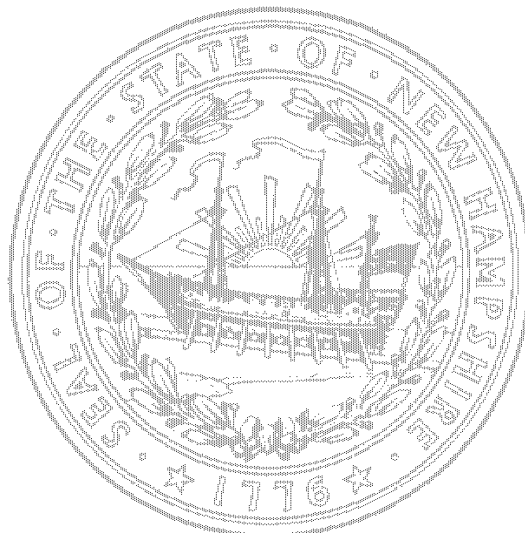


May 8, 2008
No. 19

STATE OF NEW HAMPSHIRE

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Legislative

SENATE CALENDAR

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

**THE SENATE WILL MEET IN SESSION ON WEDNESDAY, MAY 14, 2008
AT 1:00 P.M. AND ON THURSDAY, MAY 15, 2008 AT 10:00 A.M.**

LAID ON THE TABLE

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. **1/17/08, pending motion ITL, Judiciary, SJ 2, pg. 60**

CACR 31, relating to the funding of public education. Providing that the legislature shall make a reasonable determination of the content, extent, funding, which shall include targeting, and delivery of public education. **2/21/08, pending motion ITL, Judiciary, SJ 7, pg. 152**

CACR 32, relating to local public education. Providing that the local political subdivision responsible for public education shall have the power to determine curriculum, set standards, and determine funding, and that the legislature may provide supplemental funding. **2/21/08, pending motion ITL, Judiciary, SJ 7, pg. 153**

CACR 33, relating to funding a public education. Providing that the legislature shall define standards for education, determine the level of state funding thereof, establish standards of accountability, and allocate state funds in a manner that mitigates disparities in educational opportunity and fiscal capacity, provided that every school district receives a reasonable share of the state funds on a per pupil basis. **2/21/08, pending motion ITL, Judiciary, SJ 7, pg. 153**

SB 163-FN, relative to housing assistance for families in the Temporary Assistance to Needy Families (TANF) program. **1/17/08, pending motion Committee Amendment (0054s), Health and Human Services, SJ 2, pg. 59**

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. 16**

SB 302-FN, relative to parental notification. **3/20/08, pending motion ITL, Judiciary, SJ 10, pg. 301**

SB 304-FN-L, repealing a fee charged by the registry of deeds. **3/20/08, pending motion ITL, Finance, SJ 10, pg. 289**

SB 306-FN, relative to allowing video gaming in Coos county, building a casino in Berlin, and establishing a fund to assist with the payment of property taxes. **3/13/08, pending motion ITL, Ways and Means, SJ 9, pg. 230**

SB 307-FN-L, exempting Purple Heart plate recipients from number plate and registration fees. **3/13/08, pending motion OTP, Transportation and Interstate Cooperation, SJ 9, pg. 228**

SB 330-FN, relative to video lottery machines at certain pari-mutuel facilities. **3/20/08, pending motion ITL, Ways and Means, SJ 10, pg. 296**

SB 343-FN, (New Title) making school building aid grants available to charter schools as reimbursement for annual lease costs. **3/20/08, pending motion ITL, Finance, SJ 10, pg. 291**

SB 380, relative to petitions for boating rules. **3/20/08, pending motion Committee Amendment (0990s), Transportation and Interstate Cooperation, SJ 10, pg. 321**

SB 393, allowing dental hygienists to engage in independent practice. **2/14/08, pending motion ITL, Executive Departments and Administration, SJ 6, pg. 131**

SB 411, relative to the confidentiality of health care records during the investigation of child abuse and neglect cases. **3/20/08, pending motion OTP, Judiciary, SJ 10, pg. 304**

SB 417, relative to changes to the shoreland protection act. **3/20/08, pending motion Committee Amendment (0967s), Energy, Environment and Economic Development, SJ 10, pg. 263**

SB 424, relative to prohibiting ATV and trail bike use on state-owned rail trails acquired using federal funds. **3/13/08, pending motion ITL, Transportation and Interstate Cooperation, SJ 9, pg. 229**

SB 427, requiring hospitals to report on their standards and criteria for organ donations and transplants. **2/14/08, pending motion ITL, Health and Human Services, SJ 6, pg. 132**

SB 441, relative to collective bargaining by judicial employees. **3/6/08 pending motion OTP, Executive Departments and Administration, SJ 8, pg. 180**

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. **2/14/08, pending motion Committee Amendment (0461s), Ways and Means, SJ 6, pg. 136**

SB 469, allowing fish and game license agents to collect an additional convenience fee. **1/23/08, pending motion Committee Amendment (0134s), Wildlife, Fish and Game and Agriculture, SJ 3, pg. 79**

SB 491, excluding the value of a view from property tax assessment. **2/14/08, pending motion ITL, Ways and Means, SJ 6, pg. 137**

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. 20**

HB 539-FN, relative to manslaughter. **1/17/08, pending motion ITL, Judiciary, SJ 2, pg. 61**

HB 683, relative to nominations by party committees. **5/01/08, pending motion Interim Study, Election Law and Internal Affairs, SJ 15, pg. 442**

HB 1133, relative to the age of majority for purposes of pornography-related offenses. **5/08/08, pending motion Interim Study, Judiciary, SJ 16, pg. TBA**

HB 1340, relative to the special account of the judicial retirement system. **5/01/08, pending motion OTP, Executive Departments and Administration, SJ 15, pg. 445**

HB 1345, (New Title) establishing a commission to study vehicle dealer licenses, dealer plates, and temporary plates. **4/24/08, pending motion ITL, Transportation and Interstate Cooperation, SJ 14, pg. 407**

HB 1430, relative to the application of animal cruelty laws to horse and dog race tracks. **4/24/08, pending motion ITL, Wildlife, Fish and Game and Agriculture, SJ 14, pg. 407**

HB 1442-FN-A-L, relative to the taxation of farm buildings and land under farm buildings. **5/08/08, pending motion Committee Amendment (1591s), Public and Municipal Affairs, SJ 16, pg. TBA**

HB 1457, (New Title) allowing smoking in cigar bars. **4/24/08, pending motion ITL, Commerce, Labor and Consumer Protection, SJ 14, pg. 399**

HB 1458, relative to milk producers and hauling and stop charges. **4/17/08, pending motion ITL, Wildlife, Fish and Game and Agriculture, SJ 13, pg. 391**

HB 1479-FN, relative to sale of tobacco products and the appeals process concerning the seizure of illegal tobacco products. **4/17/08, pending motion OTP, Ways and Means, SJ 13, pg. 390**

HB 1509-FN-A, establishing certain fees for operators of games of chance for the purpose of funding the education trust fund. **5/08/08, pending motion Committee Amendment (1634s), Ways and Means, SJ 16, pg. TBA**

HB 1561, establishing an energy conservation and efficiency board. **5/08/08, pending motion Committee Amendment (1571s), Energy, Environment and Economic Development, SJ 16, pg. TBA**

HB 1579-FN, (New Title) establishing a commission to study issues relating to land development and land development regulation in New Hampshire. **5/08/08, pending motion Committee Amendment (1569s), Energy, Environment and Economic Development, SJ 16, pg. TBA**

HB 1613-FN, making changes to certain statutes relating to crimes against children. **5/08/08, pending motion Interim Study, Judiciary, SJ 16, pg. TBA**

HB 1622-FN-A, allowing counties to implement a first-time offender alcohol and substance treatment program, requiring the department of justice to administer grants to counties for such program, and making an appropriation therefor. **4/17/08, pending motion Interim Study, Judiciary, SJ 13, pg. 388**

WEDNESDAY, MAY 14, 2008

REPORTS

COMMERCE, LABOR AND CONSUMER PROTECTION

HB 690, (New Title) establishing a pilot program for job skills training in volunteer work by unemployed individuals.

Inexpedient to Legislate, Vote 5-1.

Senator DeVries for the committee.

HB 1532, relative to snow and obstruction removal from parking spaces designated for disabled persons.

Ought to Pass with Amendment, Vote 6-0.

Senator Gottesman for the committee.

EDUCATION

HB 352-L, relative to trust funds for public school educational enhancement.

Interim Study, Vote 4-0.

Senator Bragdon for the committee.

HB 1304, authorizing Plymouth state university to award doctoral degrees.

Ought to Pass, Vote 4-0.

Senator Fuller Clark for the committee.

HB 1446, relative to changes to the school building aid statutes and to the schoolhouses statutes.

Ought to Pass, Vote 4-0.

Senator Bragdon for the committee.

ENERGY, ENVIRONMENT AND ECONOMIC DEVELOPMENT

HB 1202, relative to monitoring privately owned water distribution programs.

Ought to Pass with Amendment, Vote 5-0.

Senator Barnes for the committee.

HB 1332-L, (New Title) defining “hauler” of solid waste and requiring haulers to register with the department of environmental service, and relative to the weight and measurement of solid waste.

Ought to Pass, Vote 6-0.

Senator Barnes for the committee.

HB 1538, relative to mineral extraction, mining, and reclamation in New Hampshire.

Interim Study, Vote 5-1.

Senator Fuller Clark for the committee.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 1478, relative to the quorum for meetings of the equalization standards board.

Ought to Pass with Amendment, Vote 4-0.

Senator Kelly for the committee.

FINANCE

HB 359-FN, relative to recovery of medical assistance from an estate.

Inexpedient to Legislate, Vote 7-0.

Senator Sgambati for the committee.

HB 1298-FN, making changes to the veterinary/medical/optometric education program.

Inexpedient to Legislate, Vote 7-0.

Senator D'Allesandro for the committee.

HB 1520-FN, allowing service in the Peace Corps and AmeriCorps to be purchased as creditable service in the retirement system.

Ought to Pass, Vote 7-0.

Senator Janeway for the committee.

HB 1581-FN-L, relative to the formation of stormwater utility districts.

Ought to Pass, Vote 7-0.

Senator D'Allesandro for the committee.

HEALTH AND HUMAN SERVICES

HB 1487, (New Title) establishing a committee to study practice by advanced dental hygiene practitioners and ways to increase access to oral health care.

Ought to Pass, Vote 4-0.

Senator Estabrook for the committee.

HB 1492, relative to prescriptions under the controlled drug act.

Ought to Pass, Vote 4-0.

Senator Janeway for the committee.

JUDICIARY

HB 841, (New Title) relative to the appointment of parenting coordinators and establishing the family mediator and parenting coordinator certification board.

Inexpedient to Legislate, Vote 4-0.

Senator Letourneau for the committee.

HB 1192, (New Title) relative to the solemnization of marriage.

Inexpedient to Legislate, Vote 4-0.

Senator Letourneau for the committee.

HB 1311, relative to impaired driver intervention programs.

Ought to Pass with Amendment, Vote 3-0.

Senator Reynolds for the committee.

HB 1453, relative to civil liability for damage to protective barriers.

Ought to Pass, Vote 4-0.

Senator Reynolds for the committee.

HB 1470, relative to vehicular pursuits by police officers.

Inexpedient to Legislate, Vote 4-0.

Senator Reynolds for the committee.

PUBLIC AND MUNICIPAL AFFAIRS

HB 1145, designating the Senator Otto Oleson Scenic Overlook in Jefferson.

Ought to Pass, Vote 2-0.

Senator DeVries for the committee.

HB 1179, including certain nonprofit organizations under the right-to-know law.

Ought to Pass with Amendment, Vote 5-0.

Senator Burling for the committee.

HB 1196, relative to the procedure for amending municipal charters.

Ought to Pass with Amendment, Vote 5-0.

Senator Barnes for the committee.

HB 1260-L, relative to growth management ordinances.

Ought to Pass with Amendment, Vote 4-0.

Senator Sgambati for the committee.

HB 1346, relative to the regulation of junk dealers, scrap metal dealers and pawnbrokers.

Ought to Pass with Amendment, Vote 5-0.

Senator DeVries for the committee.

HB 1420, relative to the applicability of zoning ordinances to auto salvage yards.

Inexpedient to Legislate, Vote 6-0.

Senator Burling for the committee.

HB 1424, relative to notice of meetings of county conventions.

Ought to Pass, Vote 5-0.

Senator Barnes for the committee.

HB 1441-L, relative to use of the terms "selectwoman" and "selectperson."

Ought to Pass, Vote 6-0.

Senator Burling for the committee.

HB 1468, relative to mosquito control policy for lands managed by the fish and game department.

Ought to Pass with Amendment, Vote 6-0.

Senator Hassan for the committee.

WEDNESDAY, MAY 14, 2008

AMENDMENTS

Public and Municipal Affairs
May 6, 2008
2008-1718s
01/09

Amendment to HB 1179

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

AN ACT including certain nonprofit organizations under the right-to-know law and including a reference in a section of the right-to-know law.

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

2 Right-to-Know law; Definition of "Meeting." Amend the introductory paragraph of RSA 91-A:2, I to read as follows:

I. For the purpose of this chapter, a "meeting" means the convening of a quorum of the membership of a public body, as defined in RSA 91-A:1-a, VI, or the majority of the members of such public body if the rules of that body define "quorum" as more than a majority of its members, whether in person, by means of telephone or electronic communication, or in any other manner such that all participating members are able to communicate with each other contemporaneously, ***subject to the provisions set forth in RSA 91-A:2, III***, for the purpose of discussing or acting upon a matter or matters over which the public body has supervision, control, jurisdiction, or advisory power. A chance, social, or other encounter not convened for the purpose of discussing or acting upon such matters shall not constitute a meeting if no decisions are made regarding such matters. "Meeting" shall also not include:

3 Contingency. If HB 1408-LOCAL of the 2008 legislative session becomes law then section 2 of this act shall take effect July 1, 2008 at 12:01 a.m. If HB 1408-LOCAL does not become law, then section 2 of this act shall not take effect.

4 Effective Date.

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

II. Section 3 of this act shall take effect upon its passage.

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

2008-1718h

AMENDED ANALYSIS

This bill includes certain nonprofit organizations under the right-to-know law.

This bill also includes a reference in an RSA section of the right-to-know law if HB 1408-LOCAL becomes law.

Public and Municipal Affairs

May 8, 2008
2008-1789s
08/04

Amendment to HB 1196

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

AN ACT relative to the procedure for amending municipal charters and relative to referendum procedures for public water supplies.

Amend the bill by inserting after section 4 the following and renumbering the original section 5 to read as 9:

5 Referendum Procedure; Public Water Supplies. Amend RSA 485:14-a, I to read as follows:

I. Upon the written application of the aggregate of 10 percent of the registered voters in all of the towns served by a water system, presented to the clerk of the town owning the water system at least 90 days before the day prescribed for an annual town meeting or city election, the clerk shall forward a copy of the petition to each town served by the water system. Upon receipt of the petition, the selectmen of the town shall insert on the warrant or the official ballot the following question: "Shall fluoride be used in the public water system?" Beside this question shall be printed the word "yes" and the word "no" with the proper boxes for the voter to indicate his or her choice. If a majority of ~~[the registered voters]~~ **those voting** in a water system that serves multiple towns does not approve the use of fluoride in the public water system, no fluoride shall be introduced into the public water system for said towns. After such popular referendum, the selectmen shall not insert an article relative to the use of fluoride in the public water system in the warrant nor shall such question be inserted on the official ballot for a minimum period of 3 years from the date of the last popular referendum and only upon written application at that time of not less than the aggregate of 10 percent of the registered voters of all of the towns.

6 Referendum Procedure; Public Water Supplies. Amend RSA 31:17-a to read as follows:

31:17-a Referendum. Upon the written application of 10 percent of the registered voters in a town, presented to the selectmen or one of them at least 15 days before the day prescribed for an annual town meeting, the selectmen shall insert in their warrant for such meeting an article relative to the use of fluoride in the public water system for said town. If the town has an official ballot, the town clerk shall insert on such ballot the following question: "Shall fluoride be used in the public water system?" Beside this question shall be printed the word "yes" and the word "no" with the proper boxes for the voter to indicate his or her choice. If a majority of the registered voters in a water system that serves one municipality does not approve the use of fluoride in the public water system, no fluoride shall be introduced into the public water system for said town; or if fluoride has prior to said vote, been introduced, such use shall be discontinued until such time as the ~~[registered voters of the town shall, by majority vote,]~~ **majority of those voting in the town** approve the use of fluoride. After such popular referendum, the selectmen shall not insert an article relative to the use of fluoride in the public water system in the warrant nor shall such question be inserted on the official ballot for a minimum period of 3 years from the date of the last popular referendum and only upon written application at that time of not less than 10 percent of the registered voters of said town. The procedure for a referendum on the use of fluoride in a town that is part of public water system serving more than one municipality shall be the procedure in RSA 485:14-a.

7 Public Water Supplies. Amend RSA 44:16 to read as follows:

44:16 Public Water Supplies. Upon the written application of 10 percent of the registered voters in any city, presented to the city clerk prior to the municipal election, the city clerk shall insert on the ballot to be used at said election the following question: "Shall fluoride be used in the public water system?" Beside this question shall be printed the word "yes" and the word "no" with the proper boxes for the voter to indicate his or her choice. If a majority of ~~[the registered voters]~~ **those voting** in a water system that serves one municipality at said election does not approve the use of fluoride in the public water system for said city, no fluoride shall be introduced into the public water system. If fluoride has, prior to said vote, been so introduced, such use shall be discontinued until such time as the ~~[registered voters of the city shall, by majority vote,]~~ **majority of those voting in the town** approve the use of such fluoride. After such popular referendum, the city clerk shall not insert the aforementioned question relative to the use of fluoride in the public water system on the ballot to be used at the municipal election for a minimum period of 3 years from the date of the last popular referendum, and only upon written application at that time of not less than 10 percent of the registered voters of said city. The procedure for a referendum on the use of fluoride in a city that is part of a water system serving more than one municipality shall be the procedure in RSA 485:14-a.

8 Public Water. Amend RSA 52:23 to read as follows:

52:23 Public Water. Upon the written application of 10 percent of the registered voters in any village water district, presented to the commissioners or one of them at least 15 days before the day prescribed for an annual meeting of the district, the commissioners shall insert in their warrant for such meeting an article relative to the use of fluoride in the water system for said district, and the district clerk shall prepare a ballot for said meeting with the following question: "Shall fluoride be used in the district water system?" Beside the question shall be printed the word "yes" and the word "no" with the proper boxes for the voter to indicate his or her choice. If a majority of ~~[the registered voters]~~ **those voting** in a water system that serves only one municipality does not approve the use of fluoride in the district water system, no fluoride shall be introduced into the district water system; or if fluoride has, prior to said vote, been so introduced, such use shall be discontinued until such time as the ~~[registered voters of the district shall, by majority vote,]~~ **majority of those voting in the town** approve of the use of fluoride. After such popular referendum, the commissioners shall not insert an article relative to the use of fluoride in the district water system in the warrant nor shall the district clerk prepare such a ballot for a minimum period of 3 years from the date of the last popular referendum of the district and only upon written application at that time of not less than 10 percent of the registered voters of said district. The procedure for a referendum on the use of fluoride in a village district that is part of a water system serving more than one municipality shall be the procedure in RSA 485:14-a.

2008-1789s

AMENDED ANALYSIS

This bill:

- I. Adds a procedure for revising or amending municipal charters.
- II. Moves review of charter amendments that are initiated by a petitioners' committee to before petitions are issued by the clerk, instead of after signatures are collected.
- III. Changes referendum procedures for voting on public water supplies.

Sen. Gallus, Dist. 1
April 29, 2008
2008-1586s
01/04

Amendment to HB 1202

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

AN ACT relative to monitoring privately owned water distribution programs and defining “eligible regional water system costs” for public water systems.

Amend the bill by replacing all after section 9 with the following:

10 Definitions. Amend RSA 486-A:2, III-b to read as follows:

III-b. “Eligible regional water system costs” means that portion of the costs of construction and related services attributable, as determined by the department, ***or the entire cost of permanent construction and related services attributable, as approved by the department in accordance with the provisions of RSA 485:8, for communities that qualify for United States Department of Agriculture rural utilities water and wastewater program direct loans, guarantees and grants, and public water systems that are eligible for any other needs based federal assistance*** to the provision of water for domestic, commercial, or fire protection purposes, whether as routine supply or emergency reserve supply, through one or more of the interconnections that form a regional water system, but shall not include any of the following:

(a) Land acquisition, except for land which shall be an integral part of a well system or filtration system.

(b) Easements and rights-of-way necessary to the project.

(c) Distribution systems and any improvement thereto not necessary for the municipality to achieve compliance with the surface water treatment rules.

(d) Administrative, legal, and fiscal costs related to the project.

11 Applicability. The provisions of section 10 of this act shall be applicable to loans made under RSA 486-A on or after July 1, 2003.

12 Effective Date.

I. Sections 10 and 11 of this act shall take effect upon its passage.

II. The remainder of this act shall take effect July 1, 2009.

2008-1586s

AMENDED ANALYSIS

This bill:

I. Subjects privately owned redistribution systems to certain provisions of the Safe Drinking Water Act.

II. Defines “eligible regional water system costs” for aid to public water systems.

Public and Municipal Affairs
May 7, 2008
2008-1760s
06/10

Amendment to HB 1260-LOCAL

Amend the bill by replacing all after section 2 with the following:

3 Time Period for Modification of Existing Growth Management Ordinances. Each municipality that adopted a growth management ordinance under RSA 674:22 prior to the effective date of this act shall have until June 1, 2010 to amend its ordinance to conform to this act. If a municipality adopted an interim growth management ordinance under RSA 674:23 prior to the effective date of this act, that ordinance shall remain in effect until one year after its passage or until the municipality's next annual meeting, unless the ordinance prescribes an earlier expiration date, and unless a court of competent jurisdiction determines that the ordinance is illegal or is otherwise unenforceable.

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

Senate Judiciary
May 7, 2008
2008-1734s
03/10

Amendment to HB 1311

Amend subparagraph I(b) of section 10 of the bill by deleting it and renumbering the original subparagraphs I(c)-(k) to read as I(b)-(j), respectively.

Public and Municipal Affairs
May 8, 2008
2008-1797s
10/04

Amendment to HB 1346

Amend the bill by replacing all after section 2 with the following:

3 New Section; Junk and Scrap Metal Dealers; Records. Amend RSA 322 by inserting after section 6 the following new section:

322:6-a Records. Each person required to be licensed under this chapter shall keep records sufficient to the licensing authority of the accumulation, storage, and handling of commodities as a junk or scrap metal dealer. Such record shall be legibly written in the English language and provide account and description of the goods purchased, the date and time of their purchase, and the name and residence, verified by photo identification issued by a governmental agency, of the seller.

4 Junk and Scrap Metal Dealers; Inspections. Amend RSA 322:7 to read as follows:

322:7 Inspection. ~~[The chief of police of a city and selectmen of a town, or]~~ Any officer ~~[authorized by either of them]~~, **having jurisdiction may, with cause,** ~~[at any time]~~ enter upon any premises used by a licensee for the purpose of his **or her** business, ascertain how ~~[he]~~ **the licensee** conducts ~~[his]~~ business and examine all commodities purchased, obtained, kept or stored in or upon said premises, and all books and inventories relating thereto. Every such licensee, his **or her** clerk, agent, ~~[servant]~~ or other person in charge of the premises shall exhibit to such officer on demand any or all of such commodities, books, and inventories.

5 Junk and Scrap Metal Dealers; Identification. Amend RSA 322:9 and RSA 322:10 to read as follows:

322:9 Number. Every license shall be numbered, and each licensee ~~[collecting]~~ **transporting** any of the ~~[aforesaid]~~ commodities **specified in RSA 322:1** in any wagon or vehicle shall have placed upon the outside of such wagon or vehicle, and upon each side of the same, the number of the license in plain, legible figures not less than 3 inches high so that the same may be distinctly seen and read.

322:10 ~~[Badge]~~ **Identification.** Every ~~[person]~~ **licensee** going about from place to place ~~[collecting]~~ **purchasing** said commodities named in RSA 322:1 shall also ~~[wear a badge]~~ **carry a photocopy of his or her license** on ~~[his hat or cap,]~~ or about his **or her** person, with the number of his **or her** license ~~[thereon in brass or plated figures not less than one inch high,]~~ so placed that the number may be distinctly seen and read. The ~~[badge shall]~~ **identification may be required to** be furnished by the ~~[board of police commissioners or by the city clerk of cities, or by the selectmen of towns,]~~ **licensing authority** upon payment of a suitable fee therefor.

6 Junk and Scrap Metal; Unlicensed Persons. Amend RSA 322:12 to read as follows:

322:12 Unlicensed Person. No person not licensed shall ~~[collect or]~~ purchase any of the commodities above specified unless he **or she** acts as a helper to, and is accompanied by, some licensee.

7 Pawnbrokers; Licenses. Amend RSA 398:5 to read as follows:

398:5 Licenses. The ~~[board of police commissioners of any city or town or the mayor and aldermen of any city or the selectmen of any town in which a police commission has not been established,]~~ **governing body of any town, city, or unincorporated place** may license suitable persons to carry on the business of pawnbrokers in said city ~~[or]~~, town, **or place** for one year, and may revoke such licenses, in their discretion, after a hearing on charges preferred.

8 Pawnbrokers; Records. Amend RSA 398:12 to read as follows:

398:12 Records. Every such pawnbroker shall keep a book in which, at the time of making a loan, shall be legibly written in the English language an account and description of the goods, articles or things pawned or pledged, the amount of money loaned thereon, the time of pledging them, the rate of interest to be paid on such loan and the name and residence of the pledgor, **verified by photo identification issued by a governmental agency.**

9 New Section; Junk and Scrap Metal Dealers; Metal Kegs. Amend RSA 322 by inserting after section 12 the following new section:

322:12-a Metal Kegs for Malt Beverages. No junk or scrap metal dealer licensed by a governing body under the authority of this chapter shall purchase any metal keg for malt beverages, as defined in RSA 179:5-a, V, or pieces of such metal keg, unless the seller is the brewer whose name or marking appears on the keg. If the brewer's name or marking has been removed or obliterated, the licensee shall not purchase the keg.

10 Effective Date. This act shall take effect upon its passage.
2008-1797s

AMENDED ANALYSIS

This bill clarifies the authority for cities, towns, and unincorporated places to regulate junk dealers, scrap metal dealers, and pawnbrokers. The bill also limits the purchase of metal kegs for malt beverages by junk or scrap metal dealers.

Public and Municipal Affairs
May 6, 2008
2008-1719s
10/01

Amendment to HB 1468

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

AN ACT establishing a mosquito control policy for state-owned lands.

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

1 Purpose. The purpose of this act is to establish a mosquito control policy for all state agencies with responsibility for land management. This policy is intended to guide agencies managing land in determining whether or not to allow the control of larval and adult mosquitoes for the purpose of reducing the risk of contracting arboviral illnesses such as Eastern Equine Encephalitis and West Nile virus. In addition, this act establishes criteria for when the commissioner of health and human services may authorize the use of biological or chemical mosquito control agents on state-owned lands. This policy is intended to place the health of the public first, in full recognition of the need to protect the state's natural resources from unnecessarily destructive mosquito control measures.

2 New Chapter; Mosquito Control Policy for State Agencies. Amend RSA by inserting after chapter 142 the following new chapter:

CHAPTER 142-A

MOSQUITO CONTROL POLICY FOR STATE AGENCIES

142-A:1 Definitions. In this chapter:

I. "Best available science" means findings of fact carefully and impartially derived from the application of the scientific method and based upon all of the available information, published and unpublished alike. Best available science does not require that state agencies have all of the data or perfect data before reaching a decision.

II. "Best medical and public health practice" means programs, interventions, treatments, or policies that through experience and experiment have been evaluated and shown to be generally applicable to reducing the risk of human-acquired arboviral illness.

III. "Best management practices" mean techniques, methods, processes, or activities that through experience and best available science have proven to be the most effective and practical means of managing mosquito populations, while minimizing adverse impacts.

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

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

142-A:2 Mosquito Control Policy; Principles.

I. Mosquitoes can harbor organisms and infect people with diseases that pose a serious risk to the public health. When an increased threat of disease is discovered through surveillance, a state agency may select targeted control of mosquitoes as a measure to reduce human health risk.

II. The mosquito control policy is based on the public health principle of primary prevention, meaning that disease prevention through public awareness, continuing education, and personal responsibility shall take precedence over the use of pesticide-based mosquito control measures.

III. Because authority for monitoring and treatment of mosquito populations exists at the local level, maximum benefit to the public is achieved when local, state, and federal mosquito control policies are applied in a clear, consistent, and coordinated manner.

IV. The control of mosquitoes on state lands requires a careful balance between the state's obligation to protect the health and wellbeing of the public and the state's interest in protecting those lands as expressed by the missions of the various state agencies that have been assigned responsibilities for land management.

V. Mosquito control should always be based on the best available science. Recognizing that there are uncertainties in scientific information, mosquito control shall be based on best medical and public health practice.

VI. The mosquito control policy for state agencies established in this chapter is also intended to serve as a voluntary guideline for mosquito control on lands held by other property owners.

VII. State agencies managing land shall allow mosquito control and abatement activities to occur in accordance with local mosquito control plans developed pursuant to RSA 141-C when the department has notified the appropriate agency managing state land that a public health threat declaration under RSA 141-C:25 is in effect for the affected municipality or mosquito control district in accordance with RSA 142-A:3.

VIII. Notwithstanding RSA 142-A:3, VI, nothing in this chapter shall prohibit state agencies managing land from considering, in accordance with applicable law and rules, pesticides or other control measures not specifically identified in RSA 142-A:3.

142-A:3 Mosquito Control Policy for State Agencies.

I. Where feasible, state agencies managing land shall promote primary prevention by providing on-site public outreach and education that focuses on the health risks associated with mosquitoes and the importance of personal protection, complementing that provided by the department. Additionally, efforts may be taken by state agencies to promote awareness and outreach to the public prior to on-site use of state-owned lands to increase the likelihood that personal protection methods will be used. Outreach and education efforts may include awareness posters, disease and prevention fact sheets, on-site posting highlighting the nature of the threat, and disease and prevention reminders in seasonal correspondence and on agency websites.

II. State agencies managing land shall encourage and allow mosquito surveillance and monitoring on their lands by state and local public health authorities or vector control agencies or their agents using surveillance and monitoring methods approved by the department.

III. When surveillance or monitoring occurs on state lands, the state agency managing land may require that the municipality or its contracted agent contact a designated representative of the agency no less than 72 hours prior to deploying mosquito traps and within 24 hours of a positive result attained from such traps.

IV. State agencies managing land are encouraged to participate in the development and implementation of local mosquito control plans whenever a public health threat declared by the commissioner pursuant to RSA 141-C includes lands held by that agency.

V. State agencies managing land shall, when reasonable, mitigate or otherwise manage man-made and other artificial mosquito breeding sites as part of an overall integrated pest management approach.

VI. State agencies managing land shall allow the use of biological control agents, specifically *Bacillus thuringiensis israelensis* or *Bacillus sphaericus*, to control mosquito larvae in natural wetlands and water bodies on land they administer in accordance with applicable law and

rules as long as those wetlands and water bodies are located in municipalities or mosquito control districts where a public health threat is declared by the commissioner pursuant to RSA 141-C and when the application is to be made under a special permit issued by the department of agriculture, markets and food, division of pesticide control.

VII. State agencies managing land shall allow the use of pesticides to control adult mosquitoes, in accordance with applicable law and rules, in areas where a public health threat has been declared by the commissioner pursuant to RSA 141-C and the land:

- (a) Is adjacent to areas of high public use.
- (b) Has areas where topographical and other conditions result in high adult mosquito populations.
- (c) Is located within a focal area determined by the department to have a risk of a human outbreak of arboviral disease which warrants the use of pesticides to control adult mosquitoes as set forth in the arboviral illness response plan adopted by the department.
- (d) Is managed in accordance with general integrated pest management practices.

VIII. If an agency disagrees with the need to control mosquitoes as set forth in paragraph VII, the commissioner, after consultation with the commissioner of agriculture, markets, and food and the commissioner or executive head of the agency managing the land, shall decide whether or not the recommended mosquito control measures shall apply to the land in question.

IX. For state lands located in areas where a public health threat declaration under RSA 141-C is not in effect, but public health threat indicators, including topographical and other key environmental conditions, exist for mosquito breeding, and proximity to positive mosquito pools or human or mammal positive cases of arboviral illness support the use of larvicides as a proactive means of preventing arboviral illness, the commissioner, after consultation with the commissioner of agriculture, markets, and food and the commissioner or executive head of any relevant agency with land management responsibilities, shall decide whether or not the recommended mosquito control measures shall apply to the land in question.

X. As a condition to allowing mosquito control to take place, state agencies managing land may require advanced notice of treatment to allow enough time to visit the site and to coordinate the appropriate signage and possible access closures to prevent unintended human exposures to pesticides and their residues.

XI. State agencies managing land shall have discretion to allow chemical or biological control of adult or larval mosquitoes on state lands solely for the purpose of nuisance control.

XII. State agencies managing land shall require proof of current pesticide application licensure with the state and of indemnity insurance before allowing chemical or biological control of adult or larval mosquitoes by a third party on state lands.

XIII. Notwithstanding paragraphs VI through IX, if deed restrictions on a parcel of state-owned land prohibit the use of chemical or biological measures to control adult or larval mosquitoes, agencies with land management responsibility shall not allow the use of such control methods.

XIV. State agencies managing land shall encourage the investigation of the feasibility and appropriateness of best management practices to manage mosquito populations in both fresh and saltwater wetlands in the long term.

3 Application; Current Municipal Authority. Notwithstanding any provision of RSA 142-A, as inserted by section 1 of this act, to the contrary, a municipality which is, as of July 1, 2008, located in an area of the state in which a public health threat has ever been declared pursuant to RSA 141-C and which has been allowed to engage in larvicide treatment on state-owned or managed land by the state owner or manager of said land, through use of a biological control agent, specifically *Bacillus thuringiensis israelensis* or *Bacillus sphaericus*, and pursuant to a special permit issued by the department of agriculture, markets, and food, division of pesticide control, shall be authorized by the state owner or manager of the land to continue the program of larvicide treatment on the state-owned or managed land. Nothing in this paragraph shall exempt said municipality from the special permitting requirements established by the department of agriculture, markets, and food, division of pesticide control.

4 Effective Date. This act shall take effect upon its passage.
2008-1719s

AMENDED ANALYSIS

This bill establishes a state mosquito control policy for lands managed by state agencies.

Senate Executive Departments and Administration
May 7, 2008
2008-1752s
10/05

Amendment to HB 1478

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

AN ACT relative to the quorum for meetings of the equalization standards board, and relative to removal of a member of the assessing standards board or equalization standards board for absences.

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

1 New Paragraphs; Equalization Standards Board; Quorum; Removal. Amend RSA 21-J:14-c by inserting after paragraph IV the following new paragraphs:

V. Five members of the board shall constitute a quorum necessary for the conduct of board business, except as provided in RSA 21-J:14-d, III.

VI. A member with 4 or more unexcused absences from meetings of the board occurring within any one year period may be removed from the board pursuant to RSA 4:1, except for legislative members who may only be removed by their appointing authority. The vacancy shall be filled by the removed member's respective appointing authority.

2 New Paragraph; Assessing Standards Board; Removal of Member for Absences. Amend RSA 21-J:14-a by inserting after paragraph IV the following new paragraph:

V. A member with 4 or more unexcused absences from meetings of the board occurring within any one year period may be removed from the board pursuant to RSA 4:1, except for legislative members who may only be removed by their appointing authority. The vacancy shall be filled by the removed member's respective appointing authority.

3 Effective Date. This act shall take effect 60 days after its passage.
2008-1752s

AMENDED ANALYSIS

This bill establishes a quorum requirement for meetings of the equalization standards board. The bill also provides for the removal of a member of the assessing standards board or equalization standards board for unexcused absences from meetings.

Commerce, Labor and Consumer Protection

May 7, 2008
2008-1730s
08/03

Amendment to HB 1532

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

AN ACT relative to obstruction of parking places for persons with walking disability.

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

1 New Section; Obstruction of Parking Place for Persons with Walking Disability. Amend RSA 265 by inserting after section 74 the following new section:

265:74-a Obstruction of Parking Place for Persons with Walking Disability.

I. No property owner shall:

(a) Allow any unreasonable obstruction of any parking place, or access aisle reserved for a person with a walking disability after 24 hours following the conclusion of an adverse weather event.

(b) Allow the accumulation of debris or large objects, such as trash containers, to unreasonably obstruct any parking place or access aisles reserved for a person with a walking disability without providing suitable on-site, equivalent, alternative parking spaces.

II. Paragraph I shall apply to both public and private property where a parking place or access aisle is specifically designated for a person with a walking disability by means of a sign as required by RSA 265:73-a stating that the space is reserved for a person with a walking disability or displaying the international accessibility symbol.

III. Any property owner who violates this section shall be guilty of a violation and fined up to \$250.

2 Effective Date. This act shall take effect January 1, 2009.
2008-1730s

AMENDED ANALYSIS

This bill makes it a violation for a property owner to allow the obstruction of parking places and access aisles designated for disabled persons.

THURSDAY, MAY 15, 2008

REPORTS

COMMERCE, LABOR AND CONSUMER PROTECTION

HB 1242, relative to the prohibition on employee consumption of beverage or liquor.

Ought to Pass, Vote 4-2.

Senator Reynolds for the committee.

ELECTION LAW AND INTERNAL AFFAIRS

HB 241, relative to permissible campaign contributions by business organizations and labor unions.

Inexpedient to Legislate, Vote 3-2.

Senator Letourneau for the committee.

HB 358, (New Title) relative to the procedure for listing candidates on election ballots.

Ought to Pass with Amendment, Vote 3-2.

Senator Burling for the committee.

HB 1219, relative to exempting fish and game department volunteers from financial disclosure requirements.

Ought to Pass with Amendment, Vote 4-1.

Senator Burling for the committee.

ENERGY, ENVIRONMENT AND ECONOMIC DEVELOPMENT

HB 1353, (New Title) extending the commission to study issues relative to groundwater withdrawal.

Ought to Pass, Vote 3-0.

Senator Sgambati for the committee.

HB 1471, relative to time limits for excavating and dredging permits.

Ought to Pass with Amendment, Vote 5-0.

Senator Sgambati for the committee.

HB 1628, relative to renewable energy generation incentive programs.

Ought to Pass with Amendment, Vote 5-0.

Senator Odell for the committee.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 65, (New Title) relative to the Pease development authority.

Ought to Pass with Amendment, Vote 4-1.

Senator Fuller Clark for the committee.

HB 563, relative to obtaining birth certificates for stillborn children.

Ought to Pass with Amendment, Vote 4-0.

Senator Burling for the committee.

HB 1262, relative to continuing medical education requirements for persons licensed by the board of medicine.

Ought to Pass with Amendment, Vote 4-0.

Senator Fuller Clark for the committee.

HB 1288, allowing pharmacists to administer influenza vaccines.

Ought to Pass with Amendment, Vote 4-0.

Senator Cilley for the committee.

HB 1374, establishing a division of homeland security and emergency management in the department of safety.

Ought to Pass with Amendment, Vote 3-0.

Senator Fuller Clark for the committee.

FINANCE

HB 1309-FN-A, relative to the definition of "cigarette".

Ought to Pass, Vote 5-2.

Senator Odell for the committee.

HEALTH AND HUMAN SERVICES

HB 537, establishing a task force on homeless teenagers.

Ought to Pass with Amendment, Vote 4-0.

Senator Sgambati for the committee.

HB 1136, relative to automated external defibrillators.

Ought to Pass, Vote 4-0.

Senator Janeway for the committee.

HB 1281, (New Title) prohibiting public schools from requiring health insurance as a condition of enrollment except if health insurance is a requirement of the student's program of study.

Inexpedient to Legislate, Vote 4-0.

Senator Fuller Clark for the committee.

HB 1301, relative to the definition of service dogs.

Ought to Pass, Vote 4-0.

Senator Sgambati for the committee.

HB 1634, establishing the New Hampshire council on autism spectrum disorders.

Ought to Pass, Vote 4-0.

Senator Sgambati for the committee.

JUDICIARY

HB 1270, (New Title) relative to limiting certain future interests in real property.

Ought to Pass, Vote 2-1.

Senator Gottesman for the committee.

HB 1289, (New Title) relative to court-ordered placements for a child in need of services and relative to permanency hearings in juvenile cases.

Ought to Pass, Vote 4-0.

Senator Gottesman for the committee.

HB 1333, relative to post-foreclosure eviction actions.

Inexpedient to Legislate, Vote 4-0.

Senator Gottesman for the committee.

PUBLIC AND MUNICIPAL AFFAIRS

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

Inexpedient to Legislate, Vote 4-0.

Senator Hassan for the committee.

HB 1143, (New Title) relative to shelter for dogs and the authority of law enforcement officers to take abused and neglected dogs into custody.

Ought to Pass with Amendment, Vote 5-0.

Senator Roberge for the committee.

HB 1472, relative to workforce housing.

Ought to Pass, Vote 5-0.

Senator Hassan for the committee.

HB 1651, allowing municipalities in Coos county to offer property tax exemptions to foster commercial and industrial construction.

Ought to Pass, Vote 6-0.

Senator Barnes for the committee.

TRANSPORTATION AND INTERSTATE COOPERATION

HB 847, relative to general rules for vessels operating on water.

Ought to Pass, Vote 3-2.

Senator Burling for the committee.

HB 901, (New Title) relative to nondriver's identification cards.

Ought to Pass, Vote 3-1.

Senator Burling for the committee.

HB 1203, relative to bicycles.

Ought to Pass, Vote 3-1.

Senator Kelly for the committee.

HB 1222, prohibiting writing a text message while driving.

Ought to Pass with Amendment, Vote 3-2.

Senator Burling for the committee.

HB 1236, relative to motor vehicle laws.
Ought to Pass with Amendment, Vote 4-0.
Senator Letourneau for the committee.
HB 1264, relative to prohibiting ATV and trail bike use on state-owned rail trails acquired using federal funds.
Inexpedient to Legislate, Vote 2-2.
Senator Letourneau for the committee.
HB 1318, relative to temporary plates issued by motor vehicle dealers.
Ought to Pass with Amendment, Vote 4-0.
Senator Letourneau for the committee.
HB 1343, (New Title) prohibiting the placing on file or masking of convictions incurred by holders of commercial driver licenses or persons required to hold such licenses.
Ought to Pass, Vote 3-0.
Senator Burling for the committee.
HB 1404-FN, relative to liability insurance for passenger rail service.
Ought to Pass with Amendment, Vote 2-1.
Senator Burling for the committee.
HB 1638, establishing an oversight commission on motor vehicle fines.
Ought to Pass with Amendment, Vote 3-1.
Senator Kelly for the committee.
HB 1646, relative to the 10-year transportation improvement plan.
Ought to Pass, Vote 3-0.
Senator Letourneau for the committee.
HCR 10, urging communities to conduct handicap parking awareness days.
Ought to Pass, Vote 3-0.
Senator DeVries for the committee.

THURSDAY, MAY 15, 2008

AMENDMENTS

Sen. Fuller Clark, Dist. 24
May 7, 2008
2008-1750s
06/09

Amendment to HB 65

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

AN ACT establishing a commission to study the relationship between the division of ports and harbors and the Pease development authority and relative to structure and administration of the Pease development authority.

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

1 Purpose. The state's ports, harbors, and associated lands are an invaluable, unique, and irreplaceable resource for all of the citizens of the state of New Hampshire. The purpose of this

commission is to consider the current relationship between the division of ports and harbors and the Pease development authority.

2 Commission Established. There is established a commission to study the current relationship between the division of ports and harbors and the Pease development authority with regard to management and development that is in the best interest of the state of New Hampshire.

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

(a) Six members of the house of representatives, appointed by the speaker of the house of representatives, one of whom shall be from the executive departments and administration committee, and 5 of whom shall be from each of the following districts: Rockingham district 13, 16, 15, and 18 and Strafford district 4.

(b) The 3 members of the senate from districts 21, 23, and 24, appointed by the president of the senate.

(c) One member from the New Hampshire Commercial Fishermen's Association, appointed by the association.

(d) One member from the division of ports and harbors advisory council, appointed by the council.

(e) One member from each of the towns of Hampton, New Castle, Newington, North Hampton, Portsmouth, Rye, Seabrook, and Dover, appointed by the respective municipality's governing body.

(f) One member from the Pease development authority board of directors, appointed by the executive director.

(g) Two members from the department of resources and economic development, one of whom shall be from the division of economic development and one of whom shall be from the division of tourism, appointed by the commissioner.

(h) One member from the Greater Portsmouth Chamber of Commerce, appointed by the president of the chamber of commerce.

(i) A representative of the Portsmouth police department experienced with security issues at the division, appointed by the chief of police.

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

3 Duties.

I. The commission shall review the legislative history resulting in the current integration of the division of ports and harbors and the Pease development authority, including but not limited to:

(a) Employment, including the appointment process for the director of the division of ports and harbors.

(b) The division's revenues and expenditures, including aid in the development of salt water fisheries and associated industries.

(c) Accounting and legal representation for the division.

(d) Use of lands and regulations related to zoning, selling, and leasing of lands associated with the division.

(e) Membership of the advisory council for the division.

(f) Comparative value of lapsing and non-lapsing funds.

(g) Other related issues of concern to the commission, including but not limited to the duties and functions relating to the administration, management, and operation of the division's property and projects.

(h) The maintenance and development of the ports and state tidal waters for the head of navigation to the seaward limits within the jurisdiction of the state in order to maintain and foster commercial, economic, maritime, and security interests.

II. The commission shall study the current relationship of the division of ports and harbors and the Pease development authority relative to the specific categories of review identified in paragraph I and any related issues identified by the commission. The commission may solicit

advice from any individual or organization with information or expertise relevant to the commission's study.

4 Chairperson; Quorum. The first-named senate member shall call the first meeting of the commission. The first meeting of the commission shall be held within 45 days of the effective date of this section. The members of the commission shall elect a chairperson from among the members. Fourteen members of the commission, 2 of whom shall be elected members of the legislature, shall constitute a quorum.

5 Report. The commission shall report its findings and any recommendations for proposed legislation, including any recommendations for changes to the organizational structure of the division of ports and harbors, to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before October 1, 2008.

6 Status of Authority Employees; Entitlement to State Benefits. Amend RSA 12-G:11 to read as follows:

12-G:11 Status of Authority Employees; Entitlement to State Benefits; Reimbursement of Costs.

I. Except for any classified employee ***as provided in paragraph IV:***

(a) The authority may hire, fix, and pay compensation, prescribe duties and qualifications, and establish personnel policies without regard to any personnel or civil service law or personnel or civil service rule of the state~~[- Except for any classified employee of the division, the employees of the authority shall not be classified employees of the state within the meaning of RSA 21-I:49. Except for any classified employee of the division,];~~

(b) Any individual employed by the authority shall be ~~[deemed]~~ an employee at will and shall serve at the pleasure of the authority.

II. Notwithstanding any other provision of law, any nonclassified employee's service with the authority, including employment with the authority prior to the effective date of this paragraph, shall be credited to such employee as continuous state service for all purposes, including without limitation rate of pay, determination of seniority and years of state service, longevity pay, and annual, sick, or other forms of leave.

~~[II.]~~ ***III.*** Notwithstanding the provisions of paragraph I, any individual employed by the authority, except for any classified employee of the authority, whose employment calls for 30 hours or more work in a normal calendar week, and whose position is anticipated to have a duration of 6 months or more, shall be entitled to elect to receive such health, dental, life insurance, deferred compensation, and retirement benefits as are afforded to classified employees of the state. Upon election by such individual, the authority shall pay from its revenues the state's share of such benefits. Any remaining costs of health, dental, life insurance, deferred compensation, and retirement benefits which an individual elects to receive pursuant to this section, shall be withheld from such individual's salary as a payroll deduction. Written notice of the availability of these benefit options shall be provided to each individual upon employment by the authority. This paragraph shall not apply to any classified employee of the division.

~~[III.]~~ ***IV.*** The state classified positions of the port authority shall be transferred to the authority when the duties, functions, and jurisdiction of the port authority are transferred to the authority. Any person employed in such a position at the time of such transfer or at any time subsequent thereto shall be deemed a classified employee of the division. All classified employees of the division shall be classified employees of the state of New Hampshire within the meaning of RSA 21-I:49 and shall be subject to all requirements, and be entitled to all benefits and emoluments, of the state personnel system. Nothing herein shall preclude the general court from increasing or decreasing the number of classified positions within the division.

~~[IV.]~~ ***V.*** Notwithstanding any other provision of law, the authority or the executive director may assign as necessary any employee of the authority with appropriate skills and training to perform any responsibility, task, or duty assigned by statute to the authority or the division, including without limitation, on a temporary basis, any responsibility, task, or duty previously or otherwise assigned to any classified employee of the division. To the extent that the wages, salary,

benefits, or other expenses, including without limitation reasonable overhead expenses, of any employee of the authority assigned to carry out any responsibility, task, or duty of the division are paid from the fund established under RSA 12-G:36 or revenues of the authority other than division revenues, such fund or other source of revenue shall be reimbursed for the cost of such wages, salary, benefits, and other expenses, including without limitation reasonable overhead expenses, from funds drawn from the fund established under RSA 12-G:37 and, to the extent authorized, from the fund established under RSA 12-G:46. The executive director of the authority, subject to the approval of the board, is authorized to determine and fix, as necessary, rates of reimbursement.

7 Pease Development Authority; Ports and Harbors Fund Nonlapsing. Amend RSA 12-G:37 to read as follows:

12-G:37 Pease Development Authority Ports and Harbors Fund.

I. For the purpose of providing a fund to be known as the Pease Development Authority Ports and Harbors Fund, the state treasurer shall credit to such fund any appropriation made to the authority for each fiscal year relating to the division, division property, a division project, or any activity of the division, except any appropriation made to the harbor dredging and pier maintenance fund in accordance with RSA 12-G:46.

II. All sums so credited are appropriated to the authority *for the benefit of the division*:

(a) To purchase, lease, acquire, own, improve, use, sell, convey, transfer, or otherwise deal in and with division property, a division project, or any interest therein, whether tangible or intangible, as otherwise authorized under this chapter;

(b) To pay the costs of operating, maintaining, improving, and repairing all division property and division projects;

(c) To pay all costs as allocated by the authority for administering and operating the division, including, but not limited to, all wages, salaries, benefits, and other expenses authorized by the board, the executive director, the division director, or other provision of law, including without limitation, reimbursement of the fund established under RSA 12-G:36 or any other source of revenue of the authority other than division revenues to the extent that the wages, salary, benefits, or other expenses, including without limitation reasonable overhead expenses, of any employee of the authority assigned to carry out any responsibility, task, or duty of the division are paid from the fund established under RSA 12-G:36 or from revenues of the authority other than division revenues;

(d) To pay the principal of, and premium, if any, and the interest on any outstanding bonds of the state related to division property or division projects as the same become due and payable;

(e) *To create and maintain reserves required or provided for in any resolution authorizing, or any security document securing, such bonds of the authority related to division property or division projects;*

(f) To pay all payments in lieu of taxes owed by the authority, if any, related to division property or division projects; and

~~[(g)]~~ (g) In general for the payment of all expenses incident to the management and operation of the division, *division property, or division projects* as are consistent with its statutory purpose and as the board may from time to time determine.

III. This fund shall constitute a continuing *nonlapsing* appropriation for the benefit of the *division* [authority. Except as provided in RSA 12-G:42, XIII, all division revenues associated with operations and responsibilities assigned by the authority to the division in excess of the operating expenditures required for the activities of the division shall be deposited in the general fund until such time as any bonds authorized and issued relating to division property or division projects have been retired. After such bonds have been retired, any amount remaining to the credit of the authority in this fund at the close of any fiscal year in excess of the amounts required under paragraph II shall lapse and shall be returned to the general fund of the state].

IV. Money in this fund shall be paid to the treasurer of the authority on manifests approved by the governor and council in the same manner as other state claims are paid, provided that there shall be advanced to the treasurer such money as may be requested by the treasurer of

the authority and approved by the governor and council, and provided further that manifests covering the money so advanced shall be submitted according to regular procedure at the earliest practicable time.

V. Division revenues or any other revenues, other than revenues from or associated with airport property or airport projects, received and due to the authority shall be retained by the authority and shall be used for division property or division projects in such manner as the board may determine consistent with the provisions of this chapter or as is otherwise provided by law or by the terms and conditions incident to any gift, grant, devise, bequest, trust, or security document.

VI. Notwithstanding any other provision of law, no money in the fund shall be used for or paid on account of any obligation or liability of the authority related to or arising out of the ownership, operation, or maintenance of airport property or airport projects.

8 Pease Development Authority; Division of Ports and Harbors; Authority Relative to Employment of Division Director. Amend RSA 12-G:43 to read as follows:

12-G:43 Division of Ports and Harbors.

I. There is established within the authority a division of ports and harbors ***that is subject to the direction and control of the board, the executive director, and the division director.*** The division of ports and harbors shall:

(a) Plan for the maintenance and development of the ports and state tidal waters from the head of navigation to the seaward limits within the jurisdiction of the state, in order to foster and stimulate commerce and the shipment of freight through the state's ports and, as an agency of the state, to assist shipping, and commercial and industrial interests that may depend on the sea for transport of products, including such interests as may be desirous of locating in tidewater areas of the state; as well as to encourage the establishment of accommodations for the boat traveler, the area boat owners, the pleasure fishermen, and others who pass up and down our coast line or in its tributaries.

(b) Aid in the development of salt water fisheries and associated industries.

(c) Cooperate with any agencies or departments of the federal government in planning the maintenance, development, and use of the state ports and state tidal waters.

(d) Plan, develop, maintain, use, and operate a heliport facility on property owned or controlled by the division. The division shall cooperate with departments, agencies, authorities, or commissions of the federal, state, or local governments and accept grants, aid, or services from such agencies in the carrying out of this purpose. Such authorization relating to heliport facilities shall include and be governed by all other provisions of this chapter.

(e) Maintain at all times a complete inventory of division property and port projects.

(f) Perform such other duties and functions relating to the administration, management, and operation of division property and division projects as are assigned to division by the authority.

II. The governor and council shall appoint a director of the division of ports and harbors who shall be qualified by education and experience and who shall hold office for a term of 5 years. Whenever an appointment of the director of the division is to be made, the board may make recommendations to the governor and submit such recommendations to the governor for the governor's consideration; however, the governor shall not be bound by such recommendations. The governor and council shall have authority to remove the director of the division as provided in RSA 4:1. The director of the division shall be the administrative officer of the division and shall have general and active supervision and direction over the day-to-day business and affairs of the division and its employees, subject, however, to the direction and control of the board and the executive director. The division director shall perform all such other duties as from time to time may be assigned by the board or the executive director. The division director shall also be the secretary of the division of ports and harbors advisory council, shall keep a record of the proceedings of the council, and shall be the custodian of all books, documents, and papers filed with the division or the ports and harbors advisory council. The division director shall have the power to cause copies to be made of all minutes and other records and documents of the council and to give certificates under

the seal of the authority to the effect that such copies are true copies, and all persons dealing with the division or authority may rely upon such certificates. In addition to the classified employees of the division, the division director, with the concurrence of the executive director, may employ such assistants and clerical and administrative staff as are within the limits of funds available for that purpose. The salary of the division director shall be established by the board.

9 New Section; Report on the Division of Ports and Harbors. Amend RSA 12-G by inserting after section 43 the following new section:

12-G:43-a Report on the Division of Ports and Harbors.

I. The division director shall submit a biennial report on the status of development at the division to the governor and council, the board, the mayor and the city council in the city of Portsmouth, the selectmen in the towns of Rye, Newington, Hampton, Newcastle and Seabrook, the chairmen of the house and senate executive departments and administration committees, and the commissioner of the department of resources and economic development. Such report shall be submitted and made available to the public biennially beginning on June 30, 2010. The first report issued on June 30, 2010 shall be for the 2-year period ending on June 30, 2009.

II. The report shall include descriptions of:

(a) The financial status of the division, including a report on the activities of the Pease development authority ports and harbors fund and a recommendation on whether to continue the fund as a nonlapsing fund and an accounting of the activities of the division of ports and harbors revolving loan fund.

(b) Any contracts involving use of division property that have been executed in the previous 24-month period and the status and scope of all ongoing port development projects.

(c) Programs and informational meetings held to permit and encourage communication between the division and the communities it serves.

(d) Environmental reports, investigations, and permits received by, prepared by or on behalf of the division with respect to division property and activities on division property.

(e) Any proposals for the sale of division property.

10 Division of Ports and Harbors Advisory Council. Amend RSA 12-G:44, I to read as follows:

12-G:44 Division of Ports and Harbors Advisory Council.

I. There is hereby established a division of ports and harbors advisory council consisting of 8 members, 6 of whom shall be appointed by the governor, with the advice and consent of the council. ~~[At least 3]~~ **Two** of said appointive members shall be residents of the cities and towns of the seacoast region or state tidal waters ~~[and at least]~~ **that are not represented on the board**, one appointive member shall be a commercial fisherman engaged in that industry on the seacoast, and **2 appointive members shall be experienced in a maritime industry**. Each **appointive member** shall serve for a term of 5 years. Said members shall serve until their successors are appointed and qualified. Any vacancy occurring in the membership of the appointive members shall be filled by the governor and council for the unexpired term. In addition to the 6 appointive members, the commissioner of the department of resources and economic development, or designee, and the mayor of the city of Portsmouth, or designee, shall be, by virtue of their offices, members of the council.

11 Pease Development Authority; Division of Ports and Harbors; Authority Relative to Dredge Management. Amend the introductory paragraph of RSA 12-G:45 to read as follows:

12 Pease Development Authority; Division of Ports and Harbors; Rules Relative to Pilot Qualifications. Amend RSA 12-G:47 to read as follows:

12-G:47 Pilots. The authority, in consultation with the **executive director, the** division director, and the division of ports and harbors advisory council, may adopt rules prescribing the qualifications of pilots, and from time to time appoint and commission, under its hand and seal, as many pilots as it may judge necessary, and remove the same at pleasure; and it shall take from them such security, by bond or otherwise, as it may deem proper.

13 Pease Development Authority; Division of Ports and Harbors; Clarification of Agency Management Authority. Amend RSA 12-G:50 to read as follows:

12-G:50 Duties; Chief Harbor Master; Deputy Chief Harbor Master; Harbor Masters.

I. Subject to the supervision of the authority, ***the executive director***, and the division director, the chief harbor master's duties shall include but not be limited to the following:

(a) Enforcement of authority directives and rules adopted by the authority pursuant to this chapter relating to the activities and operations of the division or division property.

(b) Issuing and overseeing mooring permits and management of the mooring wait list and of the assignment and placement of moorings.

(c) Designation of anchorage areas.

(d) Management of navigation aides outside of the federal channel.

(e) Management of the movement of traffic, as necessary.

(f) Direction of the removal or movement of vessels during emergencies.

(g) Overseeing the dredge management program.

(h) Overseeing the harbor management program.

(i) Inquiring into and prosecuting all offenses occurring within the chief harbor master's jurisdiction.

(j) Any other duties assigned by the authority or the division director.

II. Subject to the supervision of the authority, ***the executive director***, the division director, and the chief harbor master, the deputy chief harbor master's duties shall include but not be limited to the following:

(a) Enforcement of authority directives and rules adopted pursuant to this chapter relating to the division or division property.

(b) Performance of the duties of the chief harbor master during the absence or incapacity of the chief harbor master or when such duties are specifically delegated to the deputy chief harbor master by the authority, the division director, or the chief harbor master.

(c) Performance of any other duties assigned by the authority, the division director, or the chief harbor master.

III. Subject to the supervision of the authority, ***the executive director***, the division director, the chief harbor master, and the deputy chief harbor master, the duties of a harbor master shall include but not be limited to the following:

(a) Monitoring the placement and use of moorings in state tidal waters to which the harbor master has been specifically assigned by the chief harbor master or the deputy chief harbor master.

(b) Notifying the chief harbor master or the deputy chief harbor master of any violations of any provision of RSA 12-G or any rules of the authority adopted under RSA 12-G relating to the division or division property.

(c) Performance of any other duties assigned by the division director or the chief harbor master or the deputy chief harbor master.

IV. An assistant harbor master shall assist the chief harbor master, the deputy chief harbor master, or any harbor master as directed by the division director, the chief harbor master, or the deputy chief harbor master in the performance of the chief harbor master's, the deputy chief harbor master's, or harbor master's duties.

14 Impoundment and Forfeiture of Vessels and Moorings; Reference Change. Amend RSA 12-G:52-b, V to read as follows:

V. Upon the expiration of the 90-day period identified in paragraph III, the division director may dispose of any unredeemed vessel or mooring by destroying such vessel or mooring or by offering such vessel or mooring for sale at public auction or the division director may retain such vessel or mooring for use by the state; provided, however, if the vessel or mooring is sold or retained, the purchaser or the state, in the event of retention, shall pay the cost of impoundment, removal, and storage, and shall obtain release of the lien identified in paragraph I. Any money received by reason of sale of such vessel or mooring at public auction shall be deposited in the ~~harbor management fund~~ ***Pease development authority ports and harbors fund established in RSA 12-G:37.***

15 Review of Report on Economic Development; Reference Change. Amend RSA 12-A:34 to read as follows:

12-A:34 Review of Reports Required. For the purpose of ensuring comparability of impact reports on economic development programs issued under ~~[RSAs]~~ **RSA** 4-C:6-a, **RSA** 12-A:33, ~~[12-G:30,]~~ and **RSA** 162-A:23-a, the department of resources and economic development, in consultation with the legislative budget assistant, shall periodically review such reports at least once every 5 years and make recommendations to be utilized by the agencies making such reports for an improved and consistent methodology for assessing the quantity and quality of jobs created and saved and the growth potential and environmental impacts of such programs. This section shall not apply to promotional literature.

16 New Subparagraph; Special Accounts; Pease Development Authority Ports and Harbors Fund. Amend RSA 6:12, I(b) by inserting after subparagraph (268) the following new subparagraph:

(269) Moneys deposited in the Pease development authority ports and harbors fund established in RSA 12-G:37.

17 Repeal. The following are repealed:

- I. RSA 12-G:42, XIII, relative to a special account within the ports and harbors fund.
- II. RSA 12-G:46-a, relative to the harbor management fund.
- III. RSA 6:12, I(b)(225), relative to the harbor management fund.

18 Effective Date.

- I. Sections 1-5 of this act shall take effect upon its passage.
- II. The remainder of this act shall take effect 60 days after its passage.

2008-1750s

AMENDED ANALYSIS

This bill:

- I. Establishes a commission to study the relationship between the Pease development authority and the division of ports and harbors.
- II. Provides that service of non-classified employees of the authority shall be credited as continuous state service for all purposes.
- III. Makes the Pease development authority fund a nonlapsing fund for the benefit of the division of ports and harbors.
- IV. Requires a biennial report on the division of ports and harbors.
- V. Repeals provisions relative to coordination with the harbor management fund.

Election Law and Internal Affairs
May 7, 2008
2008-1745s
03/09

Amendment to HB 358

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

1 Municipal Elections; City Charters; Preparation of Ballots. Amend RSA 49-C:6 to read as follows:

49-C:6 Preparation of Ballots. The city clerk shall prepare the ballots to be used at the municipal elections. Under charters providing for election by the Australian ballot system, the ballots shall be prepared in accordance with the procedure provided for in general election laws governing such system. Under charters providing for non-partisan elections, the ballot shall contain the names in alphabetical order by surname ***according to the alphabetization and rotation procedure established in RSA 656:5-a, with the city clerk acting in lieu of the secretary of state***, without party designation, of all who file with the city clerk as candidates for elective office. In the alternative, the charter may provide for a random selection of the order of names on the ballot. The charter shall specify a filing period, the filing fee to be paid for each office, and, as an alternative method of becoming a candidate on the ballot, the number of qualified voters which may be subscribed to a nominating petition in such form as the charter may set out.

2 Nominations for Special State Elections; Order of Names on Ballot. Amend RSA 655:81, IX to read as follows:

IX. The names of all candidates for a party nomination at a special election primary shall be printed in alphabetical order on the ballot [~~and the same ballot listing shall be used at all polling places where the special primary election is held~~] ***according to the alphabetization and rotation procedure established in RSA 656:5-a***; and

3 Preparation of State General Election Voting Materials; Party Columns. Amend RSA 656:5 to read as follows:

656:5 Party Columns. The names of all candidates nominated in accordance with the election laws shall be arranged upon the state general election ballot in successive party columns. Each separate column shall contain the names of the candidates of one party; except that, if only a part of a full list of candidates is nominated by a political party, 2 or more such lists may be arranged whenever practicable in the same column. The party columns that list the names of candidates for offices that elect more than one person shall stagger the names of the candidates so that they do not line up evenly in a horizontal direction. The left-most column shall begin one line below the column to its right. The secretary of state shall determine the ***vertical*** location of any additional columns that may appear on the ballot. ***The position of party columns shall be rotated on the ballots used so that each party column shall appear thereon, to the extent practicable, an approximately equal number of times in the first, last, and each intermediate column position across the state, without requiring more than one unique column order or ballot format for each town and city ward, and provided that no party column shall be placed in the first column position, next to the column listing the offices to be elected, unless it includes candidates for more than half of the offices being elected on the ballot, unless there are no such party columns. The secretary of state shall develop a column rotation order plan for each general election starting with a reasonably balanced rotation across each state representative district consisting of more than one town or ward. Only after establishing a party column rotation order for all towns and wards shall the secretary of state publicly select by lot the actual party column to be positioned in the first column and each subsequent column in the first rotation order.***

4 New Section; Preparation of State General Election Voting Materials; Order of Candidate Names on Ballots. Amend RSA 656 by inserting after section 5 the following new section:

656:5-a Order of Candidate Names on Ballots. Whenever there are 2 or more candidates for the same office whose names will appear within the same column or list on a ballot, the names of such candidates shall be rotated on the ballots used so that each name shall appear thereon, to the extent practicable, an equal number of times at or near the top, at or near the bottom, and in each intermediate position, if any, of the list in which it belongs, without requiring more than one unique name order or ballot format for each town and city ward. The secretary of state shall randomly select one candidate's name, by lot or otherwise, to appear at the top of each such list for

the first name order rotation. Other candidates' names shall be arranged to follow in alphabetical order of their surnames with the letter "a" following "z."

5 Primary Election Voting Materials; Order of Names. Amend RSA 656:24 to read as follows:

656:24 Order of Names. With the exception of the office of state representative, whenever there are 2 or more candidates for nomination to the same office, the names of such candidates shall be alternated on the state primary election ballots used so that each name shall appear thereon as nearly as may be an equal number of times at the top, at the bottom, and in each intermediate place, if any, of the list in which it belongs. Names of candidates for nomination to the office of state representative shall be arranged in the alphabetical order of their surnames ***according to the alphabetization and rotation procedure established in RSA 656:5-a.***

6 Presidential Primary Election Voting Materials; Order of Names. Amend RSA 656:32 to read as follows:

656:32 Other Provisions. The provisions of RSA 656:24-656:28 relating to state primary election ballots shall apply to presidential primary ballots, except that candidates on the presidential primary ballot shall be listed in the alphabetical order of their surnames ***according to the alphabetization and rotation procedure established in RSA 656:5-a.***

7 Constitutional Convention Ballots; Form. Amend RSA 667:12 to read as follows:

667:12 Form. Every ballot for the election shall contain the name and domicile of each candidate who has filed a declaration of candidacy for delegate. The names of candidates upon the ballot shall be arranged in perpendicular columns under the title "For Delegate to the Constitutional Convention." Below the title shall be printed in easily legible type the words "Vote for" followed by a spelled number designating the number of persons to be elected to such office. At the right of the name of each candidate and on the same line, there shall be a square. Following the names there shall be as many blank lines as there are persons to be elected. Whenever there are 2 or more candidates, the names shall be printed upon the ballot in alphabetical order of their surnames ***according to the alphabetization and rotation procedure established in RSA 656:5-a.***

8 Town Elections; Official Ballot; Voting Materials. Amend RSA 669:23 to read as follows:

669:23 Preparation of Voting Materials. The town clerk shall prepare the official ballots for the town and shall arrange the names of candidates upon said ballots in parallel columns. Immediately above the names of each block of candidates shall be printed the title of the office for which they are candidates, such as "For Selectman." Below the title of each office shall be printed in small but easily legible type the words "Vote for not more than (here insert a number designating how many persons are to be voted for)." Directly to the right of the name of each candidate there shall be a square. Whenever there are 2 or more candidates for the same office the names shall be printed upon the ballot in the alphabetical order of their surnames ***according to the alphabetization and rotation procedure established in RSA 656:5-a, with the town clerk acting in lieu of the secretary of state. In the alternative, the governing body may provide for a random selection of the order of names on the ballot.*** Following the names printed on the ballot under the title of each office, there shall be as many blank lines as there are persons to be elected to that office.

9 Form of Candidate's Name on Ballot; Nicknames. Amend RSA 655:14-b, I-II to read as follows:

I. Every candidate for state or federal office who intends to have his or her name printed upon the ballot of any party for a primary shall designate in the declaration of candidacy, or on the primary petitions and assents to candidacy, the form in which the candidate's name shall be printed on the ballot. ~~[The candidate may designate his or her given, first, and middle name, the initials of his or her given, first, and middle name, a nickname, or any combination thereof as the form in which the candidate's name shall be printed on the ballot, but the candidate shall not designate a deceptive name. If the candidate designates a nickname in place of or in combination with the candidate's given name or the initials thereof, the nickname shall be set off with quotation marks and shall be placed immediately before his or her surname. If the candidate designates a nickname, the nickname shall be customarily related to the candidate's given name, or, if the~~

~~nickname is not customarily related to the candidate's given name, the candidate shall submit clear and convincing evidence that the candidate has been known by the nickname for at least the 5 years immediately preceding the time of filing. If deemed sufficient by the appropriate official, 3 affidavits from voters in the district who are not related to the candidate stating that the candidate has been known by the nickname for at least 5 years may constitute clear and convincing evidence. Nicknames shall be limited to one word, except for 2 word nicknames customarily related to the candidate's given name.]~~ ***The designated name may include the candidate's given name or a shortened form of the candidate's given name or a one-word nickname customarily related to the candidate, and by which the candidate is commonly recognized. The designated name may also include an initial for the first or middle name, or both.*** No candidate may designate a nickname that implies that the candidate is some other person, that constitutes a slogan or otherwise associates the candidate with a cause or issue, or that has an offensive or profane meaning. A candidate shall include his or her surname in the designation of the form in which the candidate's name shall be printed on the ballot.

II. Every candidate for state or federal office who intends to have his or her name placed on the ballot for the state general election by means other than nomination by party primary shall designate in the declaration of intent the form in which the candidate's name shall be printed on the ballot. ~~[The candidate may designate his or her given, first, and middle name, the initials of his or her given, first, and middle name, a nickname, or any combination thereof as the form in which the candidate's name shall be printed on the ballot, but the candidate shall not designate a deceptive name. If the candidate designates a nickname in place of or in combination with the candidate's given name or the initials thereof, the nickname shall be set off with quotation marks and shall be placed immediately before his or her surname. If the candidate designates a nickname, the nickname shall be customarily related to the candidate's given name, or, if the nickname is not customarily related to the candidate's given name, the candidate shall submit clear and convincing evidence that the candidate has been known by the nickname for at least the 5 years immediately preceding the time of filing. If deemed sufficient by the appropriate official, 3 affidavits from voters in the district who are not related to the candidate stating that the candidate has been known by the nickname for at least 5 years may constitute clear and convincing evidence. Nicknames shall be limited to one word, except for 2 word nicknames customarily related to the candidate's given name.]~~ ***The designated name may include the candidate's given name or a shortened form of the candidate's given name or a one-word nickname customarily related to the candidate, and by which the candidate is commonly recognized. The designated name may also include an initial for the first or middle name, or both.*** No candidate may designate a nickname that implies that the candidate is some other person, that constitutes a slogan or otherwise associates the candidate with a cause or issue, or that has an offensive or profane meaning. A candidate shall include his or her surname in the designation of the form in which the candidate's name shall be printed on the ballot.

10 Effective Date.

I. Sections 1-8 of this act shall take effect 60 days after its passage.

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

2008-1745s

AMENDED ANALYSIS

This bill establishes a procedure for the random drawing of a candidate's name for the ordering of names on election ballots and requires the rotation of candidate names and party columns on the ballots. This bill also changes the limitations on a candidate designating a name to be placed on the ballot.

May 1, 2008
2008-1665s
05/10

Amendment to HB 537

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

- (i) The commissioner of the department of education, or designee.
- (j) One member from a local homeless shelter, appointed by the governor.

Amend paragraph III as inserted by section 3 of the bill by replacing it with the following:

III. Study the transitional services available to young people who are moving from foster care or other service systems to adult care systems.

Senate Executive Departments and Administration
May 7, 2008
2008-1751s
01/10

Amendment to HB 563

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

AN ACT relative to obtaining certificates of stillbirth for stillborn children.

Amend RSA 5-C:74, V as inserted by section 2 of the bill by replacing it with the following:

V. Upon request of a parent, the division shall complete and issue to the parent or parents a certificate of stillbirth for a fetal death, as defined in RSA 5-C:1, XII, on the form established pursuant to RSA 5-C:75-a.

Public and Municipal Affairs
May 8, 2008
2008-1788s
08/04

Amendment to HB 1143

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

1 Cruelty to Animals; Shelter for Dogs. Amend RSA 644:8, II-a to read as follows:

II-a. In this section, “shelter” or “necessary shelter” for dogs shall mean any natural or artificial area which provides protection from the direct sunlight **and adequate air circulation** when that sunlight is likely to cause heat exhaustion of a dog tied or caged outside. Shelter from ~~in element~~ **the** weather shall **allow the dog to remain clean and dry. Shelter shall be structurally sound and** have an area within to afford the dog the ability to stand up, turn around and lie down, and be of proportionate size as to allow the natural body heat of the dog to be retained.

2 Cruelty to Animals; Law Enforcement Officers. Amend RSA 644:8, IV-a(a) to read as follows:

(a) Except as provided in subparagraph (b) any appropriate law enforcement officer, animal control officer, or officer of a duly licensed humane society may take into temporary protective custody any animal when there is probable cause to believe that it has been **or is being** abused or neglected in violation of paragraphs III or III-a when there is a clear and imminent danger to the animal’s health or life and there is not sufficient time to obtain a court order. Such officer shall leave a written notice indicating the type and number of animals taken into protective custody, the name of the officer, the time and date taken, the reason it was taken, the procedure to have the animal returned and any other relevant information. Such notice shall be left at the location where the animal was taken into custody. The officer shall provide for proper care and housing of any animal taken into protective custody under this paragraph. If, after 7 days, the animal has not been returned or claimed, the officer shall petition the municipal or district court seeking either permanent custody or a one-week extension of custody or shall file charges under this section. If a week’s extension is granted by the court and after a period of 14 days the animal remains unclaimed, the title and custody of the animal shall rest with the officer on behalf of the officer’s department or society. The department or society may dispose of the animal in any lawful and humane manner as if it were the rightful owner. If after 14 days the officer or the officer’s department determines that charges should be filed under this section, the officer shall petition the court.

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

Sen. Burling, Dist. 5
May 5, 2008
2008-1692s
10/04

Amendment to HB 1219

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

AN ACT relative to exempting fish and game department volunteers from financial disclosure requirements, allowing lobbyists and those connected with lobbyists to sit on committees established by the judicial branch, and enabling certain persons to vote in primaries prior to turning 18 years of age.

Amend the bill by replacing section 2 with the following:

2 Restrictions on Simultaneous Employment and Public Service. Amend RSA 21-G:25, III(e) and (f) to read as follows:

(e) Ownership of publicly-traded stock; ~~or~~

(f) A public employee, appointee, or volunteer's personal application for any license, permit, or ruling from a state agency[-]; **or**

(g) Service on a multi-branch commission, committee, board, or similar governmental entity established by the judicial branch.

3 New Paragraph; Eligibility; Voter; 17 Years of Age. Amend RSA 654:1 by inserting after paragraph II the following new paragraph:

III. A person who is 17 years of age, who otherwise meets the eligibility requirements of paragraph I, may vote at a state primary election or a presidential primary election preceding a general election at which the person will be 18 years of age.

4 Voter Registration Form. Amend RSA 654:7 to read as follows:

654:7 Voter Registration Form. A standard registration application form shall be used throughout the state. The registration form shall be no larger than 8½ inches by 11 inches. The secretary of state shall prescribe the form of the voter registration form, which shall be in substantially the following form:

Date _____

VOTER REGISTRATION FORM

(Please print or type)

1. Name _____

Last (suffix)

First

Full Middle Name

2. Address _____

Street

Ward Number

Town or City

Zip Code

3. Mailing Address if _____
different than in 2 Street Ward Number

Town or City

Zip Code

4. Place and Date of Birth _____

Town or City

State

Date _____

5. If a naturalized citizen, give name of court where and date when naturalized _____

6. Place last registered to vote _____

Town or City

Street

Ward Number

7. Name under which previously registered, if different from above _____

8. Party Affiliation (if any) _____

9. Driver's License Number _____ State _____

If you do not have a valid driver's license, provide the last four digits of your social security number ____ _

My name is _____. I am today registering to vote in the city/town of _____,

_____, New Hampshire.

I understand that to vote in this city/town, I must be at least 18 years of age, **or 17 years of age to vote in a state primary or presidential primary preceding a general election at which I will be 18 years of age, and that** I must be a United States citizen, and I must be domiciled in this city/town.

I understand that I can claim only one city/town as my domicile at a time. A domicile is that place, more than any other, where I sleep most nights of the year, or to which I intend to return after a temporary absence. By registering or voting today, I acknowledge that I am not registering to vote or voting in any other city/town.

I acknowledge that I have read and understand the above qualifications for voting and do hereby swear, under the penalties for voting fraud set forth below, that I am qualified to vote in the above-stated city/town, and, if registering on election day, that I have not voted and will not vote at any other polling place this election.

Date

Signature

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

5 New Section; Registration by 17-Year-Old Voting at Primary Election. Amend RSA 654 by inserting after section 7-b the following new section:

654:7-c Registration by 17-Year-Old Voting at Primary Election.

I. A person who is 17 years of age, who otherwise meets the eligibility requirements of RSA 654:1, I, may register to vote at a state primary election or a presidential primary election preceding a general election at which the person will be 18 years of age. Such person may only register at the polling place on the applicable election day.

II. If the supervisors of the checklist determine that the person registering under this section is qualified to vote, the person shall be entitled to vote as if his or her name is on the checklist. The supervisors shall retain the person's voter registration form and shall add the person's name to the checklist at their meeting next following the person's eighteenth birthday.

6 Determining Qualifications of Applicant; Age. Amend RSA 654:12, I(b) to read as follows:

(b) AGE. Any reasonable documentation indicating the applicant is 18 years of age or older, ***or that the applicant is 17 years of age and will be 18 years of age on the date of the general election if the person is registering under RSA 654:7-c.***

7 Effective Date.

I. Sections 3-6 of this act shall take effect 60 days after its passage.

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

2008-1692s

AMENDED ANALYSIS

This bill exempts volunteers in the fish and game department from financial disclosure requirements.

This bill allows lobbyists and those connected with lobbyists to sit on committees established by the judicial branch.

This bill also enables 17-year-olds to vote in primaries if they will be 18 years of age on the date of the general election.

Sen. Burling, Dist. 5

May 6, 2008

2008-1724s

03/09

Amendment to HB 1222

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

AN ACT prohibiting writing a text message while driving and relative to the establishment of a statewide transportation policy.

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

2 New Chapter; Statewide Transportation Policy. Amend RSA by inserting after chapter 240 the following new chapter:

CHAPTER 241

STATEWIDE TRANSPORTATION POLICY

241:1 Findings and Public Purpose. The general court finds that:

I. It is essential to the well-being of New Hampshire's citizens and to the economic health of the state that New Hampshire have and maintain a sustainable, balanced, and effective transportation system that is capable of efficiently transporting people and goods, and that is well-integrated with the regional transportation system spanning New England.

II. The cost of maintaining New Hampshire's transportation system and infrastructure has increased substantially, greatly outpacing the state's transportation funding resources. The widening gap between transportation costs and available revenues impedes the ability of the state to meet the urgent need to maintain and repair existing infrastructure, including bridges and roads. Under these circumstances, it is essential that New Hampshire plan and develop a balanced transportation system that is sustainable for the long-term and that represents a wise investment of public funds.

241:2 Statewide Transportation Policy. The statewide transportation policy for all projects shall be as follows:

I. To maximize the value of its limited transportation funds, New Hampshire must invest in a transportation system that:

- (a) Is integrated with the land use goals and policies of the state.
- (b) Is balanced, including multiple means of travel.
- (c) Meets the diverse needs of the citizens of the state, including rural, urban, and low-income populations, the elderly population, and people with disabilities.
- (d) Minimizes the effects of unforeseeable natural or economic conditions that could cripple a predominantly single-mode transportation system.

II. To allocate its limited transportation resources wisely, the state must ensure that its transportation investments protect New Hampshire's quality of life by strengthening communities and the economy, protecting the natural environment, advancing the state's comprehensive development plan and smart growth policy, and reducing the greenhouse gases.

III. Relative to the planning, funding, and development of New Hampshire's transportation system, the department of transportation shall consider and advance proposals that, taken in the aggregate:

- (a) Ensure the repair and maintenance of roads, bridges, rail, and other transportation infrastructure throughout the state to provide a safe, efficient, intermodal transportation network.
- (b) Are integrated with and support an effective and balanced regional transportation system that strengthens New Hampshire's economic position within the New England region.
- (c) Support the goal of achieving a balanced transportation system, including multiple transportation options, that serves the diverse needs of rural, urban, low-income, and elderly populations, and that is adaptable and resilient to meet New Hampshire's future needs.
- (d) Consider the full range of reasonable transportation alternatives for all significant highway projects and all projects of substantial public interest, and prioritize the following alternatives before increasing highway capacity:
 - (1) Transportation system management.

- (2) Transportation demand management.
- (3) Public transit, including but not limited to buses and trains.
- (e) Encourage corridor studies from which significant highway projects and projects of substantial public interest are developed to encourage integration and coordination of such projects with local and regional land use planning that is consistent with RSA 9-B, and to ensure the coordination of local land use plans that preserve the capacity of the transportation infrastructure at issue and maximize the value of transportation investments.
- (f) Increase the energy efficiency of the transportation system.
- (g) Reduce the global warming effects of the transportation sector and minimize the impacts of transportation on public health, air and water quality, open spaces, and other natural resources.
- (h) Achieve effective intermodal connections with the state's major airports to enhance access for the citizens of the state, and to better integrate the state's major airports within the region's transportation system to enhance access to and from major population centers in New England.
- (i) Promote context-sensitive solutions that are consistent with the unique character of communities.
- (j) Coordinate with and advance the comprehensive state development plan, under RSA 9-A.
- (k) Are consistent with and advance the state's smart growth policy as established in RSA 9-B.
- (l) Incorporate a public participation process in which municipalities, regional planning commissions, metropolitan planning organizations, and the public have timely notice and opportunity to identify and comment on concerns related to transportation planning decisions, capital investment decisions, and project decisions. The department shall take the comments and concerns of local citizens into account and shall be responsive to them.

241:3 Compliance with Statewide Transportation Policy. To meet the transportation needs of the state, the general court shall prepare a funding plan to accomplish the goals of this chapter. To the extent that funding is ultimately provided by the general court, capital investment decisions, transportation planning decisions, and project decisions of the department of transportation shall be consistent with the statewide transportation policy under this chapter. The department of transportation shall report on its decision-making processes at least semi-annually by filing a written review thereof with the president of the senate, the speaker of the house of representatives, and the chairpersons of the senate transportation and interstate cooperation and capital budget committees and the house transportation and public works and highways committees.

3 Effective Date.

I. Section 1 of this act shall take effect January 1, 2009.

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

2008-1724s

AMENDED ANALYSIS

This prohibits writing a text message and using 2 hands to type on or operate an electronic or telecommunications device while driving except under circumstances specified in the bill. This bill also establishes a statewide transportation policy.

Sen. Letourneau, Dist. 19

April 18, 2008

2008-1433s

09/10

Amendment to HB 1236

Amend the bill by inserting after section 9 the following and renumbering the original section 10 to read as 11:

10 New Motor Vehicle Arbitration; Definitions. Amend RSA 357-D:2, X(a) and (b) to read as follows:

(a) A motor vehicle, as defined in RSA 259:60, of the private passenger or station wagon type with a gross weight not exceeding ~~[9,000]~~ **11,000** pounds that is purchased or leased by a consumer; or

(b) Any other 4-wheel motor vehicle with a gross weight not exceeding ~~[9,000]~~ **11,000** pounds, except tractors, and mopeds; or

Senate Executive Departments and Administration
May 7, 2008
2008-1759s
05/03

Amendment to HB 1262

Amend RSA 329:16-g as inserted by section 1 of the bill by replacing it with the following:

329:16-g Continuing Medical Education Requirement. As a condition of renewal of license, the board shall require each licensee to show proof at least *at* every ~~[3 years]~~ **biennial license renewal** that the licensee has completed ~~[an]~~ **100 hours of** approved continuing medical education program within the preceding ~~[3]~~ **2** years. For the purposes of this section, an approved continuing medical education program is a program designed to continue the education of the licensee in current developments, skills, procedures, or treatment in the licensee's field of practice, which has been certified by a national, state, or county medical society or college or university approved by the board. There shall be a complete audit of all continuing education credits annually by the New Hampshire Medical Society ~~[until January 1, 2007, and by the board or their designee thereafter. The board shall accept verification of continuing medical education for licensees from the New Hampshire Medical Society until January 1, 2007].~~ ***Each licensee shall submit a continuing medical education report with copies of continuing medical education course certificates earned by the licensee and other documents which establish that continuing medical education course requirements have been met, using a form approved by the board. The complete audit shall include the collection, review, verification, and preservation of the continuing medical education documentation of each licensed physician and a report which records the credits awarded to each licensee during the 2-year period applicable to each licensee.*** The fee charged to licensees for continuing medical education verification shall not exceed 125 percent of the actual cost of providing the service. The New Hampshire Medical Society is prohibited from using any information from this program for promotional purposes or any other purpose not necessary for continuing education verification.

2008-1759s

AMENDED ANALYSIS

This bill requires that continuing medical education requirements for physicians be completed every 2 years at the biennial license renewal, and continues the auditing of continuing education credits by the New Hampshire Medical Society.

Senate Executive Departments and Administration
May 7, 2008
2008-1772s
10/04

Amendment to HB 1288

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

AN ACT allowing pharmacists to administer influenza vaccines and requiring pharmacies to report a closure of a pharmacy during regular, posted hours of operation.

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

1 New Section; Pharmacists; Administration of Influenza Vaccines. Amend RSA 318 by inserting after section 16-a the following new section:

318:16-b Pharmacist Administration of Influenza Vaccines. A pharmacist may administer influenza vaccines to the general public within a licensed pharmacy setting where he or she practices, provided all of the criteria in this section have been met. The pharmacist shall:

I. Have earned a Pharm.D. degree and be licensed by the board to practice as a pharmacist in New Hampshire, or hold an unrestricted and current license to practice as a pharmacist in New Hampshire and have held the license for at least 3 years.

II. Possess at least \$1,000,000 of professional liability insurance coverage.

III. In order to administer influenza vaccines by injection, have completed training specific to the administering of influenza vaccines by injection that includes programs approved by the Accreditation Council for Pharmacy Education (ACPE) or curriculum-based programs from an ACPE-accredited college of pharmacy or state or local health department programs or programs recognized by the board.

IV. Provide to the board evidence of compliance with paragraphs I-III.

2 New Paragraphs; Rulemaking; Administration of Influenza Vaccine; Reports of Pharmacy Closure. Amend RSA 318:5-a by inserting after paragraph XVIII the following new paragraphs:

XIX. Procedures for the administration of influenza vaccine under RSA 318:16-b, including evidence of compliance with education, insurance, and training requirements.

XX. Procedures for the reporting of pharmacies under RSA 318:40-a.

3 New Section; Report of Pharmacy Closure. Amend RSA 318 by inserting after section 40 the following new section:

318:40-a Report of Pharmacy Closure.

I. The pharmacist in charge or a staff pharmacist of a pharmacy shall report to the pharmacy board within 48 hours of a closure of the pharmacy during the pharmacy's regular, posted hours of operation.

II. Such report shall include:

(a) The customary and regular, publicly posted hours of operation of the pharmacy;

(b) The date, time, and duration of the closure of the pharmacy during such regular, posted hours of operation; and

(c) Any attempts made to ensure the provision of necessary pharmaceuticals to pharmacy customers.

4 Effective Date. This act shall take effect 60 days after its passage.
2008-1772s

AMENDED ANALYSIS

This bill allows licensed pharmacists who meet certain criteria and complete training to administer influenza vaccines to the public.

This bill also requires a pharmacy to report to the pharmacy board on any closure during regular, posted hours of operation.

Sen. Letourneau, Dist. 19
April 29, 2008
2008-1590s
03/09

Amendment to HB 1318

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

AN ACT relative to delivery of applications for certificates of title by dealers.

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

1 Application for Certificate of Title. Amend RSA 261:4, II to read as follows:

II. If the application refers to a vehicle purchased from a dealer, it shall contain the name and address of any lienholder holding a security interest created or reserved at the time of the sale and the date of [his] **the** security agreement and be signed by the dealer as well as the owner, and the dealer shall within 10 days of the date of sale mail or deliver to the department the application and other supporting documents as required by the director, except when the title is in the possession of a lienholder at the time of sale in which event the dealer shall have [20] **40** days from the date of sale to mail or deliver to the department the application and other supporting documents as required by the director. A dealer who makes a courtesy delivery shall prepare the title application and supporting documents, but said delivery shall not be construed as a sale by the New Hampshire dealer.

2 Effective Date. This act shall take effect October 1, 2008.
2008-1590s

AMENDED ANALYSIS

This bill increases the time period for a dealer to deliver an application for a certificate of title to the department of safety if the title is in the possession of a lienholder.

Senate Executive Departments and Administration
May 7, 2008
2008-1754s
05/09

Amendment to HB 1374

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

AN ACT relative to the homeland security and emergency management responsibilities of the department of safety and the use of interpreters in court-authorized wiretaps.

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

1 Homeland Security and Emergency Management. The subdivision heading preceding RSA 21-P:34 is repealed and reenacted to read as follows:

Homeland Security and Emergency Management

2 Purpose Statement. Amend RSA 21-P:34 to read as follows:

21-P:34 Purpose. Because of the possibility of the occurrence of natural and ~~[man-made]~~ **human-caused** disasters resulting from fire, flood, hurricane, earthquake, prolonged power outages, disruption or contamination of the food or water supply, degradation of critical facilities and vital systems, disruption of communication systems, or other natural, technological or ~~[man-made]~~ **human** causes, **including acts of terrorism**, and in order that the state of New Hampshire will be adequately prepared to cope with such disasters; and, generally, in order to preserve the lives and the property of the people of the state, a state division of emergency services, communications, and management is hereby created under the direction of the director of the division of ~~[emergency services, communications, and management]~~ **homeland security and emergency management**. The emergency management powers provided in this subdivision are conferred upon the governor and upon other executive heads of governing bodies of the state; the creation of local organizations for emergency management in the political subdivisions of the state is authorized; and provision is made for the rendering of mutual aid among the political subdivisions of the state and between this and other states and to cooperate with the federal government with respect to the carrying out of emergency management functions. It is further declared to be the purpose of this subdivision and the policy of the state that all emergency management functions of this state be coordinated to the maximum extent with the comparable functions of the federal government including its various departments and agencies, of other states and localities, and of private agencies of every type, to the end that the most effective preparation and use may be made of the nation's manpower, resources, and facilities for dealing with any disaster **or incident of terrorism** that may occur.

3 Definition of Director and Emergency Management. Amend RSA 21-P:35, IV and V to read as follows:

IV. "Director" means the director of the division of ~~[emergency services, communications, and management]~~ **homeland security and emergency management**.

V. "Emergency management" means the preparation for and the carrying out of all emergency functions, including but not limited to emergency response and training functions, to prevent, minimize, and repair injury or damage resulting from the occurrence or threat of widespread or severe damage, injury, or loss of life or property resulting from any natural or ~~[man-made]~~ **human** cause, including but not limited to fire, flood, earthquake, windstorm, wave actions, technological incidents, oil or chemical spill, or water contamination requiring emergency action to

avert danger or damage, epidemic, air contamination, blight, drought, infestation, explosion, **terrorist act**, or riot.

4 Division of Homeland Security and Emergency Management. RSA 21-P:36 and 21-P:36-a are repealed and reenacted to read as follows:

21-P:36 Division of Homeland Security and Emergency Management.

I. There is hereby created a division of homeland security and emergency management within the department of safety under the supervision of the director of homeland security and emergency management nominated and appointed as provided in RSA 21-P:5-a.

II. The division shall consist of 2 bureaus, a bureau of homeland security and a bureau of emergency management. With the approval of the commissioner, the director may employ such necessary technical, clerical, stenographic, and other personnel, and may make such expenditures from state or federal funds as are or may be made available for purposes of homeland security and emergency management. The director and other personnel of the division shall be provided with appropriate office space, furniture, equipment, supplies, stationery and printing, and funds for traveling and related expenses, in the same manner provided for personnel of other state agencies. The division and its personnel shall have such additional duties, responsibilities, and authority authorized by applicable laws as may be prescribed by the commissioner.

III. The commissioner of safety shall nominate an assistant director of homeland security and emergency management, for appointment by the governor with consent of the council, to serve at the pleasure of the commissioner. The assistant director shall receive the salary provided in RSA 94:1-a for the position.

21-P:36-a Assistant Director of the Division of Homeland Security and Emergency Management; Retirement System. For purposes of classification under the provisions of RSA 100-A, the assistant director of the division of homeland security and emergency management shall be eligible to be a group II member if the assistant director was a member of group II for at least 10 years prior to his or her appointment.

5 New Section; Agreement Resulting from Disaster Declaration. Amend RSA 21-P by inserting after section 37-a the following new section:

21-P:37-b Agreement Resulting from Disaster Declaration. If, as the result of a disaster declaration, the state of New Hampshire enters into an agreement with the federal government or another entity for assistance, either direct or indirect, financial or otherwise, such agreement shall be transmitted to the president of the senate and the speaker of the house of representatives within 30 days after approval by the governor and council. Any obligation of the general fund as the result of such an agreement shall be transmitted to the president of the senate and the speaker of the house of representatives for prompt payment. Administrative costs of the state of New Hampshire incident to such obligation shall be included in the submission to the general court.

6 Advisory Council on Emergency Preparedness and Security. RSA 21-P:48 is repealed and reenacted to read as follows:

21-P:48 Advisory Council on Emergency Preparedness and Security.

I. There is hereby created an advisory council on emergency preparedness and security, consisting of the following members:

- (a) The director of the division of homeland security and emergency management.
- (b) The attorney general, or designee.
- (c) The chair of the public utilities commission, or designee.
- (d) The adjutant general, or designee.
- (e) The commissioner of the department of health and human services, or designee.
- (f) The director of the division of fire safety.
- (g) The commissioner of the department of safety, or designee.
- (h) The director of the office of energy and planning.
- (i) The commissioner of the department of transportation, or designee.
- (j) The commissioner of the department of resources and economic development, or designee.
- (k) The commissioner of the department of agriculture, markets, and food, or designee.

- (l) The commissioner of the department of environmental services, or designee.
- (m) The commissioner of the department of administrative services, or designee.
- (n) The director of the division of ports and harbors, Pease development authority.
- (o) The director of police standards and training.
- (p) The director of the division of fire standards and training.
- (q) A local police chief, appointed by the governor.
- (r) A local fire chief, appointed by the governor.
- (s) A county sheriff appointed by the governor.
- (t) A representative of the Professional Firefighters of New Hampshire, appointed by the governor.
- (u) The director of the division of state police.
- (v) The director of the division of public health services.
- (w) The commissioner of the department of corrections, or designee.
- (x) The executive director of the department of fish and game, or designee.
- (y) The executive director of the New Hampshire Hospital Association.
- (z) A representative of a regional emergency planning committee, appointed by the governor.
- (aa) One member of the state hazardous materials cooperative, appointed by the governor.
- (bb) A representative of the hazardous materials transporter industry, appointed by the governor.
- (cc) A representative of the hazardous materials industry, appointed by the governor.
- (dd) The director of the division of emergency communications and services.
- (ee) A representative of the Business and Industry Association, appointed by the governor.
- (ff) A representative from the United States Environmental Protection Agency, appointed by that agency.
- (gg) A representative from the Federal Bureau of Investigation, appointed by the Bureau.
- (hh) A representative from the United States Coast Guard, appointed by that agency.
- (ii) The director of the division of safety services.
- (jj) A representative of the nuclear power industry, appointed by the governor.
- (kk) A representative of the United States Department of Homeland Security, appointed by the department.
- (ll) The primary investigator for the Centers for Disease Control and Assistant Secretary for Preparedness and Response (ASPR) grant programs.
- (mm) A representative of the state citizens corps, appointed by the governor.
- (nn) A representative of the emergency medical services medical control board, appointed by the board.
- (oo) The United States Attorney for the District of New Hampshire, or designee.
- (pp) A representative from the department of health and human services radiological health program, designated by the commissioner of health and human services.
- (qq) A representative from the department of environmental services environmental health program, designated by the commissioner of environmental services.
- (rr) A representative from the department of environmental services waste management division, designated by the commissioner of environmental services.
- (ss) A judicial branch representative, chosen by the chief justice of the supreme court.
- (tt) A representative of a volunteer emergency response non-governmental organization, appointed by the governor.
- (uu) Such other representatives as the governor, from time to time, may deem necessary for the fulfillment of the council's mandates.

II. The council shall advise the governor on issues involving the state's ability to respond to natural and human-caused disasters, and the preparation and maintenance of a state disaster plan

in conformance with any federal regulation or law. The director of homeland security and emergency management shall seek the advice of the council in matters pertaining to any of the state's emergency plans, including the allocation of state and federal resources to meet the objectives of such plan. The council shall serve the functions of the state emergency response commission (SERC) and the Centers for Disease Control's state public health emergency preparedness committee, and may form subcommittees as necessary to perform these functions. The council shall periodically and otherwise as necessary report to the governor, the senate president, and the speaker of the house of representatives on any recommendations of the council that pertain to the state's preparedness and ability to respond to natural and human-caused disasters and acts of terrorism. The commissioner of safety or the commissioner's designee shall serve as the chairperson of the council.

III. Not less than 20 members shall constitute a quorum at any meeting. For ex officio positions a designee from that organization may be appointed in writing by the member to represent him or her at any meeting which the member is unable to attend.

7 New Subdivision; Division of Emergency Services and Communications. Amend RSA 21-P by inserting after section 48 the following new subdivision:

Emergency Services and Communications

21-P:48-a Division of Emergency Services and Communications.

I. There is hereby created a division of emergency services and communications within the department of safety under the supervision of the director of emergency services and communications and reporting to the assistant commissioner. The commissioner shall nominate a director of the division of emergency services and communications for appointment by the governor, with the consent of the council, and shall serve a term of 4 years until a successor has been appointed. The director shall be responsible to carry out such duties as are specifically enumerated in this subdivision and as may be assigned by the office of the commissioner. The director shall be academically and technically qualified to hold the position and shall receive the salary specified in RSA 94:1-a for the director of emergency services and communications.

II. With the approval of the commissioner, the director may employ such necessary technical, clerical, stenographic, and other personnel, and may make such expenditures from state or federal funds as are or may be made available for purposes of emergency services and communications. The director and other personnel of the division shall be provided with appropriate office space, furniture, equipment, supplies, stationery and printing, and funds for traveling and related expenses, in the same manner as provided for personnel of other state agencies. With general oversight by the assistant commissioner, the director shall coordinate the activities of all organizations for emergency 911 telecommunications within the state, state and local, county, and private, and shall maintain liaison with and cooperate with police, fire, emergency medical, and sheriff's departments and emergency telecommunications organizations of other states and of the federal government. The director shall have such additional duties, responsibilities, and authority authorized by applicable laws as may be prescribed by the commissioner.

8 Fire Standards and Training and Emergency Medical Services Fund. Amend RSA 21-P:12-d to read as follows:

21-P:12-d Fire Standards and Training and Emergency Medical Services Fund. There is established in the office of the state treasurer a separate, nonlapsing fund to be known as the fire standards and training and emergency medical services fund from which the state treasurer shall pay expenses incurred in the administration of the division of fire standards and training and emergency medical services, under RSA 21-P:12-a, the division of fire safety, under RSA 21-P:12, and ~~[the bureau of emergency management in]~~ the division of ~~[emergency services, communications, and management under RSA 21-P:36]~~ **homeland security and emergency management**. If the expenditure of additional funds over budget estimates is necessary for the proper functioning of the division of fire standards and training and emergency medical services, the division of fire safety, or the ~~[bureau of emergency management in the division of emergency services, communications, and management]~~ **division of homeland security and emergency**

management, the department of safety may request, with prior approval of the fiscal committee of the general court, the transfer of funds from the fire standards and training and emergency medical services funds to the department of safety for such purposes.

9 Special Assistance to Emergency Services Worker. Amend RSA 657:21-a, II to read as follows:

II. For the purposes of this section, “emergency services worker” shall include law enforcement, emergency medical services personnel, firefighters, members of the New Hampshire national guard, utility workers, employees or volunteers for the American Red Cross, and any other emergency worker declared such by the ~~[bureau of emergency management in the division of emergency services, communications, and management]~~ department of safety.

10 Reference Change. Amend RSA 107-D:9 to read as follows:

107-D:9 Coordination With Other Agencies. The department is expressly authorized to coordinate with or to contract with the division of emergency services~~[-and communications[-and management]~~ established in RSA ~~[21-P:36]~~ **21-P:48-a** and with other state agencies or departments, including but not limited to the department of transportation and the department of health and human services, to perform any activities necessary to implement this chapter.

11 Reference Change. Amend RSA 570-A:2, II(h) to read as follows:

(h) Any municipal, county, or state fire or police department, the division of emergency services~~[-and communications[-and management]~~ as created by RSA ~~[21-P:36]~~ **21-P:48-a**, including the bureau of emergency communications as defined by RSA 106-H, or any independently owned emergency service, and their employees in the course of their employment, when receiving or responding to emergency calls, to intercept, record, disclose or use a telecommunication, while engaged in any activity which is a necessary incident to the rendition of service or the protection of life or property.

12 Reference Change; Director of Division of Emergency Services and Communications. Amend RSA 94:1-a, I(b) by:

I. Inserting:

FF Department of safety emergency management	assistant director, homeland security and
---	---

II Department of safety communications	director of division of emergency services and
---	--

II. Deleting:

FF Department of safety management	assistant director, bureau of emergency
---------------------------------------	---

II Department of safety communications, and management	director of division of emergency services,
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13 New Section; Use of Interpreters in Wiretaps. Amend RSA 570-A by inserting after section 9-a the following new section:

570-A:9-b Use of Interpreters. Notwithstanding any other provision of this chapter, an investigative or law enforcement officer supervising an interception under this chapter in which the intercepted communication is in a code or foreign language may utilize the assistance and participation of a qualified interpreter to translate the language being used into English. Such interpreter, before entering upon his or her duties, shall take an oath that he or she will make a true interpretation in an understandable manner to the best of his or her skill and judgment.

14 Reference Change. Amend the following RSA sections by replacing “division of emergency services, communications, and management” with “division of emergency services and communications”: RSA 21-J:3, XXVIII; 21-P:38; 82-A:11-a; 82-A:16-a; 106-H:3, I(b); and 106-H:6 (introductory paragraph).

15 Reference Change. Amend the following RSA sections by replacing “division of emergency services, communications, and management” with “division of homeland security and emergency

management.” RSA 21-P:37 (introductory paragraph); 100-A:3, III-c; 107-D:9, 108:3; 154:30-c, I; 162-C:1, VII; and 485:40.

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

Sen. Burling, Dist. 5
May 1, 2008
2008-1654s
06/09

Amendment to HB 1404-FN

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

1 New Paragraphs; Definitions. Amend RSA 238-A:1 by inserting after paragraph V the following new paragraphs:

VI. “Passenger rail service” means all services performed by a person, railroad corporation, other private corporation, public agency, or other legal entity pursuant to a contract with the authority in connection with the transportation of rail passengers including, but not limited to:

(a) The operation of trains, trackage, and equipment.

(b) The construction, reconstruction, or maintenance of railroad equipment, tracks, and appurtenant facilities.

(c) The provision of access or trackage rights over lines owned by any such railroad.

VII. “Railroad” means any person, railroad corporation, other private corporation, public agency, or other legal entity in the business of providing rail transportation which contracts with the authority for the provision of passenger rail services.

2 New Section; Liability Policy for Passenger Rail Services. Amend RSA 238-A by inserting after section 17 the following new section:

238-A:18 Liability Policy for Passenger Service.

I. Agreements between the authority and a railroad for the provision of passenger rail service shall provide that the authority shall secure and maintain a liability insurance policy covering the liability of the authority and the railroad for property damage, personal injury, bodily injury, and death arising out of such commuter rail service. Such policy shall:

(a) Name the authority as named insured, and the railroad as an additional insured.

(b) Have policy limits of not less than \$75,000,000 per occurrence annually and \$75,000,000 in the aggregate annually.

(c) Be subject to self-insured retention in an amount of \$7,500,000. The share of the self-insured retention that is the responsibility of the authority and the share that is the responsibility of the railroad shall be specified in agreements with any person, railroad corporation, public agency, or other legal entity in the business of providing rail transportation which are necessary for the authority to provide passenger railroad service.

II. In no event shall the authority or the railroad be liable in excess of the coverage limits of such insurance policy for any claim for damage, whether compensatory or punitive, for property damage, personal injury, and death arising out of such passenger rail service.

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

Energy, Environment and Economic Development
May 7, 2008
2008-1748s

08/09

Amendment to HB 1471

Amend RSA 482-A:3, XIV (a)(2) as inserted by section 1 of the bill by replacing it with the following:

~~[(b)]~~ **(2)** Within 75 days of the issuance of a notice of administrative completeness for projects where the applicant proposes under one acre of jurisdictional impact and 105 days for all other projects, request any additional information that the department is permitted by law to require to complete its evaluation of the application, together with any written technical comments the department deems necessary. ***Such request and technical comments may be sent by electronic means if the applicant or authorized agent has indicated an agreement to accept communications by electronic means, either by so indicating on the application or by a signed statement from the applicant or authorized agent that communicating by electronic means is acceptable.*** Any request for additional information ***under this subparagraph*** shall specify that the applicant submit such information as soon as practicable and shall notify the applicant that if the requested information is not received within 120 days of the request, the department shall deny the application.
2008-1748s

AMENDED ANALYSIS

This bill expands the time limits for excavating and dredging permit applications.

Energy, Environment, and Economic Development
May 7, 2008
2008-1737s
06/09

Amendment to HB 1628

Amend the bill by replacing section 1 with the following:

1 New Paragraphs; Renewable Energy Incentive Payments. Amend RSA 362-F:10 by inserting after paragraph IV the following new paragraphs:

V. The public utilities commission shall make and administer a one-time incentive payment of \$3 per watt of nominal generation capacity up to a maximum payment of \$6,000, or 50 percent of system costs, whichever is less, per facility to any residential owner of a small renewable generation facility, that would qualify as a Class I or Class II customer-sited source of electricity, has a total peak generation capacity of less than 5 kilowatts, is built on or after July 1, 2008, and is located on or at the owner's residence.

VI. Such payments shall be allocated from the renewable energy fund established in paragraph I, up to a maximum aggregate payment of 10 percent of the fund per year.

VII. The commission shall, after notice and hearing, by order or rule establish an application process to allow small energy users that install a customer-sited source on their property after July 1, 2008, to be eligible to receive funding from the renewable energy fund

established in paragraph I to the extent such funding is available. The application process shall include verification of costs for parts and labor, certification that the equipment used meets the applicable safety standards of the American National Standards Institute (ANSI) or Underwriters Laboratory (UL) or similar safety rating agency, and that the facility meets local zoning regulations, and receives any required inspections.

VIII. The commission may, after notice and hearing, by order or rule, establish additional incentive or rebate programs for customer-sited thermal and renewable energy projects, and after December 31, 2010, for good cause, modify the program created by RSA 362-F:10, V.

Amend the bill by inserting after section 3 the following and renumbering the original section 4 to read as 6:

4 Definition. Amend RSA 362-F:2, V to read as follows:

V. "Customer-sited source" means a source that is interconnected on the end-use customer's ~~site~~ **side** of the retail electricity meter in such a manner that it displaces all or part of the metered consumption of the end-use customer.

5 New Section; Renewable Energy Fund; Payment Rates. Notwithstanding any law or rule to the contrary, the payment rates established under RSA 362-F:10, II and III, for calendar year 2008 shall be as follows:

- (a) Class I--\$58.58.
- (b) Class II--\$153.84.
- (c) Class III--\$28.72.
- (d) Class IV--\$28.72.

2008-1737s

AMENDED ANALYSIS

I. Authorizes the public utilities commission to make a one-time payment from the renewable energy fund to certain owners of small renewable generation facilities.

II. Directs the public utilities commission to develop rules for creating an expedited process to allow certain energy users to be eligible to receive funding from the renewable energy fund.

III. Increases payment rates for the renewable energy fund for the calendar year 2008.

Transportation and Interstate Cooperation

May 2, 2008

2008-1670s

03/01

Amendment to HB 1638

Amend RSA 262:45, II(a) as inserted by section 1 of the bill by deleting subparagraph (2) and renumbering the original subparagraphs (3)-(5) to read as (2)-(4), respectively.

Amend RSA 262:45, II(c) as inserted by section 1 of the bill by replacing it with the following:

(c) The terms of legislative members shall be coterminous with their terms of office. Legislative members may be reappointed consistent with the requirements of subparagraph II(a)(1).

HEARINGS

MONDAY, MAY 12, 2008

ENERGY, ENVIRONMENT AND ECONOMIC DEVELOPMENT, Room 103, SH

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

2:00 p.m. **HB 1429**, relative to private landfills.

(HB 1429 WAS HEARD ON APRIL 29, 2008. THE PURPOSE OF THIS EXECUTIVE SESSION AND/OR PUBLIC HEARING IS TO CONSIDER A NEW COMMITTEE AMENDMENT.)

EXECUTIVE SESSION ON PENDING LEGISLATION

FINANCE, Room 100, SH

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

9:00 a.m. **EXECUTIVE SESSION ON PENDING LEGISLATION**

TUESDAY, MAY 13, 2008

EDUCATION, Room 103, SH

Sen. Estabrook (C), Sen. Foster (VC), Sen. Fuller Clark, Sen. Kelly, Sen. Bragdon, Sen. Letourneau

8:30 a.m. **HB 1282**, amending the pre-engineering technology curriculum.

8:45 a.m. **HB 1161**, (New Title) establishing a committee to study the truancy laws.

EXECUTIVE SESSION MAY FOLLOW

FINANCE, Room 100, SH

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

8:30 a.m. **EXECUTIVE SESSION ON PENDING LEGISLATION**

HEALTH AND HUMAN SERVICES, Room 103, SH

Sen. Estabrook (C), Sen. Sgambati (VC), Sen. Fuller Clark, Sen. Janeway, Sen. Gallus, Sen. Kenney

10:15 a.m. **HB 1637**, relative to reports to the cancer registry.

10:30 a.m. **HB 1435**, requiring certain food programs to comply with Centers for Disease Control/Institute of Medicine standards.

10:45 a.m. **HB 1201**, (New Title) allowing communities to conduct point of dispensing exercises to test emergency management operations plans, allowing qualified health professionals to prescribe and administer flu vaccine during such exercises, and granting immunity to such qualified health professionals.

EXECUTIVE SESSION MAY FOLLOW

JUDICIARY, Room 103, SH

Sen. Foster (C), Sen. Gottesman (VC), Sen. Reynolds, Sen. Clegg, Sen. Letourneau

2:00 p.m. **EXECUTIVE SESSION ON PENDING LEGISLATION**

MEETINGS

FRIDAY, MAY 9, 2008

IMPLEMENTING A RECOMMENDATION OF THE NH ESTUARIES PROJECT MANAGEMENT PLAN (SB 70, Chapter 236:1, Laws of 2003)

8:30 a.m. Pease/DES Office Regular Meeting
50 International Drive, Room E
Portsmouth, NH

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
**NH LAND AND COMMUNITY HERITAGE AUTHORITY BOARD OF DIRECTORS (RSA
227-M:4)**

10:00 a.m. CDFA Board Room Regular Meeting
14 Dixon Avenue
Concord, NH

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

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

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

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

MONDAY, MAY 12, 2008

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

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

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

9:00 a.m. Room 307, 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

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

1:00 p.m. Room 201, LOB Complaint Hearing

EQUALIZATION STANDARDS BOARD (RSA 21-J:14-c)

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

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

Cancelled Room 103, SH Regular Meeting

TUESDAY, MAY 13, 2008

ADVISORY COUNCIL ON UNEMPLOYMENT COMPENSATION (RSA 282-A:128)

9:00 a.m. NH Employment Security Regular Meeting
32 South Main Street
Concord, NH

WEDNESDAY, MAY 14, 2008

COMMISSION TO STUDY ISSUES RELATIVE TO THE PRACTICE OF LEASING STATE-OWNED REAL ESTATE ON THE SHORES OF PUBLIC WATERS (HB 710, Chapter 254:1, Laws of 2007)

3:00 p.m.	Room 201, LOB	Leasing Policy Subcommittee Meeting
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THURSDAY, MAY 15, 2008

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

2:00 p.m.	Department of Health & Human Services 29 Hazen Drive, Rooms 110-112 Concord, NH	Regular Meeting
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FRIDAY, MAY 16, 2008

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

9:00 a.m.	International Trade Resource Center Portsmouth, NH	Regular Meeting
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JOINT LEGISLATIVE COMMITTEE ON ADMINISTRATIVE RULES (RSA 541-A:2)

9:00 a.m.	Rooms 306-308, LOB	Regular Meeting
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NEW HAMPSHIRE RAIL TRANSIT AUTHORITY (RSA 238-A:2)

10:00 a.m.	Rooms 305-307, LOB	Regular Meeting
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COMMISSION TO STUDY THE FEASIBILITY OF TIDAL POWER GENERATION UNDER THE LITTLE BAY AND GENERAL SULLIVAN BRIDGES, IN DOVER (HB 694, Chapter 222:1, Laws of 2007)

1:00 p.m.	NH DES Field Office Pease International Tradeport Portsmouth, NH	Regular Meeting
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MONDAY, MAY 19, 2008

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

9:00 a.m.	Room 100, SH	Regular Meeting
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OIL FUND DISBURSEMENT BOARD (RSA 146-D:4)

9:00 a.m.	Room 306, LOB	Regular Meeting
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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
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HEALTH AND HUMAN SERVICES OVERSIGHT COMMITTEE (RSA 126-A:13)

1:00 p.m.	Room 103, SH	Regular Meeting
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JOINT LEGISLATIVE COMMITTEE ON ELDERLY AFFAIRS (RSA 17-H:2)

1:00 p.m.	Room 205, LOB	Regular Meeting
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**TASK FORCE TO DEVELOP LEGISLATION FOR EXPANDING ACCESS TO
AFFORDABLE HEALTH INSURANCE FOR THE 2008 AND 2009 LEGISLATIVE SESSION**
(HB 305, Chapter 248:1, Laws of 2007)

1:00 p.m. Room 302, LOB Regular Meeting

TUESDAY, MAY 20, 2008

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

2:00 p.m. Room 201, LOB Regular Business

JOINT COMMITTEE ON LEGISLATIVE FACILITIES (RSA 17-E:2)

3:00 p.m. Room 100, SH Regular Meeting

FRIDAY, MAY 23, 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

TUESDAY, MAY 27, 2008

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

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

THURSDAY, MAY 29, 2008

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

9:00 a.m. Rooms 210-211, LOB Regular Business

MONDAY, JUNE 2, 2008

HOUSING AND CONSERVATION PLANNING PROGRAM ADVISORY BOARD (RSA 4-C:29)

9:30 a.m. Office of Energy and Planning Regular Meeting
4 Chenell Drive
Concord, NH

COMMISSION ON THE USE OF RADIO FREQUENCY TECHNOLOGY (HB 203, Chapter 165:1, Laws of 2006)

10:00 a.m. Room 303, LOB Regular Meeting

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

1:15 p.m. Room 206, LOB Regular Meeting

FRIDAY, JUNE 6, 2008

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

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

CURRENT USE BOARD (RSA 79-A:3)

9:30 a.m. NH Department of Revenue Regular Board Meeting
Administration Training Room

57 Regional Drive

Concord, NH

COMMISSION TO STUDY AUTISM SPECTRUM DISORDERS IN NEW HAMPSHIRE (HB 396, Chapter 171:1, Laws of 2007)

10:00 a.m. Bureau of Developmental Services Regular Meeting
Main Building
105 Pleasant Street
Concord, NH

MONDAY, JUNE 9, 2008

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

9:30 a.m. Room 205, LOB Regular Meeting
NH LAND AND COMMUNITY HERITAGE AUTHORITY BOARD OF DIRECTORS (RSA 227-M:4)

10:00 a.m. CDFA Board Room Regular Meeting
14 Dixon Avenue
Concord, NH

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

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

THURSDAY, JUNE 12, 2008

COMMISSION TO STUDY METHODS AND COSTS OF SEWAGE, SLUDGE, AND SEPTAGE DISPOSAL (HB 699, Chapter 253:1, Laws of 2007)

9:00 a.m. Room 303, LOB Regular Meeting

FRIDAY, JUNE 13, 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

EMERGENCY MANAGEMENT SYSTEM JOINT LEGISLATIVE OVERSIGHT COMMITTEE (RSA 21-P:51)

10:00 a.m. Room 307, LOB Regular Meeting

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

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

MONDAY, JUNE 16, 2008

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

Cancelled Room 100, SH Regular Meeting

TUESDAY, JUNE 17, 2008

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

9:00 a.m. NH Department of Subcommittee Meeting
Revenue Administration

57, Regional Drive
Concord, NH

WEDNESDAY, JUNE 18, 2008

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

1:00 p.m. Room 201, LOB Regular Meeting

THURSDAY, JUNE 19, 2008

COMMISSION TO RECOMMEND A COMPREHENSIVE PROGRAM FOR INCREASING THE USE OF PASSENGER RESTRAINTS IN NEW HAMPSHIRE IN ORDER TO REDUCE MOTOR VEHICLE FATALITIES AND SERIOUS INJURIES AND THE RESULTING COSTS (HB 533, Chapter 326:4, Laws of 2007)

9:00 a.m. Room 302, LOB Regular Meeting

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, JUNE 20, 2008

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

9:00 a.m. Department of Resources and Regular Meeting
Economic Development
Concord, NH

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

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

GOVERNOR'S COMMISSION ON ALCOHOL AND DRUG ABUSE PREVENTION, INTERVENTION, AND TREATMENT (RSA 12-J:1)

9:30 a.m. Rooms 305-307, LOB Regular Meeting

MONDAY, JUNE 23, 2008

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

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

TUESDAY, JUNE 24, 2008

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

9:00 a.m. NH Department of Subcommittee Meeting
Revenue Administration
57, Regional Drive
Concord, NH

FRIDAY, JUNE 27, 2008

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

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

SENATE BILLS AMENDED BY THE HOUSE

SB 32-FN	increasing the maximum amount of debt or damages for small claims actions.
SB 63	authorizing the commissioner of revenue administration to extend tax filing deadlines for certain members of the armed forces.
SB 84	establishing procedural requirements to improve implementation of the 10-year highway plan.
SB 85	relative to eligibility for the property tax exemption for the disabled.
SB 90-FN	relative to the penalty for impersonating a law enforcement officer.
SB 94	relative to the office of information technology.
SB 102-FN	relative to the powers of state government in the event of an incident or outbreak of communicable disease.
SB 117-FN	relative to fireworks display permits and the position of permissible fireworks inspector.
SB 131	relative to insurance coverage for services of midwives.
SB 158	relative to review of activities affecting surface waters.
SB 166-FN	(New Title) relative to port moorings.
SB 173	relative to regulation of private postsecondary career schools.
SB 177	(New Title) relative to orders of reparation by the public utilities commission and penalties against public utilities.
SB 236	extending the authority for police mutual aid.
SB 259	establishing state appliance and equipment energy efficiency standards.
SB 308-FN-A	(2nd New Title) preventing potential double taxation on the identical gross business profits of business organizations.
SB 309-FN	relative to the regulation of amateur and professional fighting sports by the boxing and wrestling commission.
SB 318-FN	(New Title) establishing a commission to study the creation of a large animal care worker classification.
SB 319-FN	relative to third party liability and state recovery of public assistance.
SB 324-FN	consolidating all substance abuse services in the office of alcohol and drug abuse prevention within the department of health and human services.
SB 331-FN	establishing new positions and realigning functions at the department of corrections.
SB 332-FN	relative to resomation of human remains.

SB 335	allowing certain judges to terminate membership in the judicial retirement plan and elect senior active status.
SB 361	relative to the widening of Interstate 93.
SB 363	requiring youth operators and passengers of OHRVs and snowmobiles to wear approved protective headgear.
SB 370	relative to emergency powers of the supreme court.
SB 372	(New Title) relative to membership of the heating system certification advisory committee.
SB 373	(New Title) relative to definitions for and the application of the civil unions law to the retirement system.
SB 377	relative to the application of the prudent investor rule to town trust funds.
SB 379	relative to boating while intoxicated and transporting alcoholic beverages by a minor.
SB 384	relative to the repair of septic systems prior to the sale of waterfront property.
SB 390	establishing a suicide prevention council.
SB 414	(New Title) authorizing special elections to fill vacancies in elective town offices.
SB 420	(New Title) relative to criminal background checks of health care facilities and certain nurse applicants.
SB 429	relative to driver education courses in other states.
SB 430	relative to cemeteries and mausoleums.
SB 433	relative to confidential communications between a physician and a patient.
SB 440	relative to requiring occupational boards and commissions to include relevant military experience or training in satisfying requirements for engaging in a regulated profession.
SB 473	naming the Prisoners of War/Missing in Action Memorial in Hesky Park in the town of Meredith.
SB 474	relative to registers of deeds and reports of county officers.
SB 483	establishing a committee to study in-home intervention and counseling services for families and children charged with a crime or designated in need of services by the juvenile court.
SB 484	establishing a commission to investigate alternatives to incarceration for nonviolent offenders and cost savings related to such alternatives.
SB 495-FN	prohibiting Internet solicitation and exploitation of children.
SB 497-FN	relative to the security of bonds or notes issued to the New Hampshire Municipal Bond Bank.
SB 501-FN	(3rd New Title) relative to workers' compensation on certain state projects and penalty collection powers of the department of labor.
SB 513-FN	relative to fighting animals.
SB 533	establishing a committee to study age-based driver's license renewal testing.
SB 536-FN	reclassifying certain positions in the insurance department.

FISCAL NOTE ADDITIONS AND UPDATES HAVE BEEN AMENDED TO THE BILLS ON THE WEB SITE AND ARE AVAILABLE IN THE SENATE CLERK'S OFFICE FOR THE FOLLOWING 2008 BILLS:

SENATE BILLS: 63, 94, 103, 117, 146, 166, 173, 210, 212, 301, 303, 305, 306, 308, 310, 312, 314, 317, 318, 321, 323, 324, 325, 329, 330, 331, 332, 337, 342, 344, 348, 354, 356, 376, 378, 402, 410, 435, 437, 438, 439, 451, 463, 490, 500, 501, 502, 507, 508, 509, 515, 516, 519, 520, 522, 528, 530, 536, 539.

HOUSE BILLS: 91, 173, 185, 211, 285, 315, 352, 359, 399, 415, 563, 581, 595, 666, 678, 679, 686, 754, 765, 766, 794, 781, 837, 841, 901, 1127, 1152, 1168, 1293, 1307, 1341, 1343, 1348, 1394, 1395, 1405, 1429, 1434, 1436, 1457, 1472, 1502, 1505, 1509, 1579, 1584, 1590, 1594, 1596, 1604, 1607, 1615, 1618, 1619, 1622, 1640, 1643, 1645, 1648, 1652.

NOTICES

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

FRIDAY, MAY 9, 2008

YOU ARE CORDIALLY INVITED TO ATTEND

THE FIFTH ANNUAL

**GOVERNOR'S COUNCIL ON PHYSICAL ACTIVITY AND HEALTH
OUTSTANDING ACHIEVEMENT AWARDS**

FRIDAY, MAY 9, 2008

9:00 AM – 9:30 AM

NHTI Gymnasium

**The New Hampshire Technical Institute
31 College Drive
Concord, NH 03301**

**THE CEREMONY WILL HONOR ORGANIZATIONS, BUSINESSES, SCHOOLS, AND
INDIVIDUALS FOR THEIR OUTSTANDING ACHIEVEMENT IN PROMOTING PHYSICAL
ACTIVITY.**

**Please R.S.V.P. to Travis Horne at 603-224-7447 x223 or
via e-mail at thorne@nhlgc.org**

Sylvia B. Larsen, Senate President

MONDAY, MAY 12, 2008

All legislators and their families are invited to the Annual Gun Owners of New Hampshire "Legislative Firearms Orientation Day" event at Pelham Fish & Game in Pelham, NH on Monday, May 12th, from 9:00 a.m. until 3:00 p.m. This annual event is an opportunity to spend time with other New Hampshire legislators, with representatives from New Hampshire-based businesses, and with directors of GO-NH.

Lunch is provided, as well as shooting and safety instruction, ammunition, targets, eye and ear protection, and loaner firearms (and bring your own, if you like). This is a fun, relaxing, and informative day, centered around shooting and the shooting sports, which helps to further the goodwill which exists between the gun owners and the legislators of our great state.

RSVP by calling (603) 225-4664 or e-mailing ls@pelhamfishandgame.com
<<mailto:ls@pelhamfishandgame.com>> Be sure to state how many will be in your party.
Senator Robert E. Clegg, Jr.
Senator John S. Barnes, Jr.

TUESDAY, MAY 13, 2008

Annual Massage Therapy Day has been scheduled on Tuesday, May 13, 2008. All members and staff are welcome to free massages from 10:00 a.m. to 2:00 p.m. in Room 209, LOB. Sponsored by the NH Chapter of the National Association of Massage Therapists.
Sylvia B. Larsen, Senate President

WEDNESDAY, MAY 14, 2008

Osteoporosis, Education and Prevention Council – The annual education and prevention snack celebration will be held on **May 14** from 11:00 a.m. to 1:00 p.m. Bone density of the foot will be available. Everyone is welcome. Come join the fun in Room 100 of the State House.
Senator Sheila Roberge

WEDNESDAY, MAY 14, 2008

All legislators and staff are invited to a lunch on May 14 (please note date change) for a presentation of the report and recommendations of the New Hampshire Commission on Autism Spectrum Disorders established by HB 396, Chapter 171, 2007. The lunch will be in Rooms 210-211 of the LOB at the House Session break.

Senator Molly M. Kelly

MONDAY, MAY 19, 2008

All legislators, staff, and members of the public are invited to join the American Cancer Society Cancer Action Network for the arrival of the "Fight Back Express" bus. The "Fight Back Express" is traveling the country to call attention to the importance of health care access for all Americans. The bus will stop at the State House on Monday, May 19 at 10:00 a.m. For more information, please visit acscan.org/bus or call Peter Ames at 471-4110.

Senator Martha Fuller Clark

FRIDAY, MAY 30, 2008

All Legislators and Legislative Staff are invited to attend the Memorial Day Ceremony in Honor of Veterans at 11:00 a.m. on Friday, May 30, at the New Hampshire State Veterans Cemetery in Boscaawen. The address is 110 Daniel Webster Highway. Questions may be addressed to Cemetery Director Roger Desjardin's office at (603) 796-2026.

Senator John S. Barnes, Jr.

MONDAY, JUNE 2, 2008

Pursuant to RSA 326-B:10,IV, the Joint Health Council will meet at the NH Board of Nursing office located at the Walker Building, 21 S. Fruit St., Concord, N.H., on Monday, June 2, 2008 at 6:00 p.m.

Senator Iris W. Estabrook

FRIDAY, JUNE 6, 2008

The 35th Annual Bill White & Junie Blaisdell Ceremonial & Memorial Legislative Golf Tournament for the benefit of the **American Heart Association** is scheduled for **Friday, June 6, 2008** at the Beaver Meadow Golf Club, Concord, NH. The entry fee for this annual tournament is \$40.00 per legislator and legislative staff and \$100 for all others. A continental breakfast and barbeque lunch will be provided. There are prizes for the top-place finishers, and a raffle.

Registration is at 7:00 a.m. and the shotgun start is scheduled for 8:00 a.m. The format is "Captain and Crew."

Sign-up as a foursome or sign-up by yourself in order to be placed in a foursome.

As Beaver Meadow Golf Course requires advance notice of the number of participants, the deadline will be strictly enforced for planning purposes. Please note that payment must be made upon registration. There will be no exceptions to this rule! Cancellation must occur two weeks prior to the tournament date to receive a full fee refund.

Return your entry and payment no later than May 16th to Heather Ebbs in Room 307 of the LOB. Checks should be made payable to: **NH Legislative Golf Committee.**

Senator Robert E. Clegg Jr.

!

35th Annual Bill White & Junie Blaisdell Ceremonial & Memorial Golf
Tournament
Beaver Meadow Golf Course
Concord, NH

Name: 1. _____
2. _____
3. _____
4. _____

Telephone: _____ Amount Enclosed: _____

SENATE SCHEDULE

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 - MAY

State House Visitation Schedule May 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 **May 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 their 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

DATE	TIME	GROUP	CLASS/SIZE
May 9	8:45	New Hampton Community School	4/16
May 9	10:00	Hancock Elementary School	4/14
May 9	10:00	Greenfield Elementary School	4/25
May 9	11:30	Antrim Elementary School	4/33
May 9	1:00	Raymond Christian Home School	(3&4)/20
May 12	9:45	Dr. Louis Soule School – Salem	4/56
May 12	10:30/12:30 SH/Planet	Mildred C. Lakeway School – Littleton	4/66
May 13	8:45	Concord Christian Academy	4/20
May 13	9:30/11:00 SH/HM	Gossler Park School – Manchester	4/70
May 14	10:00/11:30 SH/HM	Interlakes Elementary School – Meredith	4/80
May 14	10:30	Campton Elementary School – Student Council	(6-8)/12
May 15	9:15	Jennie Blake School – Hill	4/15
May 15	10:30/12:00 SH/HM	Hampstead Central School	4/88
May 16	9:00/10:30 SH/HM	Maple Street School – Contoocook	4/80
May 16	1:00	Holderness Central School	4/25
May 19	9:45	Salem Christian Academy	4/20
May 19	11:00	Good Shepherd School – Barrington	(3&4)/15
May 19	12:30	Pierce Elementary School – Bennington	4/29
May 19	2:00	NARFE	Adult/25
May 20	9:30/11:00 SH/HM	Green Acres School – Manchester	4/105
May 20	12:30	Effingham Elementary School	4/12
May 21	10:00	Newfields Elementary School	4/33
May 21	11:00	Young Professionals Association – North Conway	Adults/15
May 21	12:00	Presentation of Mary Academy – Hudson	4/36
May 22	10:30	Alstead Primary School	4/20
May 22	10:30	Acworth Elementary School	4/7
May 22	11:30/1:00 SH/HM	DJ Bakie School – Kingston	4/80
May 22	1:00	Seminarians	Adult/25
May 23	10:00	Linwood Elementary School – Lincoln	4/40
May 23	11:30	Salisbury-Webster Elementary School	4/40
May 23	1:00	Bethlehem Elementary School	4/32
May 27	10:00	St. Mary's School – Claremont	4/11
May 27	10:00/11:30 SH/HM	Enfield Village School	4/56
May 28	10:30	Mountain Shadow School – Dublin	6/9
May 28	10:30	Nashua Christian Academy	4/11
May 28	12:00	St. Elizabeth of Seton School - Rochester	4/25
May 29	10:30/12:00 SH/HM	Auburn Village School	4/75

May 30	10:00	Ray School – Hanover	4/40
May 30	11:15	Gilmanton Elementary School	4/46
May 30	11:30	Russell School – Rumney	4/18

THE STATE OF NEW HAMPSHIRE

SUPREME COURT

In Case No. 2008-0292, Request for an Opinion of the Justices (Voting Age in Primary Elections), the court on April 24, 2008, issued the following order:

The following request of the house for an opinion of the justices was adopted on April 23, 2008, and filed with the supreme court on April 24, 2008:

HOUSE RESOLUTION 32

Whereas, Senate Bill 436, “An act enabling certain persons to vote in primaries prior to turning 18 years of age,” is presently pending in the house of representatives; and

Whereas, Senate Bill 436 would provide that a person who is 17 years of age and who otherwise meets voter eligibility requirements may participate in a party’s presidential primary and state primary election, provided that such person will be 18 years of age by the time of the next state general election; and

Whereas, Part I, Article 11 of the Constitution of New Hampshire states: “every inhabitant of the state of 18 years of age and upwards shall have an equal right to vote in any election,” N.H. CONST. pt. I, art. 11; and

Whereas, a question has arisen as to the constitutionality of the bill; and

Whereas, it is important that those constitutional questions be settled before the bill is enacted; now, therefore, be it

Resolved by the House of Representatives:

That the justices of the supreme court be respectfully requested to give their opinion upon the following questions of law:

1. Would enactment of Senate Bill 436 to allow voting in a presidential primary and state primary election by 17-year-old persons who will be 18 years of age at the next state general election, violate Part I, Article 11 of the Constitution of New Hampshire?

In Case No. 2008-0292, Request for an Opinion of the Justices (Voting Age in Primary Elections), the court on April 24, 2008, issued the following order:

2. Would enactment of Senate Bill 436 which places specific responsibilities upon local supervisors of the checklist regarding the registration, voting, and maintenance of the voter checklists involved in allowing voting in a presidential primary and state primary election by 17-year-old persons who will be 18 years of age at the next state general election, violate Part I, Article 28-a, of the Constitution of New Hampshire?

That the clerk of the house of representatives transmit copies of this resolution and Senate Bill 436 to the Justices of the New Hampshire Supreme Court.

Typewritten memoranda on the questions presented by the request may be furnished by any legislator, attorney, organization, interested party, or member of the public on or before May 7, 2008. An original and eight copies of any memorandum must be filed with the clerk's office.

This order is entered by a single justice (Broderick, C.J.). See Rule 21(7).

Eileen Fox,
Clerk