDED ANALYSIS

This bill clarifies that the definition of “overseas business organization” includes all foreign incorporated business organizations and all 80/20 business organizations.

2007 BILLS RE-REFERRED TO COMMITTEE

ENERGY, ENVIRONMENT AND ECONOMIC DEVELOPMENT

HB 460, relative to conservation restrictions to protect public water supplies.

FINANCE

SB 79-FN-A, relative to court security and court security officers.

HEALTH AND HUMAN SERVICES

SB 114-FN, relative to licensed acute care hospitals.

SB 163-FN, relative to housing assistance for families in the Temporary Assistance to Needy Families (TANF) program.

JUDICIARY

SB 90-FN, relative to the penalty for impersonating a law enforcement officer.

SB 121, relative to preventing strategic lawsuits against public participation.

SB 264, relative to filing liens on personal and real property to recover uncollected small claims judgments.

HEARINGS

WEDNESDAY, JANUARY 9, 2008

FINANCE, Room 100, SH

Sen. D'Allesandro (C), Sen. Janeway (VC), Sen. Larsen, Sen. Hassan, Sen. Sgambati, Sen. Odell, Sen. Gallus

10:15 a.m.

EXECUTIVE SESSION ON PENDING LEGISLATION

SB 79-FN-A, relative to court security and court security officers.

TUESDAY, JANUARY 15, 2008

ENERGY, ENVIRONMENT AND ECONOMIC DEVELOPMENT, Room 102, LOB

Sen. Fuller Clark (C), Sen. Hassan (VC), Sen. Cilley, Sen. Sgambati, Sen. Barnes, Sen. Odell

2:00 p.m.

SB 352-FN, relative to shoreland protection.

2:30 p.m.

SB 384, relative to the repair of septic systems prior to the sale of waterfront property.

3:00 p.m.

SB 406, relative to exempting the town of Wakefield from the setback requirements of the shoreland protection act.

3:30 p.m.

SB 417, relative to changes to the shoreland protection act.

EXECUTIVE SESSION MAY FOLLOW

ENERGY, ENVIRONMENT AND ECONOMIC DEVELOPMENT, Room 102, LOB

Sen. Fuller Clark (C), Sen. Hassan (VC), Sen. Cilley, Sen. Sgambati, Sen. Barnes, Sen. Odell

4:00 p.m.

WORK SESSION ON RE-REFERRED LEGISLATION

HB 460, relative to conservation restrictions to protect public water supplies.

EXECUTIVE SESSION MAY FOLLOW

RULES AND ENROLLED BILLS, Room 103, SH

Sen. Gottesman (C), Sen. Reynolds (VC), Sen. D'Allesandro, Sen. Gatsas, Sen. Bragdon

4:00 p.m.

SB 357, relative to the examination of acts and resolves before printing.

EXECUTIVE SESSION MAY FOLLOW

WAYS AND MEANS, Room 100, SH

Sen. Odell (C), Sen. D'Allesandro (VC), Sen. Janeway, Sen. Reynolds, Sen. Downing

8:30 a.m.

SB 456, establishing a committee to study the impact of the research and development tax credit and the current cap on the credit on high technology industries and New Hampshire businesses in general.

8:45 a.m. **SB 458**, establishing a committee to study the impact on New Hampshire revenues resulting from evasion of taxes by Massachusetts businesses.

9:00 a.m. **SB 308-FN-A**, restoring certain foreign dividend deductions under the business profits tax and an exemption to the real estate transfer tax.

EXECUTIVE SESSION MAY FOLLOW

TUESDAY, JANUARY 22, 2008

WAYS AND MEANS, Room 100, SH

Sen. Odell (C), Sen. D'Allesandro (VC), Sen. Janeway, Sen. Reynolds, Sen. Downing

8:30 a.m. **SB 333-FN-A-L**, establishing an exemption from the real estate transfer tax.

8:45 a.m. **SB 423**, relative to cashing of bingo winnings checks.

9:00 a.m. **SB 310-FN**, relative to changes to games of chance.

EXECUTIVE SESSION MAY FOLLOW

MEETINGS

MONDAY, JANUARY 7, 2008

COMMISSION TO DEVELOP A COMPREHENSIVE STATE MENTAL HEALTH PLAN (HB 691, Chapter 175:15, Laws of 2005)

10:00 a.m. Room 205, LOB Subcommittee work session on
corrections

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

10:00 a.m. Room 100, SH Regular Meeting

COMMISSION TO DEVELOP A FLOOD MANAGEMENT PLAN (HB 648, Chapter 179:1, Laws of 2007)

1:00 p.m. Office of Homeland Security Regular Meeting
and Emergency Management
Smokey Bear Boulevard
Concord, NH

JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON COSTING AN ADEQUATE EDUCATION (RSA 193-E:2-d)

1:00 p.m. Room 100, SH Regular Meeting

TASK FORCE ON WORK AND FAMILY (HB 306, Chapter 373:2, Laws of 2007)

1:30 p.m. Room 206, LOB Regular Meeting

TUESDAY, JANUARY 8, 2008

GUARDIAN AD LITEM BOARD (RSA 490-C:1)

Cancelled Room 103, SH Regular Meeting

STATE VETERANS' ADVISORY COMMITTEE (RSA 115-A:2, VI)

Cancelled NH National Guard Regular Meeting
Joint Force Headquarters
Readiness Center
Regional Drive
Concord, NH

WEDNESDAY, JANUARY 9, 2008

COMMISSION TO MAKE RECOMMENDATIONS TO ENSURE THE LONG-TERM VIABILITY OF THE NEW HAMPSHIRE RETIREMENT SYSTEM (HB 876, Chapter 355:1, Laws of 2007)

1:00 p.m. Room 103, SH Work Session

THURSDAY, JANUARY 10, 2008

JOINT LEGISLATIVE PERFORMANCE AUDIT AND OVERSIGHT COMMITTEE (RSA 17-N:1)

4:00 p.m. Room 212, LOB Regular Meeting

COMPREHENSIVE CANCER PLAN OVERSIGHT BOARD (RSA 126-A:65)

4:30 p.m. Foundation for Healthy Regular Meeting

Communities

125 Airport Rd

Concord, NH

FRIDAY, JANUARY 11, 2008

STATE PARK SYSTEM ADVISORY COUNCIL (RSA 216-A:3-k)

9:00 a.m. Department of Resources Regular Meeting

And Economic Development

172 Pembroke Road

Concord, NH

COMMISSION TO MAKE RECOMMENDATIONS TO ENSURE THE LONG-TERM VIABILITY OF THE NEW HAMPSHIRE RETIREMENT SYSTEM (HB 876, Chapter 355:1, Laws of 2007)

10:00 a.m. Representatives Hall Retirement Overview Discussion

COMMISSION TO STUDY CHILDHOOD LEAD POISONING PREVENTION LAWS POLICIES AND STANDARDS IN NEW HAMPSHIRE (SB 176, Chapter 293:10, Laws of 2007)

10:30 a.m. Room 100, SH Regular Meeting

GUARDIAN AD LITEM BOARD (RSA 490-C:1)

1:00 p.m. Room 102, LOB Regular Meeting

NEW HAMPSHIRE COMMISSION ON DEAFNESS AND HEARING LOSS (RSA 125-Q)

1:30 p.m. Room 205, LOB Regular Meeting

MONDAY, JANUARY 14, 2008

CITIZENS TRADE POLICY COMMISSION (RSA 19-L:1)

9:00 a.m. Room 307, LOB Regular Meeting

INTERAGENCY COORDINATING COUNCIL FOR WOMEN OFFENDERS (RSA 21-H:14-c)

9:00 a.m. Room 103, SH Regular Meeting

JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON COSTING AN ADEQUATE EDUCATION (RSA 193-E:2-d)

9:00 a.m. Room 100, SH Regular Meeting

OIL FUND DISBURSEMENT BOARD (RSA 146-D:4)

9:00 a.m. Room 305, LOB Regular Meeting

COUNCIL ON THE RELATIONSHIP BETWEEN PUBLIC HEALTH AND THE ENVIRONMENT (RSA 125-P:1)

9:30 a.m. Room 205, LOB Regular Meeting
STATEWIDE INTERAGENCY COMMISSION ON HUMAN TRAFFICKING (SB 194, Chapter 122:1, Laws of 2007)

10:00 a.m. Room 304, LOB Regular Meeting
GUARDIAN AD LITEM BOARD (RSA 490-C:1)

12:30 p.m. Room 103, SH Non-Public Session of the Complaint Review Committee

BOARD OF MANUFACTURED HOUSING (RSA 205-A:25)

1:00 p.m. Room 201, LOB Complaint Hearing
COMMISSION TO DEVELOP A FLOOD MANAGEMENT PLAN (HB 648, Chapter 179:1, Laws of 2007)

1:00 p.m. Office of Homeland Security Regular Meeting
and Emergency Management
Smokey Bear Boulevard
Concord, NH

TUESDAY, JANUARY 15, 2008

FISCAL COMMITTEE OF THE GENERAL COURT (RSA 14:30-a)

9:00 a.m. Rooms 210-211, LOB Regular Meeting
ASSESSING STANDARDS BOARD (RSA 21-J:14-a)

1:00 p.m. NH Department of Subcommittee Meeting
Revenue Administration
57 Regional Drive
Concord, NH

CAPITAL BUDGET OVERVIEW COMMITTEE (RSA 17-J:2)

2:00 p.m. Room 201, LOB Regular Meeting
STATE VETERANS' ADVISORY COMMITTEE (RSA 115-A:2, VI)

5:00 p.m. NH National Guard Regular Meeting
Joint Force Headquarters
Readiness Center
Regional Drive
Concord, NH

THURSDAY, JANUARY 17, 2008

PUBLIC HEALTH IMPROVEMENT SERVICES COUNCIL (HB 491, Chapter 250:2, Laws of 2007)

2:00 p.m. Department of Health & Regular Meeting
Human Services
29 Hazen Drive, Rooms 110-112
Concord, NH

FRIDAY, JANUARY 18, 2008

INTERNATIONAL TRADE ADVISORY COMMITTEE (RSA 12-A:30)

9:00 a.m. International Trade Regular Meeting
Resource Center
Portsmouth, NH

JOINT LEGISLATIVE COMMITTEE ON ADMINISTRATIVE RULES (RSA 541-A:2)

9:00 a.m. Rooms 306-308, LOB Regular Meeting

OSTEOPOROSIS ADVISORY COUNCIL (RSA 126-I:3)

9:00 a.m. Room 205, LOB Regular Meeting

RIGHT TO KNOW OVERSIGHT COMMISSION (RSA 91-A:11)

10:00 a.m. Room 204, LOB Regular Meeting

FRIDAY, JANUARY 25, 2008

WORKERS COMPENSATION ADVISORY COUNCIL (RSA 281-A:62)

9:00 a.m. Room 305, LOB Regular Meeting

ASSESSING STANDARDS BOARD (RSA 21-J:14-a)

9:30 a.m. NH Department of Revenue Regular Meeting

Administration Training Room

57 Regional Drive

Concord, NH

NEW HAMPSHIRE RAIL TRANSIT AUTHORITY (RSA 238-A:2)

12:00 p.m. Rooms 305-307, LOB Regular Meeting

**JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON COSTING AN ADEQUATE
EDUCATION (RSA 193-E:2-d)**

1:00 p.m. Room 100, SH Regular Meeting

MONDAY, JANUARY 28, 2008

**COMMISSION TO DEVELOP A FLOOD MANAGEMENT PLAN (HB 648, Chapter 179:1,
Laws of 2007)**

1:00 p.m. Office of Homeland Security Regular Meeting

and Emergency Management

Smokey Bear Boulevard

Concord, NH

**JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON COSTING AN ADEQUATE
EDUCATION (RSA 193-E:2-d)**

1:00 p.m. Room 100, SH Regular Meeting

TUESDAY, JANUARY 29, 2008

LONG RANGE CAPITAL PLANNING AND UTILIZATION COMMITTEE (RSA 17-M:1)

3:00 p.m. Room 201, LOB Regular Meeting

FRIDAY, FEBRUARY 1, 2008

JOINT LEGISLATIVE COMMITTEE ON ADMINISTRATIVE RULES (RSA 541-A:2)

9:00 a.m. Rooms 306-308, LOB Continued Meeting

MONDAY, FEBRUARY 4, 2008

**STATEWIDE INTERAGENCY COMMISSION ON HUMAN TRAFFICKING (SB 194, Chapter
122:1, Laws of 2007)**

10:00 a.m. Room 304, LOB Regular Meeting

COMMISSION TO DEVELOP A FLOOD MANAGEMENT PLAN (HB 648, Chapter 179:1, Laws of 2007)

1:00 p.m. Office of Homeland Security Regular Meeting
 and Emergency Management
 Smokey Bear Boulevard
 Concord, NH

HEALTH AND HUMAN SERVICES OVERSIGHT COMMITTEE (RSA 126-A:13)

1:00 p.m. Room 103, SH Regular Meeting

FRIDAY, FEBRUARY 8, 2008

COMMISSION TO STUDY CHILDHOOD LEAD POISONING PREVENTION LAWS, POLICIES, AND STANDARDS IN NEW HAMPSHIRE (SB 176, Chapter 293:10, Laws of 2007)

9:30 a.m. Room 100, SH Regular Meeting

GUARDIAN AD LITEM BOARD (RSA 490-C:1)

1:00 p.m. Room 102, LOB Regular Meeting

MONDAY, FEBRUARY 11, 2008

INTERAGENCY COORDINATING COUNCIL FOR WOMEN OFFENDERS (RSA 21-H:14-c)

9:00 a.m. Room 100, SH Regular Meeting

STATEWIDE INTERAGENCY COMMISSION ON HUMAN TRAFFICKING (SB 194, Chapter 122:1, Laws of 2007)

10:00 a.m. Room 304, LOB Regular Meeting

FRIDAY, FEBRUARY 15, 2008

JOINT LEGISLATIVE COMMITTEE ON ADMINISTRATIVE RULES (RSA 541-A:2)

9:00 a.m. Rooms 306-308, LOB Regular Meeting

FRIDAY, FEBRUARY 22, 2008

ASSESSING STANDARDS BOARD (RSA 21-J:14-a)

9:30 a.m. NH Department of Revenue Regular Meeting
 Administration Training Room
 57 Regional Drive
 Concord, NH

NOTICES

LEGISLATIVE ETHICS COMMITTEE

Required Disclosure Filings

Copies of two financial disclosure forms have recently been provided to each Senator. The first form is the annual "**Financial Disclosure Form**," which all legislators and legislative officers are required to complete and file with the Legislative Ethics Committee. Please return your completed form to Rich Lambert in **Room 112 of the State House** **no later than January 31, 2008.**

The second form is the **"New Hampshire Statement of Financial Interests."** This form must be returned to the **Secretary of State's Office in Room 204 of the State House no later than January 18, 2008.** As a result of amendments made to RSA 15-A by Senate Bill 206 in the 2006 session, legislators are required to complete and file this form in addition to the one required by the Ethics Guidelines.

Sylvia B. Larsen, Senate President

The standard mileage rate for transportation expenses for 2008 has been set by the Internal Revenue Service at 50.5 cents per mile.

The mileage reimbursement rate for State Legislators who elect the Federal Mileage Reimbursement Rate increases from 48.5 (forty-eight and one-half cents) to 50.5 (fifty and one-half cents) per mile for all miles incurred on or after January 1, 2008.

Sylvia B. Larsen, Senate President

Disability Resource for Legislators and Senators

Many of you may know Carol Nadeau, Executive Director of the Governor's Commission on Disability. Carol will be at the State House/LOB on Wednesdays (after January 1, 2008) throughout this legislative session as a resource/consultant to Legislators and Senators on a variety of disability-related issues. With more than 28 years of experience working for the Commission, Carol has a wealth of information about disability services, programs, laws, organizations, etc. in New Hampshire. She will be pleased to assist you with your disability-related questions and issues. Contact Carol at Tel: 271-6895 or e-mail her at: carol.nadeau@nh.gov

Senator Lou D'Allesandro

THURSDAY, JANUARY 17, 2008

The Lincoln Institute for Land Policy invites all Legislators to a breakfast briefing on their newest research project, "The Property Tax / School Funding Dilemma," by Daphne A. Kenyon, PhD, which includes New Hampshire as a case study. The breakfast is Thursday, January 17 at the Tuck Library on Park Street in Concord at 7am, with a presentation at 7:30 am, and event ending by 8:30 am. RSVP by e-mail to dkenyon@lincolninst.edu or call Michelle at 603/224-5566.

Senator Joseph A. Foster

Senator Bob Odell

THURSDAY, JANUARY 24, 2008

On Thursday, January 24, 2008, the third annual Public Health and the Granite State: A Non-Partisan Overview for Policymakers will take place. It is organized by the New Hampshire Public Health Association and it will include an overview of public health and public health policy along with a review of the New Hampshire Public Health Association's 2008 public health priorities. It lasts from 11:45 a.m. – 1:30 p.m. in St. Paul's Church, 21 Center St., Concord. Lunch will be provided.

Senator Martha Fuller Clark

TUESDAY, FEBRUARY 5, 2008

Northeast Delta Dental cordially invites all members of the New Hampshire Legislature and their staff to its Ninth Annual Legislative Reception to be held Tuesday, February 5, 2008 from 4:00 p.m. to 6:30 p.m. at its corporate office One Delta Drive in Concord.

Sylvia B. Larsen, Senate President
Senator Theodore L. Gatsas

TUESDAY, FEBRUARY 12, 2008

To all Legislators: What is mental health? How interconnected are mental health, physical health and substance use disorders, and what impact do they have on suicide and suicide attempts? You along with your fellow legislators, NAMI NH family leaders, Board members and leaders from NH's Community Mental Health Centers, are invited to join a discussion about mental health services in NH. At the luncheon you will hear from a survivor of suicide; he will tell his story of the impact of mental illness and death by suicide on a family. This non-partisan event, sponsored by the National Alliance on Mental Illness, will be held on Tuesday, February 12, 2008 from 12:00 p.m. to 1:00 p.m. at St. Paul's Church, 21 Center Street, Concord. Lunch will be provided. For more information please call or email: 225-5359 or info@naminh.org.

Sylvia B. Larsen, Senate President
Senator Theodore L. Gatsas

SENATE SCHEDULE

Tuesday, January 15, 2008, 3:00 p.m.	The last day to sign-off legislation for a Senate Bill recommended by a Study Committee or Commission created by a Senate Bill shall be no later than 3:00 p.m. on Tuesday, January 15, 2008
Monday, January 21, 2008	Martin Luther King Jr. Civil Rights Day (State Holiday)
Monday, February 18, 2008	President's Day (State Holiday)
Monday, February 25, 2008	Start of Winter Break
Friday, February 29, 2008	End of Winter Break
Thursday, March 06, 2008	Deadline for Policy Committees to ACT on all Senate money bills, except bills exempted pursuant to Senate Rule 26(b)
Thursday, March 20, 2008	CROSSOVER – Last Day to ACT on all remaining Senate Bills
Thursday, May 1, 2008	Deadline for Policy Committees to ACT on all House money bills, except bills exempted pursuant to Senate Rule 26(b)
Thursday, May 15, 2008	Last Day to ACT on all remaining House bills

Wednesday, May 21, 2008	Last day to FORM Committees of Conference
Monday, May 26, 2008	Memorial Day (State Holiday)
Friday, May 30, 2008 at 12:00 p.m.	Last day to SIGN Committee of Conference Reports
Thursday, June 5, 2008	Last day to ACT on Committee of Conference Reports
Friday, July 4, 2008	Fourth of July (State Holiday)
Monday, September 1, 2008	Labor Day (State Holiday)
Tuesday, November 11, 2008	Veteran's Day (State Holiday)
Thursday, November 27, 2008	Thanksgiving Day (State Holiday)
Friday, November 28, 2008	Day after Thanksgiving (State Holiday)
Thursday, December 25, 2008	Christmas Day (State Holiday)

VISITORS CENTER SCHEDULE - JANUARY

State House Visitation Schedule January 2008

As a convenience to the members of the NH General Court, the Visitors' Center offers the following schedule of schools and other groups visiting the State House in **January 2008**. These listings are to ensure all members be notified in a timely manner of visitors from their district. Our schedule is tightly booked for the remainder of the school year and subject to changes. **Please note that if your school is closed or has a delay, that there tour will be rescheduled. Please contact the Visitors' Center concerning school tour booking information.** Thank you for your continued participation with your School Visitation Program.

Virginia J. Drew, Director

Caitlin A. Daniuk, Public Information Administrator

Jan 4	9:00	University of Southern Florida – St. Petersburg	College/20
Jan 7	10:00	Swedish Union Officials	Adult/15
Jan 7	11:30/12:45 SH/SC	Beaver Meadow School – Concord	4/75
Jan 8	10:30/12:00 SH/HM	Heron Pond Elementary School- Milford (rescheduled)	4/100
Jan 9	11:30	Marlborough Elementary School	4/23
Jan 10	10:30/12:00 SH/HM	Heron Pond Elementary School – Milford (rescheduled)	4/100
Jan 11	10:00	Nashua Christian Academy	HS/13
Jan 14	10:00/11:40 SH/SC	Hollis Upper Elementary School	4/44
Jan 15	11:00	Haigh School – Salem	4/35
Jan 16	10:00	Charlotte Ave School – Nashua	4/25
Jan 16	2:00	Hillcrest Terrace – Manchester	Adult/12
Jan 17	10:00/11:30 SH/HM	Chester Academy	4/76

Jan 17	11:30	Cornerstone Christian Academy – Ossipee	4/6
Jan 18	10:00/11:40 SH/SC	Hollis Upper Elementary School	4/66
Jan 22	2:00	Legislator Tour	
Jan 23	9:30	St. Benedict Academy – Manchester	4/20
Jan 24	9:00/10:30 SH/HM	Pembroke Hill School	4/100
Jan 24	1:00	Circle of Life (Senior group)	Adults/10
Jan 24	2:00	Legislator Tour	
Jan 25	10:00/11:15 SH/SC	North Hampton Elementary School	5/49
Jan 25	10:00	Phoenix Academy – Dublin	HS/12
Jan 28	10:30/11:45 SH/SC	Newton Memorial School	4/60
Jan 29	9:30	Griffin Memorial School – Litchfield	4/50
Jan 30	9:30	Griffin Memorial School – Litchfield	4/50
Jan 31	9:30	Griffin Memorial School – Litchfield	4/50