

May 31, 2007
No. 23

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, JUNE 6, 2007 AT 12:00 P.M.**

**THE SENATE WILL MEET IN SESSION ON
THURSDAY, JUNE 7, 2007 AT 10:00 A.M.**

LAI D ON THE TABLE

SB 89, authorizing the Holden School of Nursing to confer degrees. **2/22/07, pending motion ITL, Education, SJ 6, pg. 80**

SB 96, extending the veterans' property tax credit to all honorably discharged veterans. **3/15/07, pending motion ITL, Public and Municipal Affairs, SJ 8, pg. 112-113**

SB 110, relative to the ban on the sale and use of lead fishing jigs. **2/8/07, pending motion ITL, Wildlife, Fish and Game, SJ 3, pg. 39**

SB 112, relative to recommendations of marital masters. **4/12/07, pending motion Ordering to Third Reading, Judiciary, SJ 12, pg. 288**

SB 120, establishing a commission to study the removal of thimerosal from vaccines. **3/29/07, pending motion ITL, Health and Human Services, SJ 10, pg. 201**

SB 151, relative to drug nuisance abatement. **4/5/07, pending motion ITL, Judiciary, SJ 11, pg. 249**

SB 181-FN-A-L, adding a fee to motor vehicle fines for use by municipalities. **3/22/07, pending motion Committee Amendment (0528s), Transportation and Interstate Cooperation, SJ 9, pg. 175**

SB 203, relative to the use of the English language in writs and other court documents. **4/5/07, pending motion OTP, Judiciary, SJ 11, pg. 250**

SB 218, relative to notice of sale requirements for manufactured housing parks. **4/5/07, pending motion ITL, Commerce, Labor and Consumer Protection, SJ 11, pg. 218**

SB 225-FN-A-L, relative to allowing video gaming in Coos county, building casinos in Berlin and Portsmouth, and establishing a fund to assist with the payment of property taxes. **3/22/07, pending motion ITL, Ways and Means, SJ 9, pg. 177**

SB 227-FN, authorizing land and community heritage investment program donations accompanying motor vehicle registrations. **4/5/07, pending motion OTP, Transportation and Interstate Cooperation, SJ 11, pg. 247**

SB 249-FN, establishing a new position and relative to the realignment of functions in the department of corrections. **3/22/07, pending motion Committee Amendment (0734s), Executive Departments and Administration, SJ 9, pg. 153**

SCR 1, declaring a state of emergency in the town of Dorchester during the March 2006 floods. **2/15/07, pending motion OTP, Public and Municipal Affairs, SJ 4, pg. 61**

HB 87, relative to the exceptions to compulsory school attendance. **4/5/07, pending motion OTP, Education, SJ 11, pg. 232**

HB 88, establishing a committee to study single payer health care. **4/26/07, pending motion OTP, Commerce, Labor and Consumer Protection, SJ 14, pg. 320**

HB 143, relative to the apportionment of damages in civil actions. **5/31/07, pending motion OTP, Judiciary, SJ 19, pg. TBA**

HB 146, relative to nicknames on ballots. **4/18/07, pending motion Committee Amendment (1164s), Election Law and Internal Affairs, SJ 13, pg. 312**

HB 205, relative to procedures for certain court ordered out-of-district placements. **5/24/07, pending motion Committee Amendment (1662s), Education, SJ 18, pg. TBA**

HB 239-FN-A, appropriating funds to the barn preservation fund matching grants program. **5/24/07, pending motion Committee Amendment (1665s), Energy, Environment and Economic Development, SJ 18, pg. TBA**

HB 244, (New Title) repealing a certain provision of law regarding advance directives and mentally incompetent or developmentally disabled persons. **5/10/07, pending motion ITL, Judiciary, SJ 16, pg. 362**

HB 263-FN, relative to health insurance riders. **5/24/07, pending motion Committee Amendment (1655s), Commerce, Labor and Consumer Protection, SJ 18, pg. TBA**

HB 457, (New Title) allowing local governing bodies to restrict lawn watering during declared droughts. **5/31/07, pending motion OTP, Public and Municipal Affairs, SJ 19, pg. TBA**

HB 504-FN, relative to registration requirements for certain criminal offenders under age 21. **5/24/07, pending motion No Recommendation, Judiciary, SJ 18, pg. TBA**

HB 513, establishing a housing commission. **5/3/07, pending motion Committee Amendment (1324s), Public and Municipal Affairs, SJ 15, pg. 332**

HB 523, (New Title) relative to lobbyist registration and statements, and regulation of volunteer public service. **5/17/07, pending motion Floor Amendment (1664s), Election Law and Internal Affairs, SJ 17, pg. 374**

HB 638, relative to lease agreements entered into by the department of transportation. **4/26/07, pending motion Ought to Pass with Amendment, Finance, SJ 14, pg. 325**

HB 749, changing the position of forensic toxicologist within the department of safety from an unclassified to a classified position. **5/24/07, pending motion OTP, Finance, SJ 18, pg. TBA**

HB 828-FN, relative to a state ethics officer. **5/24/07, pending motion Committee Amendment (1693s), Election Law and Internal Affairs, SJ 18, pg. TBA**

REPORTS

CAPITAL BUDGET

HB 25-FN-A, making appropriations for capital improvements.
Ought to pass with amendment, Vote 5-1
Senator Hassan for the committee.

COMMERCE, LABOR AND CONSUMER PROTECTION

HB 137, relative to food safety in restaurants.
Inexpedient to Legislate, Vote 5-1
Senator Roberge for the committee.

HB 203, relative to protections for temporary workers.
Ought to pass with amendment, Vote 6-0
Senator Cilley for the committee.

HB 232, (New Title) relative to retaliatory rent increases and mediation of manufactured housing park disputes.
Re-refer to committee, Vote 6-0
Senator Cilley for the committee.

HB 236, relative to the use of "farmer's markets" in trade names.
Ought to Pass, Vote 6-0
Senator DeVries for the committee.

HB 254, relative to mandatory employer meetings about political and religious beliefs, including beliefs about joining a union.
Re-refer to committee, Vote 5-1
Senator DeVries for the committee.

HB 305, (New Title) establishing a task force to develop legislation for expanding access to affordable health insurance for the 2008 and 2009 legislative session.
Ought to pass with amendment, Vote 5-0
Senator Reynolds for the committee.

HB 797, regulating mandatory overtime for nurses and assistants.
Ought to Pass, Vote 3-2
Senator Cilley for the committee.

HB 848, relative to a private right of action to recover workers' compensation coverage payments.
Inexpedient to Legislate, Vote 4-2
Senator Gottesman for the committee.

EDUCATION

HB 558, (New Title) repealing the education trust fund.
Inexpedient to Legislate, Vote 5-0
Senator Foster for the committee.

HB 822, relative to enrollment of students in regional vocational schools.
Ought to pass with amendment, Vote 5-0
Senator Bragdon for the committee.

ELECTION LAW AND INTERNAL AFFAIRS

HB 429, relative to nominations by multiple parties.
Ought to pass with amendment, Vote 3-0
Senator Burling for the committee.

ENERGY, ENVIRONMENT AND ECONOMIC DEVELOPMENT

HB 62, (New Title) relative to balloons being released into the air.
Inexpedient to Legislate, Vote 6-0
Senator Fuller Clark for the committee.

HB 383, (New Title) relative to waterfront buffer and woodland buffer requirements in the comprehensive shoreland protection act.
Ought to pass with amendment, Vote 5-0
Senator Cilley for the committee.

HB 392, relative to the use of property held by the state of New Hampshire under an easement specifying low impact recreational use only.
Re-refer to committee, Vote 6-0
Senator Cilley for the committee.

HB 416, relative to mercury reduction.
Ought to pass with amendment, Vote 6-0
Senator Hassan for the committee.

HB 460, relative to conservation restrictions to protect public water supplies.
Re-refer to committee, Vote 6-0
Senator Fuller Clark for the committee.

HB 672, establishing a commission to study requirements for safe and secure landfills.
Ought to pass with amendment, Vote 3-0
Senator Barnes for the committee.

HB 699, establishing a commission to study methods and costs of sewage, sludge, and septage disposal.
Ought to pass with amendment, Vote 3-0
Senator Cilley for the committee.

HB 812, relative to making permanent certain exceptions to limits on land application of septage and sludge.
Ought to pass with amendment, Vote 4-0
Senator Cilley for the committee.

HB 815-FN-A, (New Title) requiring the display of boater education decals on vessels registered in other states.
Inexpedient to Legislate, Vote 4-0
Senator Fuller Clark for the committee.

FINANCE

HB 488-FN-A-L, (New Title) relative to the state chief medical examiner and medico-legal death investigations and making an appropriation to the department of justice for autopsy costs.
Re-refer to committee, Vote 7-0
Senator Hassan for the committee.

HB 498-FN-A, dedicating certain OHRV and snowmobile unrefunded road tolls to the fish and game department.
Ought to Pass, Vote 7-0
Senator Gallus for the committee.

HB 664-FN, relative to annual dam registration and permit application fees.
Ought to Pass, Vote 7-0
Senator Odell for the committee.

HB 826-FN, (New Title) relative to coverage of services and items under the medical assistance program.
Ought to Pass, Vote 7-0
Senator Sgambati for the committee.

HB 827-FN, relative to the reasonable cost of medical support for dependent children.
Ought to Pass, Vote 7-0
Senator Sgambati for the committee.

HEALTH AND HUMAN SERVICES

HB 134, relative to electronic prescribing for prescription drugs.
Ought to pass with amendment, Vote 2-0
Senator Fuller Clark for the committee.

HB 140, (New Title) establishing the New Hampshire commission on deafness and hearing loss.
Ought to pass with amendment, Vote 2-0
Senator Estabrook for the committee.

HB 148, establishing a commission to study pharmaceutical costs and the 340B Drug Pricing Program.
Ought to pass with amendment, Vote 2-0
Senator Estabrook for the committee.

JUDICIARY

HB 51, permitting adoption by 2 unmarried adults in a familial relationship.
Inexpedient to Legislate, Vote 3-2
Senator Foster for the committee.

HB 94, relative to overpayments of child support.
Ought to pass with amendment, Vote 5-0
Senator Reynolds for the committee.

HB 184, repealing the parental notification law.
Ought to Pass, Vote 3-2
Senator Foster for the committee.

HB 194, relative to laboratories conducting alcohol concentration tests.
Ought to pass with amendment, Vote 5-0
Senator Gottesman for the committee.

HB 539-FN, relative to manslaughter.
Re-refer to committee, Vote 5-0
Senator Gottesman for the committee.

HB 707, relative to the time frames for hearings in domestic violence cases.
Ought to pass with amendment, Vote 5-0
Senator Reynolds for the committee.

PUBLIC AND MUNICIPAL AFFAIRS

HB 377-FN-L, relative to the right-to-know law.
Ought to pass with amendment, Vote 3-0
Senator Hassan for the committee.

WAYS AND MEANS

HB 229, relative to licensing requirements for operators of games of chance.
Ought to pass with amendment, Vote 4-0
Senator D'Allesandro for the committee.

HB 393, relative to information filed by utilities paying the utility property tax.

Ought to Pass, Vote 4-0

Senator D'Allesandro for the committee.

HB 511, (New Title) increasing the total prize value of a bingo game or series of games.

Ought to pass with amendment, Vote 4-0

Senator Reynolds for the committee.

AMENDMENTS

Capital Budget

May 24, 2007

2007-1781s

10/09

Amendment to HB 25-FN-A

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

1 Capital Appropriations. The sums hereinafter detailed are hereby appropriated for the projects specified to the departments, agencies, and branches named:

I. Adjutant General.

A. Armory - Roofing Projects	\$600,000
B. Armory - Statewide Auxiliary Power	1,500,000
Less Federal	<u>-750,000</u>
Net state appropriation subparagraph B	750,000
C. Armory - Alarm Fire Systems	575,000
Less Federal	<u>-287,500</u>
Net state appropriation subparagraph C	287,500
D. NHSVC - Columbarium Expansion	765,000
Less Federal	<u>-765,000</u>
Net state appropriation subparagraph D	0
E. 195th Training Institute Land Acquisition	3,500,000
F. Regional Training Institute Construction	38,000,000
Less Federal	<u>-38,000,000</u>
Net state appropriation subparagraph F	0
G. Mini-Excavator-Veterans' Cemetery	62,000
H. Pole Barn - Veterans' Cemetery	<u>70,000</u>
Total state appropriation paragraph I	\$5,269,500

II. Department of Administrative Services.

A. Bureau of Court Facilities.

1. Hillsborough County North - Asbestos Abatement	\$2,000,000
2. Laconia District Court	975,000
3. Merrimack District Courthouse*	<u>7,000,000</u>
Total state appropriation subparagraph A	\$9,975,000

* The sum appropriated in subparagraph A. 3 for the Merrimack district courthouse shall not be spent, obligated, or encumbered until land suitable for a standard court facility similar to the Dover district court layout has been acquired prior to July 1, 2008 provided that there is no cost of land acquisition by the state and that site work and infrastructure costs can be accomplished within the sum appropriated or the authority shall lapse.

B. Bureau of General Services.

1. State House Annex - Renovate Restrooms	\$177,000
2. State House, State Library and LOB – Maintenance and Repointing	270,000
3. Safety Building - Replace HVAC Chillers	720,000
4. Monadnock Mill - New Roof	225,000
5. All State Owned Facilities	100,000
6. All State Owned Buildings - Energy Improvement Fund	250,000
7. Legislative Office Building - Replace Ice Stop System	104,000
8. Statewide Library Renovations	775,000
9. M & S Building Project Additional Renovations	<u>2,985,700</u>
Total state appropriation subparagraph B	<u>\$5,606,700</u>
Total state appropriation paragraph II	\$15,581,700

III. Department of Agriculture, Markets, and Food.

A. NH Building at Eastern States Exposition	<u>\$190,000</u>
Total state appropriation paragraph III	\$190,000

IV. Community-Technical College System.*

A. Automotive Bldg Education and Training Center Updates - Manchester	\$3,000,000
B. Main Building Renovations, Interior - Berlin	1,000,000
C. Main Campus Renovations - Laconia	2,000,000
D. Wellness Student Center - Berlin	1,160,000
Less Other**	<u>-1,160,000</u>
Net state appropriation subparagraph D	0

**To provide funds for the appropriations made in subparagraphs D, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$1,160,000 and for said purpose may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with RSA 6-A. Payments of principal and interest on the bonds and notes shall be made from student fees.

E. Health, Education, Technology Center - Nashua	500,000
F. Academic, Career and Health Education Center - NHTI	6,500,000
Less Federal	-491,032
Less Other**	<u>-2,008,968</u>
Net state appropriation subparagraph F	4,000,000

**To provide funds for the appropriations made in subparagraphs F, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$2,008,968 and for said purpose may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with RSA 6-A. Payments of principal and interest on the bonds and notes shall be made from donations, pledges, and grants.

G. Pease Campus Renovation - Main Campus	11,000,000
Less Other (Sale of Land) **	<u>-11,000,000</u>
Net state appropriation subparagraph G	0

**The proceeds from the sale of the Stratham campus land shall be used up to July 1, 2010 to offset the sum appropriated for the Pease campus renovation authorized in subparagraph G.

H. Planning Funding for Future Projects – Systemwide	250,000
I. Information Technology- Standardize System wide Network Architecture	1,000,000
J. Critical Maintenance/Repairs - Systemwide	4,000,000
K. Student Services, Nursing Lab and Classroom - Claremont	450,000
L. Christa McAuliffe Planetarium - Alan B Shepard Mem. Wing	4,263,167
Less Other**	<u>-4,263,167</u>
Net state appropriation subparagraph L	<u>0</u>

**To provide funds for the appropriations made in subparagraph L, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$4,263,167 and for said purpose may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with RSA 6-A. Payments of principal and interest on the bonds and notes shall be made from the planetarium fund established in RSA 12-L:10.

Total state appropriation paragraph IV	\$16,200,000
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* Notwithstanding the requirements of sections 3, 5, 8, 9, and 10 of this act, for the biennium ending June 30 2009, the appropriations made for the purposes mentioned in paragraph IV and the sums available for these projects shall be expended by the community technical college system board of trustees. The board of trustees may choose to utilize the services of the bureau of public works design and construction, department of administrative services, for any project. The community technical college system board of trustees is authorized to hire architects, professional engineers, surveyors, and contractors, in accordance with RSA 21-I:22. The board of trustees shall report on the progress of the projects in paragraph IV to the capital budget overview committee on a quarterly basis.

V. Department of Corrections.

A. Electronic Security Upgrades - Men's Prison	\$ 350,000
B. Chiller and Tower Replacement – Men's Prison	349,400
C. Structural Wall and Beam Repair – Men's Prison	1,780,000
D. Boiler Room Upgrades – Men's and Women's Prisons	370,000
E. Roof Repairs – Men's Prison	1,300,000
F. Sewer Stormwater Water System Repairs – Lakes Region Facility*	1,300,000

*The department shall seek and apply for federal matching funds and state revolving funds for the project in subparagraph F. Any matching funds received shall reduce the state appropriation as provided in section 9 of this act.

G. Residential Treatment Unit, Phase 1 - Concord	1,480,000
H. Comprehensive Master Plan and Secure Psychiatric Care*	500,000

* The comprehensive master plan shall include planning for the expansion of the maximum security unit in Berlin and planning for a minimum security unit in Berlin, and shall consider how to best house non-violent offenders.

I. HVAC and Water Upgrades - Community Corrections	<u>410,000</u>
Total state appropriation paragraph V	\$7,839,400

VI. Department of Education.

A. Renovation Regional Career and Tech Ed Center - Exeter	\$6,375,000
B. Renovation Regional Career and Tech Ed Center - Manchester	7,425,000
C. Pre-Engineering Technology	<u>400,000</u>
Total state appropriation paragraph VI	\$14,200,000

VII. Department of Environmental Services.

A. Drinking Water SRF Matching Funds*	\$3,249,460
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* The department shall give a priority to the SRF project authorized for the department of corrections in subparagraph V. F.

B. Wastewater SRF Matching Funds	3,008,863
C. Hazardous Waste Superfund Match I	1,040,000
D. Technical Services - Air Monitoring Program	274,100
E. Stream Gauges	120,000
F. Gorham Office Repairs and Renovations	<u>50,000</u>

Total state appropriation paragraph VII	\$7,742,423
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VIII. Department of Health And Human Services.

A. Main Building - Asbestos Abatement	\$250,000
B. Main Building - Lead Paint Abatement	191,000
C. Glencliff - Brown Building Patient Room Floor Abatement	950,000
D. Replacement of Huntress and Lodge Houses	976,000
E. Twitchell Bldg - Roof Replacement and Electrical Upgrade	<u>383,000</u>

Total state appropriation paragraph VIII	\$2,750,000
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IX. Housing Finance Authority.

A. Affordable Housing *	<u>1,000,000</u>
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Total state appropriation paragraph IX	\$1,000,000
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* The appropriation for affordable housing shall be expended as matching funds for low income workforce housing which is not restricted due to age or children.

X. Liquor Commission.

A. Store Parking Lot #76, Manhole/ Surface Repairs, Sealing	\$50,000
B. Concord Warehouse Racking	<u>270,000</u>

Total state appropriation paragraph X	\$320,000
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XI. Pease Development Authority.

A. Market Street Marine Terminal Pier	2,300,000
Less Other*	<u>-2,300,000</u>

Net state appropriation subparagraph A	<u>0</u>
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B. Rye Harbor Commercial Fish Pier	1,560,000
Less Other*	<u>-1,560,000</u>

Net state appropriation subparagraph B	0
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*To provide funds for the appropriations made in subparagraphs A and B, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$3,860,000 and for said purpose may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with RSA 6-A. Payments of principal and interest on the bonds and notes shall be made from fees relating to wharfage, dockage, and other marine terminal operations under RSA 12-G:42. For the appropriation made in subparagraph A, the Pease development authority and the attorney general shall seek reimbursement or restitution for the cost of repairs of damage to the facility, and the appropriation may not be expended until approval is received by the capital budget overview committee.

Total state appropriation paragraph XI	\$0
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XII. Department of Resources and Economic Development.

A. Statewide Park Funding	\$6,000,000
B. Temple Mountain Purchase*	435,000

*The sum appropriated in subparagraph B shall not be spent, obligated, or encumbered until the remaining sums required for the purchase are received. The purchase of property shall not be subject to deed restrictions which prohibit the installation of telecommunications or similar towers and associated facilities on the property or which prohibit any off-road motorized vehicular recreational activities. The department of resources and economic development shall not develop, operate, or maintain any recreational facilities on the property unless funding for such development, operation, or maintenance is provided through state, federal, or municipal sources, private contributions, or other sources, nor shall the department use any state park fund money for the purposes of development, operation, or maintenance of the Temple Mountain property.

C. Statewide - Exterior Repairs, Roofing	400,000
D. New Facility – Allenstown	1,149,758
Less Other (Sale of Land- Concord) *	<u>-332,000</u>
Total state appropriation subparagraph D	817,758

* The sum appropriated in subparagraph D shall not be spent, obligated, or encumbered until the proceeds from the sale of land are received.

E. Statewide Radio System	<u>883,000</u>
Total state appropriation paragraph XII	\$8,535,758

XIII. Department of Transportation.

A. 5-10% Match for FAA Projects	\$50,765,517
Less Federal	-41,423,900
Less Other	<u>-6,632,870</u>
Net state appropriation subparagraph A	2,708,747
B. Public Transit Bus Replacement	384,500
C. Rail - Match*	500,000

*The state funds authorized for rail match shall not be expended until the local match is acquired.

D. Repair State Rail Lines	950,000
E. Maintenance Hanger at the Skyhaven Airport	650,000
Less Other*	<u>-650,000</u>
Net state appropriation subparagraph E	<u>0</u>

*To provide funds for the appropriations made in subparagraph E, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$650,000 and for said purpose may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with RSA 6-A. Payments of principal and interest on the bonds and notes shall be made from the Skyhaven airport maintenance and operations fund under RSA 422:39.

F. Groveton Branch Line*	<u>500,000</u>
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* The sums appropriated in subparagraph F shall be expended in accordance with the procedures in RSA 228:66.

Total state appropriation paragraph XIII	\$ 5,043,247
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XIV. Veterans' Home.

A. Upgrades to Facility/Asbestos Abatement	\$1,165,000
Less Federal	<u>-757,250</u>
Net state appropriation subparagraph A	407,750

B. Energy Enhancements	5,000,000
Less Federal	<u>-3,250,000</u>
Net state appropriation subparagraph B	1,750,000
C. Therapeutic Pool Study	<u>50,000</u>
Total state appropriation paragraph XIV	<u>\$ 2,207,750</u>
Total state appropriation section 1	\$86,879,778

2 Appropriations; Highway Fund. The sums hereinafter detailed are appropriated for the projects specified:

I. Department of Safety.

A. Sprinklers 3rd Floor 33 Hazen & Elevator Control Upgrades	\$550,000
B. 33 Hazen - Computer Room Electrical Upgrades	548,000
C. Lab HVAC Modification/Upgrade	220,000
D. OIT projects for DMV	<u>2,390,000</u>
Total state appropriation paragraph I	\$3,708,000

II. Department of Transportation.

A. Patrol and Salt Sheds	\$ 1,300,000
B. Statewide - Energy/Environmental Renovations	500,000
C. Chesterfield Welcome Center *	3,000,000

* All rents and lease payments made for use of the Chesterfield welcome center property shall be credited to the highway fund. The liquor commission shall pay rent to the department of transportation for its facility on the property at the rate paid for non-state facilities.

D. Fuel Center Computer System	800,000
E. Hazen Drive – Roadway Improvements and Sidewalk Extension	1,100,000
F. Highway Construction Projects	
1. Consolidated Federal Funds – State Match	27,695,260
2. Betterment *	15,000,000
3. State Highway Construction Aid	3,600,000
4. Municipal Bridge Program *	<u>13,600,000</u>
Total state appropriation subparagraph F	<u>59,895,260</u>

* Section 9 of this act shall not apply to the sums appropriated in subparagraph F. 2 and F.4 .

Total state appropriation paragraph II	<u>\$66,595,260</u>
Total state appropriation section 2	\$70,303,260

3 Expenditures; General. The appropriation made for the purpose mentioned in sections 1 and 2 and the sums available for those projects shall be expended by the trustees, commissions, commissioner, or department head of the institutions and departments referred to herein; provided that all contracts and projects and plans and specifications therefor shall be awarded in accordance with the provisions of RSA 21-I and RSA 228.

4 Land Acquisition. Any land acquired under the appropriations made in sections 1 and 2 of this act, if any, as may be acquired under the appropriation except such land if any as may be acquired for the water resources board, shall be purchased by the commissioner of department of transportation or the commissioner of administrative services, as appropriate, with the approval of governor and council.

5 Bureau of Public Works Design and Construction; Construction Inspection Services. The appropriations for those projects which are managed by the bureau of public works design and construction, department of administrative services, may be expended to fund temporary personnel for the purpose of providing construction inspection services for those projects included in sections 1 and 2 of this act.

6 Bond Authorized. To provide funds for the total of the appropriations of state funds made in sections 1 and 2 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$157,183,038 and for said purposes may issue bonds and notes in the names and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A.

7 Payments.

I. The payment of principal and interest on bonds and notes issued for the projects in section 1 shall be made when due from the general funds of the state.

II. The payment of principal and interest on bonds issued for the projects in section 2 shall be made from the highway fund.

8 Powers of Governor and Council. The governor and council are hereby authorized and empowered:

I. To cooperate with and enter into such agreements with the federal government, or any agency thereof, as they may deem advisable, to secure federal funds for the purposes hereof.

II. To accept any federal funds which are, or become available for any project under sections 1 and 2 of this act beyond the estimated amounts. The net appropriation of state funds for any project for which such additional federal funds are accepted shall be reduced by the amount of such additional funds, and the amount of bonding authorized by section 6 of this act shall be reduced by the same amount.

9 Transfers. The individual project appropriations provided in sections 1 and 2 of this act shall not be transferred or expended for any other purposes; provided that if there is a balance remaining after an individual project, which is fully funded by state funds, is completed, accepted, and final payment made, said balance or any part thereof may be transferred by governor and council, to any other individual project or projects, which are also fully funded by state funds, within the same section and from the same funding source, provided that prior approval of the capital budget overview committee is obtained.

10 Reduction of Appropriation and Bonding Authority. If the net appropriation of state funds for any project provided for by sections 1 and 2 of this act is determined on the basis of an estimate of anticipated federal, local, or other funds, and if the amount of such funds actually received or available is less than said estimate, then the total authorized cost for such projects and the net appropriation of state funds thereof shall be reduced by the same proportion as the proportion by which federal, local, or other funds are reduced. The amount of bonding authorized by section 6 of this act shall be reduced by the amount that the appropriation of state funds is reduced pursuant to this section.

11 Commission Established; Road Toll Authority.

I. There is established a commission to study the transfer of road toll collections to the department of revenue administration.

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

(a) Three members of the house of representatives, appointed by the speaker of the house of representatives.

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

(c) The commissioner of safety, or designee.

(d) The commissioner of revenue administration, or designee.

III. Legislative members of the commission shall receive mileage at the legislative rate when attending to the duties of the commission.

IV. The commission shall study transferring the authority for road toll collections and administration from the department of safety to the department of revenue administration.

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

VI. The commission shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2007.

12 2005 Appropriation; Health and Human Services; Amount Increased. Amend 2005, 259:1, VII, E to read as follows:

E. Renovation/Moving of Dietary Area - Glencliff [-581,000]**1,081,000**

13 2005 Health and Human Services; Total Amended. Amend 2005, 259:1, VII, total state appropriation paragraph VII, to read as follows:

Total state appropriation paragraph VII [~~\$3,294,000~~]**\$3,794,000**

14 2005 Appropriation Purpose Amended; Amount Increased. Cheshire County Courthouse Design. Amend 2005, 259:1, II, A, 2 to read as follows:

2. Cheshire **and Merrimack** County Courthouse Design [~~*~~], **and**
Keene District Court Design and Renovate Temporary Space [250,000]**400,000**

~~[* The appropriation for the design of the Cheshire County courthouse shall not be expended until input is received from the Cheshire County commissioners.]~~

15 2005 Court Facilities; Total Amended. Amend 2005, 259:1, II, total state appropriation subparagraph A, to read as follows:

Total state appropriation subparagraph A [~~\$4,833,000~~]**\$4,983,000**

16 2005 Administrative Services; Total Amended. Amend 2005, 259:1, II, total state appropriation paragraph II, to read as follows:

Total state appropriation paragraph II [~~\$16,957,500~~]**\$17,107,500**

17 2005 Capital Budget; Total Amended. Amend 2005, 259:1, total state appropriation section 1, to read as follows:

Total state appropriation section 1 [~~\$81,184,207~~]**\$81,834,207**

18 2005 Capital Budget; Bonds Authorized; Total Amended. Amend 2005, 259:8, I to read as follows:

I. To provide funds for the total of the appropriations of state funds made in sections 1, 3, and 4 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of [~~\$95,752,207~~]**\$96,402,207** and for said purposes may issue bonds and notes in the names and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A.

19 Appropriation Purpose Amended. Department of Transportation. Amend 2005, 259:4, II, D to read as follows:

D. District 5 Office – [~~Hooksett~~] **Bedford, and**
Renovate for Manchester Trooper Barracks 1,780,000

20 Appropriation Purpose Amended. Department of Transportation. Amend 2005, 259:1, XIII, F to read as follows:

F. Railroad Acquisition, Right of First Refusal – **Rail Match*** 500,000

***The state funds authorized for rail match shall not be expended until the local match is acquired.**

21 Christa McAuliffe Planetarium; Alan B. Shepard Memorial Wing; Project Funding. Amend 2003, 240:1, III to read as follows:

III. Community-Technical College System.

A. Library Expansion - Academic Program Support - Stratham	\$ 2,373,000
B. Library Addition - Design - Claremont	125,000
C. Ventilation - Berlin	307,000
D. Student Residence Hall Rehabilitation -NHTI	270,000
E. New Academic Building – Laconia	5,500,000

F. MacRury Hall Addition – Dental Facility	1,500,000
G. Critical Repairs	1,252,000
H. Christa McAuliffe Planetarium – Alan B. Shepard Mem. Wing	[6,200,000] 5,019,000
Less Federal	[-4,900,000] <u>3,719,000</u>
Net state appropriation subparagraph H	1,300,000
I. Police Standards and Training – Storage Building Expansion	<u>95,000</u>
Total state appropriation paragraph III	\$12,722,000

The sum appropriated in subparagraph E for the academic building in Laconia shall not be spent, obligated, or encumbered until the department has received approval of the master plan process from the capital budget overview committee. In addition to the approval of the master plan process, the department shall submit the program and design development drawings which include cost estimates, design criteria, and square footage requirements for the project in subparagraph E to the capital budget overview committee for its review and approval.

~~[No state funds may be expended for the Shepard memorial wing project in subparagraph H until all the federal funds for the project have been received.]~~

22 2001 Capital Budget; Administrative Services; Projects Added. Amend 2001, 202:1, II to read as follows:

II. Administrative Services.

A. Bureau of General Services.

1. State Laboratory - Complete HVAC Repairs	\$ 8,552,200
2. E-911 Install Ventilation Unit	133,000
3. 6 Hazen Drive - Install Fire Suppression System	807,500
4. State Library - Install Fire Suppression System	310,000
5. State House Annex - Life Safety Code Improvements	106,500
6. State House Annex - Upgrade Elevators	198,000
7. 6 Hazen Drive - Replace State Laboratory Roof	160,000
8. State House - Upgrade Elevators	198,000
9. State House - Repoint Exterior Granite & Caulk Windows	205,000
10. State House – Dome	300,000
11. State House Annex – Mailroom Lift	93,500
12. Johnson Hall Renovations - State Office Park South	229,576
13. Storrs Street Garage - Parking Garage Repairs	513,000
14. State House Complex, Repairs	316,000
15. Hugh Gallen State Office Park – Roof Repairs	<u>622,930</u>

Total state appropriation subparagraph A	[\$11,806,276] \$12,745,206
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B. Bureau of Court Facilities.

1. Carroll County Courthouse Construction	\$ 6,250,000
2. Roof – Nashua District Court	<u>115,700</u>
Total state appropriation subparagraph B	\$ 6,365,700
Total state appropriation paragraph II	[\$18,171,976] \$19,110,906

23 2001 Capital Budget; Health and Human Services; Project Amended. Amend 2001, 202:1, IX to read as follows:

IX. Department Of Health & Human Services.

A. Patient Res. ADA & Fire Sys/Transitional Housing	
– State Office Park South	\$433,750
B. Asbestos Abatement - State Office Park South	996,250
C. Main Building - ADA, Fire/Life Safety Renovations	265,000
D. MOP Roof Replacement/Wiring, Phone, Alarm - Laconia	210,000
E. Laconia MR Offenders New Building	500,000
F. Patient Care Network *	700,000
G. LITS (Lab Information Tracking System) *	250,000
H. Bridges Enhancement *	[3,000,000] 2,061,070
Less Federal	<u>-1,500,000</u>
Net state appropriation subparagraph H	[1,500,000] 561,070
I. DFA New Heights Enhancements *	3,100,000
Less Federal	<u>-1,550,000</u>
Net state appropriation subparagraph I	1,550,000
J. Public Health Laboratories Replacement Equipment	<u>495,000</u>
Total state appropriation paragraph IX	[\$6,900,000] \$5,961,070

24 Community Technical Colleges; Pease Added. Amend 2005, 259:1, III, D to read as follows:

D. Critical Maintenance Manchester/Stratham/ Pease	900,000
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25 University System of New Hampshire; Stadium and Athletic Complex Renovations. Amend 2005, 259:2, III to read as follows:

III. In addition to sums appropriated to the university system of New Hampshire in paragraphs I and II, the sum of \$3,000,000 is appropriated beginning July 1, 2007 for the capital project on the UNH campus for the renovation of the stadium and the athletic complex; provided, however, that the \$3,000,000 state appropriation shall not be expended or encumbered until the board of trustees certifies to the capital budget overview committee that by June 30, ~~[2007]~~ **2009** the sum of \$30,000,000 in private capital has been raised and committed to the stadium and athletic complex renovation project. The appropriation in this paragraph shall not lapse until July 1, 2009. The board of trustees shall include in the quarterly reports to the capital budget overview committee required under paragraph II a summary of the commitments of private capital for the stadium and athletic complex renovation project.

26 Appropriation Purpose Amended. Amend 2005, 259:4, I, D to read as follows:

D. Milford DMV Office Addition Design, and	
Renovate Manchester Trooper Barracks at DOT Dist. 5 Office - Bedford	462,000

27 Appropriation; Department of Environmental Services; Department of Resources and Economic Development.

I. The sum of \$6,220,000 for the fiscal year ending June 30, 2007 is hereby appropriated to the department of environmental services. The sum appropriated to the department of environmental services shall be expended during fiscal years 2008 and 2009 by the department for the following dam reconstruction and renovation projects: Pittsfield Mill dam, Waumbek dam, Pleasant Lake dam, Mendums Pond dam, Highland Lake dam, Buck Street dam, Alton power dam, Perkins Pond dam, Milton 3 pond, Northwood Lake, Pawtuckaway Lake dam, Seaver reservoir dam, Shehan Pond dam, Little Bog Pond, Jones Brook dam, Woodman Marsh dam, Barnstead Parade, Durham reservoir dam, and the Kelley Falls dam. The department of environmental services may complete the projects authorized in this paragraph by contract construction in accordance with the procedures of the bureau of public works design and construction, or by force account under RSA 482. The department is authorized to reallocate appropriated funds as necessary to address

emergencies or more pressing repair or reconstruction needs at dams other than those that are currently anticipated to be addressed with these funds and the department shall provide written notification to the capital budget overview committee within 30 days following any such reallocation.

II. The sum of \$2,500,000 for the fiscal year ending June 30, 2007 is hereby appropriated to the department of resources and economic development. The sum appropriated to the department of resources and economic development shall be expended during fiscal years 2008 and 2009 on the Hampton Beach sea wall project.

III. These appropriations are in addition to any other funds appropriated to the department of environmental services and the department of resources and economic development. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

IV. Any unexpended sums appropriated by this section shall lapse on June 30, 2009.

28 Lapse Dates Extended to June 30, 2009. The following appropriations are hereby extended to June 30, 2009:

I. The appropriation made to the adjutant general in 2001, 202:1, I, C, as extended by 2003, 240:34, IV, and 2005, 259:25, I, for army aviation support facility construction - Concord.

II. The appropriation made to the adjutant general in 2003, 240:1, I, A, as extended by 2005, 259:25, II, and as amended by 2006, 272:2, for armory renovations, disposals, or land acquisition.

III. The appropriation made to the adjutant general in 2003, 240:1, I, D, as extended by 2005, 259:25, V, for joint service training facility design.

IV. The appropriation made to the adjutant general in 2005, 259:1, I, A, for armory renovations.

V. The appropriation made to the adjutant general in 2005, 259:1, I, B, for armory kitchen expansion.

VI. The appropriation made to the adjutant general in 2005, 259:1, I, C, for re-roofing building F & L.

VII. The appropriation made to the department of administrative services - bureau of court facilities in 2003, 240:, II, A, 1, as extended by 2005, 259:25, VII, for architectural and engineering - Hampton district court.

VIII. The appropriation made to the department of administrative services - bureau of court facilities in 2005, 259:1, II, A, 1, for Laconia district court renovation.

IX. The appropriation made to the department of administrative services - bureau of court facilities in 2005, 259:1, II, A, 2, as amended by section 14 of this act, for Cheshire and Merrimack county courthouse design and Keene district court design and renovate temporary space.

X. The appropriation made to the department of administrative services - bureau of general services, in 1999, 226:1, II, A, 8, as extended by 2001, 202:28, XIV, 2003, 240:34, XX, and 2005, 259:25, VI, for executive/legislative budget system.

XI. The appropriation made to the department of administrative services - bureau of general services in 2003, 240:1, II, B, 11, as extended 2005, 259:25, XIII, for Monadnock mill - repair building foundation.

XII. The appropriation made to the department of administrative services - bureau of general services in 2003, 240:1, II, B, 12, as extended by 2005, 259:25, XIV, for site and design parking garage - executive/legislative.

XIII. The appropriation made to the department of administrative services - bureau of general services in 2005, 259:1, II, B, 1, for rehab. Representatives hall.

XIV. The appropriation made to the department of administrative services - bureau of general services in 2005, 259:1, II, B, 3, for Londergan hall - replace defective windows.

XV. The appropriation made to the department of administrative services - bureau of general services in 2005, 259:1, II, B, 4, for all state owned facilities - emergency repairs.

XVI. The appropriation made to the department of administrative services - bureau of general services in 2005, 259:1, II, B, 6, for Monadnock mill - report defective masonry.

XVII. The appropriation made to the department of administrative services - bureau of general services in 2005, 259:1, II, B, 10, for legislative office building - replace chiller.

XVIII. The appropriation made to the department of administrative services - bureau of general services in 2005, 259:1, II, B, 12, for M.S. building, renovation.

XIX. The appropriation made to the department of administrative services - financial data management in 2003, 240:1, II, C, 2, as extended by 2005, 259:25, XVI, for enterprise resource planning.

XX. The appropriation made to the department of administrative services - financial data management in 2003, 240:3, III, A, as extended by 2005, 259:25, LIV, for enterprise resource planning.

XXI. The appropriation made to the department of administrative services in 2006, 258:16, I, for quality assurance evaluation, monitoring and reporting related to the implementation of the ERP system.

XXII. The appropriation made to the community technical college system in 2003, 240:1, III, H, as extended by 2005, 259:25, XVII, and as amended by section 21 of this act for Christa McAuliffe planetarium - Alan Shepard memorial wing.

XXIII. The appropriation made to the community technical college system in 2003, 240:1, III, G, as extended by 2005, 259:25, XX, for critical repairs.

XXIV. The appropriation made to the community technical college system in 2005, 259:1, III, A, for critical maintenance NH technical institute.

XXV. The appropriation made to the community technical college system in 2005, 259:1, III, B, for critical maintenance Berlin, Laconia.

XXVI. The appropriation made to the community technical college system in 2005, 259:1, III, D, as amended by section 24 of this act, for critical maintenance Manchester, Stratham, Pease.

XXVII. The appropriation made to the department of corrections in 2005, 259:1, IV, A for electronic security upgrades – men's prison.

XXVIII. The appropriation made to the department of corrections in 2005, 259:1, IV, C for fire alarm and sprinkler system upgrades – men's prison.

XXIX. The appropriation made to the department of education in 2001, 130:14, II, as extended by 2003, 240:34, XC, and 2005, 259:25, XXI, for information technology projects.

XXX. The appropriation made to the department of education in 2003, 240:1, IV, B, as extended by 2005, 259:25, XXIII, for regional career and technical education center match - Berlin.

XXXI. The appropriation made to the department of education in 2005, 259:1, V, A, for renovation regional career and tech ed center, Concord.

XXXII. The appropriation made to the department of education in 2005, 259:1, V, B, for renovation regional career and tech ed center, Conway.

XXXIII. The appropriation made to the department of education in 2005, 259:1, V, C, for pre-engineering technology.

XXXIV. The appropriation made to the department of environmental services in 2001, 202:1, VIII, B, as extended by 2003, 240:34, XLI, and 2005, 259:25, XXVII, for wastewater state revolving fund matching funds.

XXXV. The appropriation made to the department of environmental services in 2003, 240:1, V, A, as extended by 2005, 259:25, XXVIII, for hazardous waste superfund match.

XXXVI. The appropriation made to the department of environmental services in 2003, 240:1, V, B, as extended by 2005, 259:25, XXIX, for drinking water SRF matching funds.

XXXVII. The appropriation made to the department of environmental services in 2003, 240:1, V, C, as extended by 2005, 259:25, XXX, for waste water SRF matching funds.

XXXVIII. The appropriation made to the department of environmental services in 2005, 259:1, VI, A, for dam repairs, removal and reconstruction.

XXXIX. The appropriation made to the department of environmental services in 2005, 259:1, VI, B, for drinking water SRF matching funds.

XL. The appropriation made to the department of environmental services in 2005, 259:1, VI, C, for wastewater SRF matching funds.

XLI. The appropriation made to the department of environmental services in 2005, 259:1, VI, D, for bedrock aquifer monitoring.

XLII. The appropriation made to the department of environmental services in 2005, 259:1, VI, F, for north country Gorham office.

XLIII. The appropriation made to the department of environmental services in 2005, 259:1, VI, G, for laboratory clean room.

XLIV. The appropriation made to the fish and game department in 2003, 240:2, A, as extended by 2005, 259:25, XXXI, for hatchery system modernization.

XLV. The appropriation made to the fish and game department in 2005, 259:3, I, for headquarters roof replacement.

XLVI. The appropriation made to the fish and game department in 2005, 259:3, II, for hatchery system modernization.

XLVII. The appropriation made to the fish and game department in 2005, 259:3, III, for dam reconstruction.

XLVIII. The appropriation made to the department of health and human services in 2003, 240:11, for a secure facility for committed and detained juveniles.

XLIX. The appropriation made to the department of health and human services in 1999, 226:1, VIII, H, as extended by 2001, 202:28, XLIV, 2003, 240:34, LII, and 2005, 259:25, XXXII, for information technology.

L. The appropriation made to the department of health and human services in 2001, 202:1, IX, B, as extended by 2003, 240:34, LIV, and 2005, 259:25, XXXIII, for asbestos abatement - state office park south.

LI. The appropriation made to the department of health and human services in 2001, 202:1, IX, H, as extended by 2003, 240:34, LVIII, and, 2005, 259:25, XXXIV, and as amended by section 23 of this act for bridges enhancement.

LII. The appropriation made to the department of health and human services in 2005, 259:1, VII, A, for Dolloff building electrical/fire alarm system replacement.

LIII. The appropriation made to the department of health and human services in 2005, 259:1, VII, B, for main building fire sprinkler replacement.

LIV. The appropriation made to the department of health and human services in 2005, 259:1, VII, C, for state office park south – electrical system upgrade.

LV. The appropriation made to the department of health and human services in 2005, 259:1, VII, D, for water damage repair of buildings – Glencliff.

LVI. The appropriation made to the department of health and human services in 2005, 259:1, VII, E, as amended by section 12 of this act, for renovation/moving of dietary area – Glencliff.

LVII. The appropriation made to the department of health and human services in 2005, 259:17, for YDC master plan.

LVIII. The appropriation made to the liquor commission in 2003, 240:1, VII, B, as extended by 2005, 259:25, XXXV, for design/build new store - Keene.

LIX. The appropriation made to the liquor commission in 2005, 259:1, VIII, A, to construct public restrooms - store #38 Portsmouth.

LX. The appropriation made to the liquor commission in 2005, 259:1, VIII, B, to construct public restrooms - store #34 Salem.

LXI. The appropriation made to the liquor commission in 2005, 259:1, VIII, C, for HVAC - Store #38 Portsmouth.

LXII. The appropriation made to the department of resources and economic development in 2003, 240:1, VIII, D, as extended by 2005, 259:25, XXXVIII, for Mount Washington electrification.

LXIII. The appropriation made to the department of resources and economic development in 2005, 259:1, IX, E, for Mount Washington electrification.

LXIV. The appropriation made to the office of information technology in 2005, 259:1, X, A, for administrative services, enterprise resource planning.

LXV. The appropriation made to office of information technology in 2005, 259:1, X, B, for department of health and human services, MMIS procurement.

LXVI. The appropriation made to the department of safety in 2003, 240:3, I, D, as extended by 2005, 259:25, XLI, finish Troop D first floor.

LXVII. The appropriation made to the department of safety in 2005, 259:4, I, A, for enhanced road toll system.

LXVIII. The appropriation made to the department of safety in 2005, 259:4, I, B, for DMV storage building (23 Hazen Drive).

LXIX. The appropriation made to the department of safety in 2005, 259:4, I, C, for DMV offices add fire and intrusion alarms.

LXX. The appropriation made to the department of safety in 2005, 259:4, I, D, as amended by section 26 of this act for Milford DMV office addition design, and renovate Manchester Trooper barracks at DOT Dist. 5 office - Bedford.

LXXI. The appropriation made to the department of safety in 2005, 259:4, I, E, for 33 Hazen drive renovations.

LXXII. The appropriation made to the department of safety in 2005, 259:4, I, F, for radio maintenance expansion.

LXXIII. The appropriation made to the department of safety in 2005, 259:19, for a fire station addition.

LXXIV. The appropriation made to the department of transportation in 1999, 226:1, XIII, C, as extended by 2001, 202.28 XXXIII, 2003, 240:34, LXXVI, and 2005, 259:25, LVI, for acquisition of railroad and airport properties.

LXXV. The appropriation made to the department of transportation in 2003, 240:1, XI, A, as extended by 2005, 259:25, XLVII, for 5-10 percent match for FAA projects.

LXXVI. The appropriation made to the department of transportation in 2003, 240:3, II, A, as extended by 2005, 259:25, XLIX, for patrol and salt sheds-statewide.

LXXVII. The appropriation made to the department of transportation in 2005, 259:1, XIII, A, for 2 ½ - 5 percent match for FAA projects.

LXXVIII. The appropriation made to the department of transportation in 2005, 259:1, XIII, B, for public transit bus replacement.

LXXIX. The appropriation made to the department of transportation in 2005, 259:1, XIII, E, for railroad bridge repairs.

LXXX. The appropriation made to the department of transportation in 2005, 259:1, XIII, F, as amended by section 20 of this act, for railroad acquisition, right of first refusal, rail match.

LXXXI. The appropriation made to the department of transportation in 2005, 259:4, II, A, renovation and addition district 4 office - Swanzey.

LXXXII. The appropriation made to the department of transportation in 2005, 259:4, II B, renovate patrol shed - Franconia.

LXXXIII. The appropriation made to the department of transportation in 2005, 259:4, II, C, new patrol shed - Conway.

LXXXIV. The appropriation made to the department of transportation in 2005, 259:4, II, D, as amended by section 19 of this act, for district 5 office – Bedford, and renovate for Manchester trooper barracks.

LXXXV. The appropriation made to the department of transportation in 2005, 259:4, II, E, salt storage sheds - statewide.

LXXXVI. The appropriation made to the department of transportation in 2005, 259:4, II, H, energy/environmental renovations-statewide.

LXXXVII. The appropriation made to the department of transportation in 2005, 259:4, II, I, Chesterfield welcome center and Antrim rest area.

LXXXVIII. The appropriation made to the department of transportation in 2005, 259:20, for underground fuel tank storage.

LXXXIX. The appropriation made to the New Hampshire veterans' home in 2003, 240:1, XII, A, as extended by 2005, 259:25, LIII, for upgrade fire safety and renovation project.

XC. The appropriation made to the New Hampshire veterans' home in 2005, 259:1, XII, A, for HVAC, Tarr unit roof, life safety updates.

XCI. The appropriation made to the New Hampshire veterans' home in 2006, 307:8, I, for recreation room storm repairs.

XCII. The appropriation made to the New Hampshire veterans' home in 2006, 307:8, II, for recreation room renovation.

29 Effective Date.

I. Sections 27 and 28 of this act shall take effect June 30, 2007.

II. The remainder of this act shall take effect July 1, 2007.

Senate Judiciary

May 31, 2007

2007-2012s

05/04

Amendment to HB 94

Amend the bill by replacing section 1 with the following:

1 New Paragraph; Child Support Guidelines; Overpayment. Amend RSA 458-C:7 by inserting after paragraph II the following new paragraph:

III. Whenever the court, pursuant to this chapter, modifies a support order which results in an overpayment of support, the court shall order, absent a showing of undue hardship, the obligee to directly reimburse the obligor for such overpayment of support or order an adjustment to the modified support order until reimbursement of the overpayment has been satisfied. Any reimbursement ordered shall be only for an overpayment that occurs after the date that notice of the petition for modification of support order was given to the respondent. The court shall enter an order for reimbursement as a provision of the modified order, which order for reimbursement shall take effect 30 days after issuance, unless either the obligor or obligee requests, within such 30-day period, a separate hearing to determine the amount and frequency of reimbursement.

Health and Human Services

May 30, 2007

2007-1980s

01/09

Amendment to HB 134

Amend RSA 318:47-c, II(e) as inserted by section 2 of the bill by replacing it with the following:

(e) No person who has access to an electronic prescription solely by transmitting or facilitating the transmission of prescriptions electronically between the licensed prescriber generating the prescription and the pharmacy receiving the prescription, or any intermediary, shall retain the prescription or any information it contains for longer than is mandated by federal law or state statute, or 15 days if no mandate requires a longer period of time, after which time the prescription and the information it contains shall be destroyed. No such person shall sell, use, or otherwise make available the prescription or the information it contains for any purpose other than transmission and verification.

Health and Human Services

May 30, 2007

2007-1977s

01/04

Amendment to HB 140

Amend RSA 125-P:1, I as inserted by section 1 of the bill by replacing it with the following:

I. A commission, to be known as the New Hampshire commission on deafness and hearing loss is hereby created and established. The commission shall consist of the following members:

(a) Two members of the house of representatives, one of whom shall be from the health, human services and elderly affairs committee, appointed by the speaker of the house of representatives.

(b) One member from the governor's commission on disabilities, appointed by the governor.

- (c) Two representatives of the department of health and human services, appointed by the commissioner.
- (d) One representative of the department of employment security, appointed by the commissioner.
- (e) Two representatives of the department of education, appointed by the commissioner.
- (f) One representative of the administrative office of the courts, appointed by the chief justice of the New Hampshire superior court.
- (g) The president of the New Hampshire Association of the Deaf, or designee.
- (h) One representative of the New Hampshire Association of the Deaf, appointed by the president of the association, or designee.
- (i) The president of the New Hampshire chapter of the Hearing Loss Association of America, or designee.
- (j) One representative from the New Hampshire chapter of the Hearing Loss Association of America, appointed by the president of such association, or designee.
- (k) One representative of the New Hampshire Registry of Interpreters for the Deaf, appointed by the president of the New Hampshire Registry of Interpreters for the Deaf, or designee.
- (l) The attorney general, or designee.
- (m) The commissioner of the department of safety, or designee.
- (n) The commissioner of the department of corrections, or designee.
- (o) The executive director of Granite State Independent Living, or designee.
- (p) The executive director of the governor's commission on disability.
- (q) The executive director of Northeast Deaf and Hard of Hearing Services, Inc.
- (r) The executive director of the Disabilities Rights Center.

Amend RSA 125-P:2, I as inserted by section 1 of the bill by replacing it with the following:

I. The commission shall be convened by the first-named member of the house of representatives, and shall hold its first meeting no later than 30 days after the effective date of this chapter.

Health and Human Services

May 30, 2007

2007-1976s

01/03

Amendment to HB 148

Amend subparagraph I(m) as inserted by section 2 of the bill by replacing it with the following:

- (m) The governor, or designee.

Senate Judiciary

May 31, 2007

2007-2011s

03/05

Amendment to HB 194

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

AN ACT relative to laboratories conducting alcohol concentration tests and relative to the alcohol ignition interlock program.

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

2 Alcohol Ignition Interlock Program; Mandatory Installation. Amend RSA 265-A:36, I-I-a to read as follows:

I. Any person whose license or permission to drive has been revoked or suspended for an aggravated DWI offense under RSA 265-A:18, I(b)[5] **or** I(c), or a subsequent DWI offense under RSA 265-A:18, IV [may] **shall** be required by the court after the period of revocation or suspension to install an ignition interlock device as defined in RSA 259:43-a in any vehicle registered to that person or used by that person on a regular basis, for not less than [6] **12** months nor more than 2 years. Installation and monitoring costs shall be

paid by the offender. A certificate proving installation of the device shall be provided to the division of motor vehicles as a condition precedent to reinstatement of the individual's license to drive, and the division may mark the person's license ***and the person's number plate by use of a striping sticker*** accordingly.

I-a. Any person who is convicted of driving while under suspension or revocation resulting from a DWI offense shall be required by the court to install an ignition interlock device in any vehicle registered to that person or used by that person on a regular basis, for the remaining period of suspension or revocation plus an additional period not less than [6] **12** months nor more than 2 years. The court may order such installation on a temporary basis prior to conviction as a condition of bail.

3 Effective Date.

I. Section 1 of this act shall take effect January 1, 2008.

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

2007-2011s

AMENDED ANALYSIS

This bill:

I. Requires that laboratories conducting alcohol concentration tests be accredited by any nationally recognized accrediting body.

II. Increases the minimum period of installation for ignition interlock devices.

III. Makes installation of an ignition interlock device mandatory for certain offenses.

Commerce, Labor and Consumer Protection

May 29, 2007

2007-1953s

06/09

Amendment to HB 203

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

AN ACT relative to protections for day labor workers.

Amend RSA 275:67, IV as inserted by section 1 of the bill by replacing it with the following:

IV. "Temporary worker employer" means any person or entity whose business consists primarily of:

(a) Recruiting and hiring its own employees;

(b) Locating organizations requiring the services of those employees;

(c) Assigning those employees to work for those organizations to support or supplement such organizations' workforces, or to provide assistance in special work situations such as, but not limited to, employee absences, skill shortages, seasonal workloads, or to perform special assignments or projects;

(d) Placing on assignment individuals who are employed in a professional, administrative, accounting, finance, medical, nursing, technology, legal, clerical, skilled manufacturing, or sales function; and

(e) Attempting to reassign the employees to other organizations at the completion of each assignment.

Amend RSA 275:68, III as inserted by section 1 of the bill by replacing it with the following:

III. Under no circumstances shall a temporary help service charge a direct or indirect fee that exceeds \$1.50, but shall equal the loose change amount only between \$1.01 and \$1.50 as they may apply for the cashing of paychecks, vouchers, or any other means of payment.

Senate Ways and Means

May 31, 2007

2007-2025s

08/04

Amendment to HB 229

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

1 Ice Outs. Amend RSA 287-D:1, II to read as follows:

II. “Games of chance” means any game involving gambling as defined by RSA 647:2, II, or any lottery prohibited by RSA 647:1, but shall not include any game involving the use of a slot machine or any other device in the nature of a slot machine, **or** 50/50 raffles as defined in RSA 287-A:1, III[, ~~or ice-out contests as defined in RSA 287-D:1, IV~~].

2 Charitable Organization; Definition. Amend the introductory paragraph of RSA 287-D:1, III(a) to read as follows:

(a) “Charitable organization” means any bona fide religious, charitable, civic, **social, business league**, veterans’, or fraternal or church organization, including police and firemen’s organizations which shall have been registered with the secretary of state for at least 2 years and in existence for at least 2 years in a town or city in this state, provided that the primary activities conducted by the organization were for the purpose for which the organization was established and have not included charitable gambling operations; which ~~[is organized under the laws of this state; and to which contributions are exempt from federal income tax]~~ **possesses a tax exempt status under Internal Revenue Code section 501(c)(3), 501(c)(4), 501(c)(6), 501(c)(7), 501(c)(8), 501(c)(10), or 501(c)(19), or is covered under a group ruling issued by the Internal Revenue Service under authority of those sections.** To be eligible for licensure under this chapter, a charitable organization shall do all of the following:

3 New Paragraph; Ice Outs. Amend RSA 287-D:2 by inserting after paragraph VI the following new paragraph:

VII. The requirements of this chapter shall not apply if the only game being conducted by the charitable organization is an ice-out contest.

4 License Applications. Amend RSA 287-D:2-a, V(c) to read as follows:

(c) That neither the applicant nor any person who will be participating in the operation of the games of chance has been convicted of a felony **or a class A misdemeanor** within the previous 10 years which has not been annulled by a court, or a **class B** misdemeanor ~~[involving falsehood or dishonesty]~~ within the previous 5 years which has not been annulled by a court, or has violated any statutes or rules governing charitable gambling **in New Hampshire or any other state.**

5 License Applications; Charitable Organizations. Amend RSA 287-D:2-a, VI to read as follows:

VI. If a charitable organization intends to **use**, lease, or rent premises for the conduct of any game of chance from an entity other than a charitable organization or governmental subdivision, the entity leasing or renting out **or otherwise allowing a charitable organization to use** the premises shall be licensed by the pari-mutuel commission. **Any entity other than a charitable organization or governmental subdivision with a facility at which games of chance are held for no more than 3 game dates per calendar year shall be exempt from the licensing requirement of this paragraph.** The license shall be applied for by filing an application supplied by the pari-mutuel commission. The pari-mutuel commission may issue a license for a period of one year which shall expire on June 30 of each year unless sooner revoked or suspended for just cause by the pari-mutuel commission.

6 New Paragraph; License Applications. Amend RSA 287-D:2-a by inserting after paragraph IX the following new paragraph:

X. At least 45 days prior to each game date, the charitable organization shall submit the date and location of the game of chance, if this information has not already been submitted to the pari-mutuel commission pursuant to subparagraph II(a).

7 License Applications. Amend RSA 287-D:2-b, II-IV to read as follows:

II. No compensation shall be paid to operators of a game of chance unless agreed to in advance in writing by the charity. Compensation shall include, but is not necessarily limited to, money or any other thing of value. ~~[If the paid game operator’s compensation is contingent upon the amount of revenue received from a game of chance, the compensation shall be a fixed percentage of the gross revenue from the game of chance excluding the paid game operator’s expenses. If the compensation of a paid game operator is not contingent upon the amount of revenue received, the compensation shall be a reasonable estimate, expressed as a percentage of the gross revenue. The contract shall clearly disclose the assumptions upon which the estimate is based. The stated assumptions shall be based upon all of the relevant facts known to the paid game operator regarding the services to be provided and the past performance of games of chance operated by the paid game operator.]~~

II-a. Unless otherwise agreed to in advance, pursuant to paragraph II, in writing by the charitable organization, operators of games of chance may be reimbursed for their out-of-pocket expenses in an amount not to exceed \$25 per game date, provided that such expenses are itemized and submitted in writing to the charitable organization.

III. No one under the age of 18 years shall be admitted to the premises on which games of chance are being conducted, except when the games are being conducted at a carnival. Proof of age shall be produced upon request of the ~~[lottery]~~ ***pari-mutuel*** commission. When games of chance are conducted at a carnival, persons under the age of 18 years may be admitted to the premises on which the games are being conducted when accompanied and supervised by a parent or legal guardian; but persons under the age of 18 shall not be permitted to play games of chance at a carnival.

IV. No games of chance shall be conducted prior to 11:00 a.m. on a weekday ***or Saturday***, prior to noon on a Sunday, or after 1:00 a.m. on any day.

8 Operation of Games of Chance. Amend RSA 287-D:2-b, VII to read as follows:

VII. Only the treasurer of the charitable organization or a bona fide member of the charitable organization designated by the treasurer, shall ~~[handle]~~ ***be responsible for*** any monetary transactions related to the game of chance ***when the charitable organization does not use the services of a game operator licensed pursuant to RSA 287-D:2-c.***

9 Licensing of Game Operators. Amend RSA 287-D:2-c, I to read as follows:

I. As used in this section, game operators means any consultant or any person other than a bona fide member of the charitable organization involved in conducting, managing, supervising, directing, or running the games of chance, and those involved in such tasks as dealing, running a roulette wheel, ***or*** handling chips~~[-and serving beverages or food].~~

10 Licensing of Game Operators. Amend RSA 287-D:2-c, II(a) to read as follows:

(a) The name ***and social security number*** of the game operator ***or for an organization the name and federal tax identification number. The pari-mutuel commission shall not disclose any social security number submitted.***

11 Licensing of Game Operators. Amend RSA 287-D:2-c, III(b) to read as follows:

(b) Has submitted a background and criminal ***record*** check pursuant to RSA 287-D:8; and

12 Equipment; Inspection. Amend RSA 287-D:3, II-VII to read as follows:

II. Any and all devices and equipment used to conduct said games of chance shall be subject to inspection by duly authorized law enforcement ***or pari-mutuel*** officials.

III. No mechanism or device, which can be used to regulate odds, will be permitted to operate said games of chance and no progression in any form shall be permitted in the operation of any such game.

IV. A player of any game of chance and only a player shall activate any and all devices used for the purposes of wagering on said games of chance.

V. No single wager by a player, on any game of chance, ***where chips have monetary value***, shall exceed the amount of ~~[\$2]~~ ***\$5***.

VI. ~~[Any contract for the rental of a facility for a game of chance shall be independent of any contract for the rental of equipment. Those contracts shall not be contingent upon the charitable organization's agreement that it will contract with a particular business for a particular facility or equipment.]~~

VII. ~~A charitable organization shall only rent a facility by means of a fixed rental payment. The fixed rental payment shall not be based on a percentage of what the charitable organization receives from the game of chance and it shall reflect fair rental value of the property for any use not just as a place to hold a game of chance. Any rental entered into by the charitable organization shall be submitted with the charitable organization's license application for review by the pari-mutuel commission.~~

VIII. ~~The charitable organization shall retain no less than 35 percent of the gross revenues from any game of chance minus any prizes paid on any game date in which game operators licensed under RSA 287-D:2-c are involved in any capacity.]~~ ***In games where chips have no monetary value, a minimum of 6 percent of the first \$25,000 and a minimum of 8.75 percent of all funds exceeding \$25,000 collected***

from players on each game date in which game operators are involved in any capacity shall be retained by the charity. The money retained by the charity shall not be used for any expenses associated with the operation of the games of chance. Such revenues shall be used by the organization to advance its charitable purpose.

VII. In games where chips have no monetary value, 1.25 percent of all funds collected from players shall be paid to the state treasurer to be deposited into the education trust fund. Such payments must be made within 5 business days of the game date the funds were collected.

VIII. In games where chips do have monetary value, the charity shall retain not less than 35 percent of rake or house winnings. The money retained by the charity shall not be used for any expenses associated with the operation of games of chance. Such revenues shall be used by the organization to advance its charitable purpose.

IX. In games where chips do have monetary value, 5 percent of rake or house winnings and other monies collected by the game operator that are not paid out as prizes to players shall be paid to the state treasurer for deposit into the education trust fund. Such payments shall be made within 5 business days of the game date the funds were collected.

13 License Fees and Specifications. Amend RSA 287-D:2-d, I to read as follows:

I. An applicant for a charitable organization license under RSA 287-D:2-a shall apply to the pari-mutuel commission, and upon payment of a fee of \$25 per game date and if the applicant meets all other requirements of this chapter, a license shall be issued. Only one license shall be issued to each applicant per year to operate games of chance for 10 days, which 10 days need not be consecutive. **A charitable organization that has been licensed for and played 10 game dates in a calendar year and whose total retained revenue from all those game dates is less than \$50,000 may apply to the pari-mutuel commission for additional game dates. The pari-mutuel commission may approve up to 5 additional game dates for the same calendar year for the sole purpose of allowing the charitable organization to have the opportunity for additional revenue on those game dates to reach a total retained revenue amount of \$50,000 for all game dates. The charitable organization shall pay a fee of \$25 for each additional game date authorized by the commission.** A license issued under RSA 287-D:2-a shall expire on December 31. The pari-mutuel commission shall notify the attorney general and police chief of any city or town where games of chance are held of any applications approved.

14 Background and Criminal Records Check. Amend RSA 287-D:8, III to read as follows:

III. All applicants shall also be subject to a ***national criminal*** background check, ***including the submission of fingerprints to the Federal Bureau of Investigation for a criminal history background check***, by the pari-mutuel commission to determine if they are eligible for licensure under this chapter.

15 New Paragraph; Background and Criminal Records Check. Amend RSA 287-D:8 by inserting after paragraph III the following new paragraph:

IV. The pari-mutuel commission shall bill the applicant for any cost associated with the criminal or background record check to cover any fee charged by the department of safety for the criminal records check in paragraph I or by the Federal Bureau of Investigation for the background check in paragraph III.

16 License Applications; Charitable Organizations. Amend RSA 287-D:2-a, II(f) to read as follows:

(f) If any of the proposed games are to be held in a location licensed pursuant to RSA 287-D:2-a, VI, the name and address of the person or business from whom the space is being rented ***or permission for use has been granted***.

17 Reporting Date Extended. Amend 2006, 311:16, V to read as follows:

V. The games of chance study commission shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, ***the chairman of the senate ways and means committee, the chairman of the house executive departments and administration committee***, and the state library on or before [July 1, 2007] ***November 1, 2007***.

18 Licensing of Game Operators. Amend RSA 287-D:2-c, V to read as follows:

V. The game operator or the game operator's employer shall submit a [\$20,000] bond ***conditioned upon the game operator running games of chance in conformity with this chapter and with the rules***

and regulations prescribed by the commission, in the amount of up to \$100,000 to the pari-mutuel commission with the application form. The pari-mutuel commission shall adopt rules pursuant to RSA 541-A to specify the amount of the bond and requirements of the bond.

VI. Game operators who operate games of chance on behalf of a charitable organization shall be held responsible for all requirements that the charitable organization would otherwise be responsible for if they were operating the games of chance themselves.

19 License Fees and Specifications; New Paragraph. Amend RSA 287-D:2-d by inserting after paragraph VI the following new paragraph:

VII. Any game operator licensed pursuant to RSA 287-D:2-c shall be issued, as part of the yearly license, an identification badge by the pari-mutuel commission. The fee for such badge shall be established by the commission. The commission shall adopt rules pursuant to RSA 541-A to specify badge requirements.

20 New Paragraphs; Penalties. Amend RSA 287-D:6 by inserting after paragraph III the following new paragraphs:

IV. The commission may issue an order requiring any person or organization, to comply with this subdivision or any rule adopted hereunder, and may require such remedial measures as may be necessary.

V. The commission may impose an administrative fine scaled to reflect the violator's prior history and the scope and severity of the violation, after notice and hearing, pursuant to rules adopted under RSA 541-A, for any violation of this subdivision, any rule adopted under this subdivision, any license issued pursuant to this chapter or any order issued pursuant to this subdivision, or upon any person who makes or certifies a material false statement relative to any application or report required by this subdivision. Any administrative fine imposed under this paragraph shall not preclude the imposition of other penalties under this chapter. Rehearings and appeals from a decision of the commission under this paragraph shall be in accordance with RSA 541. Fines imposed by the commission shall be determined based on the following:

(a) For a minor deviation from a requirement, the fine shall be not less than \$25 and not more than \$1,500 per violation.

(b) For a moderate deviation from a requirement, the fine shall be not less than \$100 and not more than \$2,500 per violation.

(c) For a major deviation from a requirement, the fine shall be not less than \$250 and not more than \$5,000 per violation.

(d) For repeat violations, the commission may assess an additional fine.

VI. All fines imposed by the commission shall be deposited in the fund established pursuant to RSA 284:21-j.

21 New Subparagraph; Bank Accounts. Amend RSA 287-D:2-c, II by inserting after subparagraph (h) the following new subparagraph:

(g) The name of the financial institution with at least one branch in New Hampshire and the corresponding bank account number for the account in which money from the game of chance will be deposited and withdrawn.

22 New Paragraph; Bank Accounts. Amend RSA 287-D:2-c by inserting after paragraph V the following new paragraph:

VI. To be eligible for licensure under this chapter, a licensed game operator shall maintain an account at a financial institution with at least one branch in New Hampshire solely in the name of the licensed game operator in which the money from games of chance shall be deposited and withdrawn.

23 Operation of Games. RSA 284-D:2-b, VIII is repealed and reenacted to read as follows:

VIII.(a) On game dates where the charitable organization operates the games, the charitable organization shall deposit cash and proceeds from a game of chance into the account required by RSA 287-D:2-a, VII(e). All expenses, including prizes of more than \$500 and equipment and hall rental fees shall be paid by check from the account required by RSA 287-D:2-a, VII(e). The treasurer of the charitable organization shall document all prizes awarded as prescribed in rules adopted by the pari-mutuel commission.

(b) On game dates where the licensed game operator operates the games, the licensed game operator shall deposit cash and proceeds from a game of chance into the account required by RSA 287-D:2-c, VI. All expenses, including prizes of more than \$500 and equipment and hall rental fees shall be paid by check from the account required by RSA 287-D:2-c, VI. The licensed game operator shall document all prizes awarded as prescribed in rules adopted by the pari-mutuel commission.

24 Pari-Mutuel Commission; Positions Established. The following classified positions are hereby established in the pari-mutuel commission:

I. One internal auditor II, labor grade 23.

II. One supervisor II, labor grade 21.

25 Repeal. The following are repealed:

I. RSA 287-D:2-b, XIII, relative to relative to submission of information to the pari-mutuel commission.

II. RSA 287-D:2-d, IV, relative to authorization of specific games.

III. RSA 284:23, V, relative to tax rates for Rockingham Park.

26 Effective Date.

I. RSA 287-D:2-b, II as inserted by section 7 of this act, and RSA 287-D:2-c, V as inserted by section 18 of this act shall take effect January 1, 2008.

II. Sections 8, 12, 13, 21, 22, and 23 of this act shall take effect January 1, 2008.

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

2007-2025s

AMENDED ANALYSIS

This bill:

I. Expands the definition of “charitable organization” for the purposes of games of chance.

II. Expands the information about a game operator that must be submitted to the pari-mutuel commission.

III. Makes certain changes to rules of licensure for operators of games of chance.

IV. Repeals a tax expiration provision relative to Rockingham Park.

V. Establishes the positions of supervisor II and internal auditor II in the pari-mutuel commission.

Commerce, Labor, and Consumer Protection

May 29, 2007

2007-1931s

01/09

Amendment to HB 305

Amend subparagraph I(b) of section 1 of the bill by replacing it with the following:

(b) One member of the senate, appointed by the president of the senate.

Amend paragraph III of section 1 of the bill by replacing it with the following:

III. All members of the task force shall be voting members.

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

2 Duties. The task force shall analyze and evaluate options and programs for expanding access to affordable health insurance and develop legislation to be proposed in the 2008 and 2009 legislative sessions. Such analysis and evaluation shall include the review of:

I. Laws in other states regarding access to affordable health insurance.

II. Expansion of the New Hampshire healthy kids corporation.

III. Any other matters that the task force deems necessary.

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

4 Report. The task force shall make an interim report with its findings and any recommendations for proposed legislation for the 2008 legislative session on or before November 1, 2007, and a final report with its findings and any recommendations for legislation on or before November 1, 2009 to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library.

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

Sen. Hassan, Dist. 23

May 25, 2007

2007-1891s

09/10

Amendment to HB 377-FN-LOCAL

Amend RSA 91-A:4 and RSA 91-A:5 as inserted by section 4 of the bill by replacing them with the following:

91-A:4 Minutes and Records Available for Public Inspection.

I. Every citizen during the regular or business hours of all ~~[such]~~ **public** bodies or agencies, and on the regular business premises of such **public** bodies or agencies, has the right to inspect all ~~[public]~~ **governmental** records ***in the possession, custody, or control of such public bodies or agencies***, including minutes of meetings of the **public** bodies ~~[or agencies]~~, and to **copy and** make memoranda~~;~~ **or** abstracts~~;~~ ~~and photographic or photostatic copies~~ of the records or minutes so inspected, except as otherwise prohibited by statute or RSA 91-A:5. ***In this section, "to copy" means the reproduction of original records by whatever method, including but not limited to photography, photostatic copy, printing, or electronic or tape recording.***

I-a. Records of any payment made to an employee of any public body or agency listed in RSA 91-A:1-a, ~~[F]~~ **VI(a)-(d)**, or to the employee's agent or designee, upon the resignation, discharge, or retirement of the employee, paid in addition to regular salary and accrued vacation, sick, or other leave, shall immediately be made available without alteration for public inspection. All records of payments shall be available for public inspection notwithstanding that the matter may have been considered or acted upon in nonpublic session pursuant to RSA 91-A:3.

II. After the completion of a meeting of ~~[such]~~ **a public** ~~[bodies or agencies]~~ **body**, every citizen, during the regular or business hours of ~~[at]~~ such **public** ~~[bodies or agencies]~~ **body**, and on the regular business premises of such **public** ~~[bodies or agencies]~~ **body**, has the right to inspect all notes, materials, tapes, or other sources used for compiling the minutes of such meetings, and to make memoranda~~;~~ **or** abstracts~~;~~ ~~photographic or photostatic copies, or tape record~~ **or to copy** such notes, materials, tapes, or sources inspected, except as otherwise prohibited by statute or RSA 91-A:5.

III. Each **public** body or agency shall keep and maintain all ~~[public]~~ **governmental** records in its custody at its regular office or place of business in an accessible place and, if there is no such office or place of business, the ~~[public]~~ **governmental** records pertaining to such **public** body or agency shall be kept in an office of the political subdivision in which such **public** body or agency is located or, in the case of a state agency, in an office designated by the secretary of state.

III-a. Governmental records created or maintained in electronic form shall remain accessible for the same retention or archival periods as their paper counterparts. Methods that may be used to accomplish this requirement include, but are not limited to, copying to microfilm or paper or to durable electronic media using standard or common file formats.

III-b. A governmental record in electronic form shall no longer be subject to disclosure pursuant to this section after it has been initially and legally deleted. For purposes of this paragraph, a record in electronic form shall be considered to have been deleted only if it is no longer readily accessible to the public body or agency itself. The mere transfer of an electronic record to a readily accessible "deleted items" folder or similar location on a computer shall not constitute deletion of the record.

IV. Each public body or agency shall, upon request for any [public] **governmental** record reasonably described, make available for inspection and copying any such [public] **governmental** record within its files when such records are immediately available for such release. If a public body or agency is unable to make a [public] **governmental** record available for immediate inspection and copying, it shall, within 5 business days of request, make such record available, deny the request in writing with reasons, or furnish written acknowledgment of the receipt of the request and a statement of the time reasonably necessary to determine whether the request shall be granted or denied. If a **computer**, photocopying machine, or other device maintained for use by a **public** body or agency is used by the **public** body or agency to copy the [public] **governmental** record [or document] requested, the person requesting the copy may be charged the actual cost of providing the copy, which cost may be collected by the **public** body or agency. Nothing in this section shall exempt any person from paying fees otherwise established by law for obtaining copies of [public] **governmental** records or documents, but if such fee is established for the copy, no additional costs or fees shall be charged.

V. In the same manner as set forth in RSA 91-A:4, IV, any **public** body or agency which maintains [its] **governmental** records in [a computer storage system] **electronic format** may, in lieu of providing original [documents] **records**, [provide a printout of any record reasonably described and which the agency has the capacity to produce] **copy governmental records requested to electronic media using standard or common file formats** in a manner that does not reveal information which is confidential under this chapter or any other law. ***If copying to electronic media is not reasonably practicable, or if the person or entity requesting access requests a different method, the public body or agency may provide a printout of governmental records requested, or may use any other means reasonably calculated to comply with the request in light of the purpose of this chapter as expressed in RSA 91-A:1.*** Access to work papers, personnel data, and other confidential information under RSA 91-A:5, IV shall not be provided.

VI. Every agreement to settle a lawsuit against a governmental unit, threatened lawsuit, or other claim, entered into by any political subdivision or its insurer, shall be kept on file at the municipal clerk's office and made available for public inspection for a period of no less than 10 years from the date of settlement.

VII. Nothing in this chapter shall be construed to require a public body or agency to compile, cross-reference, or assemble information into a form in which it is not already kept or reported by that body or agency.

91-A:5 Exemptions. The following **governmental** records are exempted from the provisions of this chapter:

- I. Records of grand and petit juries.
- II. Records of parole and pardon boards.
- III. Personal school records of pupils.

IV. Records pertaining to internal personnel practices; confidential, commercial, or financial information; test questions, scoring keys, and other examination data used to administer a licensing examination, examination for employment, or academic examinations; and personnel, medical, welfare, library user, videotape sale or rental, and other files whose disclosure would constitute invasion of privacy. Without otherwise compromising the confidentiality of the files, nothing in this paragraph shall prohibit a **public** body or agency from releasing information relative to health or safety from investigative files on a limited basis to persons whose health or safety may be affected.

V. Teacher certification records[~~both hard copies and computer files,~~] in the department of education, provided that the department shall make available teacher certification status information.

VI. Records pertaining to matters relating to the preparation for and the carrying out of all emergency functions, including training to carry out such functions, developed by local or state safety officials that are directly intended to thwart a deliberate act that is intended to result in widespread or severe damage to property or widespread injury or loss of life.

VII. Unique pupil identification information collected in accordance with RSA 193-E:5.

VIII. Any notes or other materials made for personal use that do not have an official purpose, including ***but not limited to***, notes and materials made prior to, during, or after a [public] **governmental** proceeding.

IX. Preliminary drafts, notes, and memoranda and other documents not in their final form and not disclosed, circulated, or available to a quorum or a majority of [those entities defined in RSA 91-A:1-a] ***the members of a public body.***

Amend the bill by replacing all after section 4 with the following:

5 Violation. Amend RSA 91-A:7 to read as follows:

91-A:7 Violation. Any person aggrieved by a violation of this chapter may petition the superior court for injunctive relief. ***In order to satisfy the purposes of this chapter,*** the courts shall give proceedings under this chapter ***high*** priority on the court calendar. Such a petitioner may appear with or without counsel. The petition shall be deemed sufficient if it states facts constituting a violation of this chapter, and may be filed by the petitioner or his counsel with the clerk of court or any justice thereof. Thereupon the clerk of court or any justice shall order service by copy of the petition on the person or persons charged. When any justice shall find that time probably is of the essence, he ***or she*** may order notice by any reasonable means, and he ***or she*** shall have authority to issue an order ex parte when he ***or she*** shall reasonably deem such an order necessary to insure compliance with the provisions of this chapter.

6 Remedies. Amend RSA 91-A:8, I and I-a to read as follows:

I. If any ***public*** body or agency or employee or member thereof, in violation of the provisions of this chapter, refuses to provide a ~~[public]~~ ***governmental*** record or refuses access to a ~~[public]~~ ***governmental*** proceeding to a person who reasonably requests the same, such ***public*** body, ***public*** agency, or person shall be liable for reasonable attorney's fees and costs incurred in a lawsuit under this chapter provided that the court finds that such lawsuit was necessary in order to make the information available or the proceeding open to the public. Fees shall not be awarded unless the court finds that the ***public*** body, ***public*** agency, or person knew or should have known that the conduct engaged in was a violation of this chapter or where the parties, by agreement, provide that no such fees shall be paid. In any case where fees are awarded under this chapter, upon a finding that an officer, employee, or other official of a public body or agency has acted in bad faith in refusing to allow access to a ~~[public]~~ ***governmental*** proceeding or to provide a ~~[public]~~ ***governmental*** record, the court may award such fees personally against such officer, employee, or other official.

I-a. The court may award attorneys' fees to a ~~[board, agency]~~ ***public body or public agency*** or employee or member thereof, for having to defend against a person's lawsuit under the provisions of this chapter, when the court makes an affirmative finding that the lawsuit is in bad faith, frivolous, unjust, vexatious, wanton, or oppressive.

7 Reference Change. Amend RSA 42:1-a, II(a) to read as follows:

(a) A public body properly voted to withhold that information from the public by a vote of 2/3, as required by RSA 91-A:3, III, and if divulgence of such information would constitute an invasion of privacy, or would adversely affect the reputation of some person other than a member of the public body ~~[or agency,]~~ or would render proposed municipal action ineffective; or

8 New Section; Communications Outside Meetings. Amend RSA 91-A by inserting after section 2 the following new section:

91-A:2-a Communications Outside Meetings.

I. Unless exempted from the definition of "meeting" under RSA 91-A:2, I, a quorum of a public body, where a quorum is defined, or a majority of its members, shall deliberate on matters over which they have supervision, control, jurisdiction, or advisory power only in meetings held pursuant to and in compliance with the provisions of RSA 91-A:2, II.

II. Communications among a quorum of a public body, where a quorum is defined, or a majority of its members, outside a meeting, including, but not limited to, sequential communications among members of a public body, are prohibited and shall not be used to circumvent the spirit and purpose of this chapter as expressed in RSA 91-A:1.

III. Notwithstanding paragraphs I and II of this section, communications among a quorum of a public body, where a quorum is defined, or a majority of its members concerning only purely administrative matters such as for the delivery of public records or materials for a meeting, or to confirm the time or location of a meeting or the attendance of members at a meeting, are not prohibited under RSA 91-A.

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

2007-1891s

AMENDED ANALYSIS

This bill clarifies the manner in which the right-to-know law applies to both governmental records kept in electronic form and electronic communication used to transact governmental business.

This bill also clarifies communications outside a meeting for the purposes of RSA 91-A.

Sen. Fuller Clark, Dist. 24
 Rep. Brueggemann, Merr. 12
 May 23, 2007
 2007-1789s
 06/09

Amendment to HB 383

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

1 New Paragraph; Definitions. Amend RSA 483-B:4 by inserting after paragraph VII the following new paragraph:

VII-a. "Impervious surface" means any modified surface that cannot effectively absorb or infiltrate water. Examples of impervious surfaces include but are not limited to, roofs, decks, patios, and paved, gravel, or crushed stone driveways, parking areas, and walkways unless designed to effectively absorb or infiltrate water.

2 New Paragraph; Definitions. Amend RSA 483-B:4 by inserting after paragraph X the following new paragraph:

X-a. "Natural ground cover" means any herbaceous plant or any woody seedling or shrub generally less than 3 feet in height. Natural ground cover shall also include naturally occurring leaf or needle litter, stumps, decaying woody debris, stones, and boulders. Natural ground cover shall not include lawns, invasive species as listed by the department of agriculture, markets, and food in accordance with RSA 430:53, III, exotic species as designated by rule of the department of environmental services in accordance with RSA 487:24, VII, imported organic or stone mulches, or other artificial materials.

3 Definitions. Amend RSA 483-B:4, XI-a to read as follows:

XI-a. ***"Nonconforming lot of record" means an existing lot which does not conform to the provisions of this chapter.***

XI-b. "Nonconforming structure" means a structure that, either individually or when viewed in combination with other structures on the property, does not conform to the provisions of this chapter, including but not limited to the impervious surface limits of RSA 483-B:9, V(g).

XI-c. "Ordinary high water mark" means the line on the shore, running parallel to the main stem of the river, established by the fluctuations of water and indicated by physical characteristics such as a clear, natural line impressed on the immediate bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, the presence of litter and debris, or other appropriate means that consider the characteristics of the surrounding areas. Where the ordinary high water mark is not easily discernable, the ordinary high water mark may be determined by the department of environmental services.

4 Definitions. Amend RSA 483-B:4, XVI(c) to read as follows:

(c) Rivers, meaning all year-round flowing waters of fourth order or higher [~~as shown on the now current version of the U.S. Geological Survey 7 1/2% 2C topographic maps~~] ***and all rivers and river segments designated as protected under RSA 483:15.*** Stream order shall be determined using the [Strahler method; whereby the highest year-round streams in a watershed are first order streams, their juncture yields second order streams, the juncture of second order streams yields third order streams, et seq.] ***New Hampshire hydrography dataset archived by the geographically referenced analysis and information transfer system (GRANIT) at the complex systems research center of the university of New Hampshire, and developed by GRANIT in collaboration with the department of environmental services.*** A listing of the streams of fourth order and higher shall be prepared and [maintained] ***periodically updated*** by the [office of energy and planning] ***GRANIT at the complex systems research center of the university of New Hampshire*** and delivered to the commissioner 30 days after the effective date of this [act] ***section.***

5 Definitions. Amend RSA 483-B:4, XVI(c) to read as follows:

(c) Rivers, meaning all year-round flowing waters of [fourth] ***third*** order or higher and all rivers and river segments designated as protected under RSA 483:15. Stream order shall be determined using the New Hampshire hydrography dataset archived by the geographically referenced analysis and information transfer system (GRANIT) at the complex systems research center of the university of New Hampshire, and de-

veloped by GRANIT in collaboration with the department of environmental services. A listing of the streams of ~~[fourth]~~ **third** order and higher shall be prepared and periodically updated by the GRANIT at the complex systems research center of the university of New Hampshire and delivered to the commissioner 30 days after the effective date of this section.

6 New Paragraph; Definitions. Amend RSA 483-B:4 by inserting after paragraph XXIV the following new paragraph:

XXIV-a. "Undisturbed state" means native vegetation allowed to grow without interference.

7 Definitions. Amend RSA 483-B:4, XXVI to read as follows:

XXVI. "Water dependent structure" means a structure that ~~[services and supports activities that require direct access to, or contact with the water, or both, as an operational necessity and that requires a permit under RSA 482-A, including but not limited to]~~ **is** a dock, wharf, pier, breakwater, beach, boathouse, retaining wall, or launching ramp **or other similar structure, or any part thereof, built over, on, or in the waters of the state.**

8 Prior Approval; Permits. Amend RSA 483-B:6 to read as follows:

483-B:6 ~~[Prior Approval; Permits]~~ **Other Required Permits and Approvals.**

I. Within the protected shoreland, any person intending to:

(a) Engage in any earth excavation activity shall obtain all necessary local approvals in compliance with RSA 155-E.

(b) Construct a water-dependent structure, alter the bank, or construct or replenish a beach shall obtain approval and all necessary permits pursuant to RSA 482-A.

(c) Install a septic system as described in RSA 483-B:9, V~~(b)(1)-(3)~~ **(c)** shall obtain all permits pursuant to RSA 485-A:29.

(d) Conduct an activity resulting in a contiguous disturbed area exceeding 50,000 square feet shall obtain a permit pursuant to RSA 485-A:17.

(e) Subdivide land as described in RSA 483-B:9, V~~(d) and~~ **(e) and (f)** shall obtain approval pursuant to RSA 485-A:29.

(f) Conduct an activity regulated under a local zoning ordinance shall obtain all necessary local approvals.

II. In applying for ~~[these]~~ approvals and permits, ~~[such persons]~~ **pursuant to paragraph I, applicants** shall demonstrate ~~[to the satisfaction of the department]~~ that the proposal meets or exceeds the development standards of this chapter. **The department shall develop minimum standards for information to be required on or with all applications under paragraph I.** The department **or municipality** shall grant, deny, or attach reasonable conditions to ~~[a permit]~~ **approvals or permits** listed in subparagraphs I(a)-~~(e)~~ **(f)**, to protect the public waters or the public health, safety or welfare. Such conditions shall be related to the purposes of this chapter.

III. The commissioner shall have the sole authority to issue variances and waivers of the provisions of this chapter as specifically authorized by this chapter.

IV. No variance, permit, or approval issued by a municipality shall exempt the owner from obtaining any other necessary permit or approval from the department as required by this chapter.

9 Minimum Protection Standards. Amend RSA 483-B:9, IV-b to read as follows:

IV-b. Public utility lines and associated structures and facilities, **public roads, and public water access facilities including boat ramps** shall be permitted by the commissioner as necessary[, and consistent with the purposes of this chapter and other state law.

10 Waterfront Buffer. Amend RSA 483-B:9, V to read as follows:

V. The following minimum standards shall apply to **areas and activities within** the protected shoreland ~~[provided that]~~ **with the exception of** forest management **that is** not associated with shoreland development or land conversion, and **is** conducted in compliance with RSA 227-J:9; forestry ~~[involving]~~ **con-**

ducted by or under the direction of a water supplier for the purpose of managing a water supply [reservoir] watershed [management; or]; and agriculture conducted in accordance with best management practices[; shall be exempt from the provisions of this chapter] as required by RSA 483-B:3, III:

(a) MAINTENANCE OF A WATERFRONT BUFFER.

(1) The waterfront buffer shall be those protected shorelands within 50 feet of the reference line. The purpose of this buffer shall be to protect the quality of public waters while allowing homeowner discretion with regard to water access, safety, viewscape maintenance, and lot design.

(2) Within the waterfront buffer all of the following prohibitions and limitations shall apply:

(A) No chemicals, including pesticides of any kind or fertilizers of any kind except those specified in RSA 483-B:9, II(d), shall be applied.

(B) Rocks and stumps and their root systems shall be left intact in the ground unless removal is specifically approved by the department, pursuant to RSA 482-A or RSA 483-B:11, II.

(C) No natural ground cover shall be removed except as necessary for a foot path to water as provided under RSA 483-B:9, V(a)(2)(D)(viii), cutting those portions that have grown over 3 feet in height for the purpose of providing a view, or as specifically approved by the department, pursuant to RSA 482-A or 483-B:11, II.

(D) Starting from the northerly or easterly boundary of the property, and working along the shoreline, the waterfront buffer shall be divided into 50 by 50 foot segments. Within each segment a minimum combined tree and sapling score of at least 50 points shall be maintained. If for any reason there is insufficient area for a full segment, the number of points required to be maintained in that partial segment shall be proportional to that required of a full segment.

(i) Tree and sapling diameters shall be measured at 4½ feet above the ground and are scored as follows:

<u>Diameter</u>	<u>Score</u>
<i>1 inch to 6 inches</i>	<i>1</i>
<i>greater than 6 inches to 12 inches</i>	<i>5</i>
<i>greater than 12 inches</i>	<i>10</i>

(ii) Dead, diseased, or unsafe trees or saplings shall not be included in scoring.

(iii) If the total tree and sapling score in any 50 foot by 50 foot segment exceeds 50 points, then trees and saplings may be removed as long as the sum of the scores for the remaining trees and saplings in that segment does not total less than 50 points. Trees and saplings may be removed from partial segments provided that the sum of the scores for the remaining trees and saplings in that partial segment is equal to or greater than the proportional point requirement.

(iv) The department may approve applications pursuant to RSA 482-A that include the planting of native trees and saplings as necessary to at least maintain either the existing combined tree and sapling score or the minimum score required. The department shall not approve any application that would result in a combined tree and sapling score less than the minimum score required where the segment initially meets the minimum score or would result in any reduction of the combined tree and sapling score where the segment does not initially meet the minimum score.

(v) Owners of lots that were legally developed prior to April 1, 2008 may maintain but not enlarge cleared areas, including but not limited to existing lawns and beaches, within the waterfront buffer. Conversion to or planting of cleared areas with native species of ground cover, shrubs, saplings, and trees is encouraged but shall not be required unless it is necessary to meet the requirements of subparagraphs (g)(2) or (g)(3), or RSA 483-B:11, II.

(vi) Normal trimming, pruning, and thinning of branches to the extent necessary to protect structures, maintain clearances, and provide views is permitted. Trimming, pruning, and thinning of branches for the purpose of providing views shall be limited to the bottom 1/2 of the trees or saplings.

(vii) *When necessary for the completion of construction activities permitted in accordance with RSA 483-B:6, a temporary 12 foot wide access path shall be allowed. The access path shall be completely restored and replanted with native vegetation upon completion of construction except as allowed under subparagraph (viii).*

(viii) *A permanent 6-foot wide foot path to the water body, configured in a manner that will not concentrate storm water runoff or contribute to erosion, is allowed.*

~~[(a)]~~ **(b) MAINTENANCE OF A NATURAL WOODLAND BUFFER.**

(1) ~~[Where existing,]~~ A natural woodland buffer shall be maintained within 150 feet of the reference line. *The first 50 feet of this buffer is designated the waterfront buffer and is subject to the additional requirements of subparagraph (a).* The purpose of ~~[this]~~ *the natural woodland* buffer shall be to protect the quality of public waters by minimizing erosion, preventing siltation and turbidity, stabilizing soils, preventing excess nutrient and chemical pollution, maintaining natural water temperatures, maintaining a healthy tree canopy and understory, preserving fish and wildlife habitat, and respecting the overall natural condition of the protected shoreland.

(2) Within the natural woodland buffer ~~[of the protected shoreland under conditions defined in RSA 483-B:9, V, all of the following prohibitions and limitations shall apply]~~ *of a given lot:*

(A) ~~[Not more than a maximum of 50 percent of the basal area of trees, and a maximum of 50 percent of the total number of saplings shall be removed for any purpose in a 20-year period. A healthy, well-distributed stand of trees, saplings, shrubs, ground cover, and their living, undamaged root systems shall be left in place.]~~ *At least 50 percent of the area outside of impervious surfaces shall be maintained in an undisturbed state. Owners of lots legally developed prior to April 1, 2008 that do not comply with this standard are encouraged to, but shall not be required to, increase the percentage of area maintained in an undisturbed state, except as required by the department under RSA 483-B:11, II. The percentage of area maintained in an undisturbed state on nonconforming lots shall not be decreased.*

(B) Any person applying to the department for a septic system construction approval or alteration of terrain permit pursuant to RSA 485-A, or an excavating and dredging permit pursuant to RSA 482-A, within the protected shoreland shall include photographic documentation of the natural woodland buffer.

(C) ~~[Structures, as defined in RSA 483-B:4, XXII, within the natural woodland buffer shall be afforded an opening for building construction that shall be excluded when computing the percentage limitations under subparagraph (a)(2)(A):~~

~~[(D)]~~ Dead, diseased, *or* unsafe, ~~[or fallen]~~ trees, saplings, *or* shrubs~~[, or ground cover may be removed. Their removal shall not be used in computing the percentage limitations under subparagraph (a)(2)(A)]~~ *that pose an imminent hazard to structures or have the potential to cause personal injury may be removed regardless of any requirements that pertain to the natural woodland buffer under this chapter. Such exemptions shall not be used to contravene the intent of the law.*

~~[(E)]~~ Stumps and their root systems, which are located within 50 feet of the reference line, shall be left intact in the ground, unless removal is specifically approved by the department under RSA 482-A.

~~[(F)]~~ **(D)** Preservation of dead and living trees that provide dens and nesting places for wildlife is encouraged.

~~[(G)]~~ **(E)** *Native species* planting efforts that are beneficial to wildlife are encouraged.

~~[(b)]~~ **(c) SEPTIC SYSTEMS.**

(1) ~~[All new lots, including those in excess of 5 acres, created within the protected shoreland are]~~ *The subdivision of a parcel of land shall be* subject to subdivision approval by the department of environmental services under RSA 485-A:29 *if any portion of the land to be subdivided is within the protected shoreland.*

(2) The following conditions, based on the characteristics of the receiving soil as they relate to U.S. Department of Agriculture, Natural Resources Conservation Service drainage classes, shall dictate the setback requirements for all new leaching portions of new septic systems, as follows:

(A) Adjacent to ponds, lakes, estuaries, and the open ocean.

(i) Where the receiving soil downgradient of the leaching portions of a septic system is a porous sand and gravel material with a percolation rate equal to or faster than 2 minutes per inch, the setback shall be at least 125 feet from the reference line;

(ii) For soils with restrictive layers within 18 inches of the natural soil surface, the setback shall be at least 100 feet from the reference line; and

(iii) For all other soil conditions, the setback shall be at least 75 feet from the reference line.

(B) Adjacent to rivers the setback shall be no less than 75 feet.

(3) The placement of all septic tanks and leaching portions of septic systems for replacement systems shall comply with the requirements of subparagraph ~~[(b)(2)]~~ **(c)(2)**, to the maximum extent feasible.

~~[(c)]~~ **(d) EROSION AND SILTATION.**

(1) All new structures, modifications to existing structures, and excavation or earth moving within protected shoreland shall be designed and constructed in accordance with rules adopted by the department under RSA 541-A for terrain alteration under RSA 485-A:17, to manage stormwater and control erosion and sediment, during and after construction.

(2) New structures and all modifications to existing structures within the protected shoreland shall be designed and constructed to prevent the release of surface runoff across exposed mineral soils.

(3) A permit under RSA 485-A:17, I shall be required for improved, developed, or subdivided land whenever there is a contiguous disturbed area exceeding 50,000 square feet that is either partially or wholly within protected shoreland.

~~[(d)]~~ **(e) MINIMUM LOTS AND RESIDENTIAL DEVELOPMENT.** In the protected shoreland:

(1) The minimum size for new lots in areas dependent upon on-site septic systems shall be determined by soil type lot size determinations, as established by the department of environmental services under RSA 485-A and rules adopted to implement it.

(2) For projects in areas dependent upon on-site sewage and septic systems, the total number of residential units in the protected shoreland, whether built on individual lots or grouped as cluster or condominium development, shall not exceed:

(A) One unit per 150 feet of shoreland frontage; or

(B) For any lot that does not have direct frontage, one unit per 150 feet of lot width as measured parallel to the shoreland frontage that lies between the lot and the reference line.

(3) No lot ~~[dependent upon an on-site septic system]~~ having frontage on public waters, shall be created with less than 150 feet of shoreland frontage.

(4) ~~[Lots in areas serviced by municipal sewers shall conform to municipal minimum lot standards, and shall not be subject to any shoreland frontage requirement, except as provided by municipal standards.]~~

~~(5)]~~ Lots and residential units outside of the protected shoreland shall not be subject to this chapter.

~~[(e)]~~ **(f) MINIMUM LOTS AND NON-RESIDENTIAL DEVELOPMENT.** In the protected shoreland:

(1) The minimum size for new non-residential lots in areas dependent upon on-site septic systems shall be determined by soil type lot size determinations, as set forth under rules adopted under RSA 541-A.

(2) ~~[Non-residential development requiring on-site water, sewage, and septic systems shall not be constructed on lots less than 150 feet in width.]~~ ***No lot having frontage on public water shall be created with less than 150 feet of shoreland frontage.***

(3) ~~[Non-residential lots in areas serviced by municipal sewers shall conform to municipal minimum lot standards.]~~

~~(4)]~~ Non-residential lots outside of the protected shoreland shall not be subject to this chapter.

(g) IMPERVIOUS SURFACES.

(1) No more than 20 percent of the area of a lot located within the protected shoreland shall be composed of impervious surfaces, except as provided in subparagraphs (2) and (3).

(2) The impervious surface area shall not exceed 25 percent provided that in the waterfront buffer, in addition to any other provisions that apply to such area under this chapter, no trees or saplings shall be removed as provided for in RSA 483-B:9, V(a)(2)(D)(iii) and such restriction is recorded in the chain of title for the property. In addition, if the natural tree and sapling cover in the waterfront buffer does not meet the 50-point minimum score of RSA 483-B:9, V(a)(2)(D) in any segment, then such segment shall be planted, as determined by rule of the department, with native trees, saplings, or natural ground cover in sufficient quantity, type, and location either to meet the minimum score or to provide at least an equivalent level of protection as offered by the minimum score.

(3) The impervious surface area shall not exceed 30 percent provided the conditions of subparagraph (2) are satisfied and a stormwater management system designed to ensure that post-development total runoff volume shall not exceed the pre-development total runoff volume, and approved by the department, shall be implemented and maintained.

(4) Property owners and developers are encouraged to seek creative solutions that utilize low impact development techniques.

~~[(g)]~~ **(h) COMMON OWNERS AND RESIDENTIAL OR NON-RESIDENTIAL DEVELOPMENT.** In the protected shoreland, waterfront parcels held in common by one or more owners of contiguous interior parcels may be developed, but only in a manner consistent with the provisions of this chapter. Care shall be taken for the adequate provision of parking, toilet facilities, and related support systems to minimize the project's impact on the public waters.

~~[(g)]~~ **(i)** The commissioner shall have the authority to grant variances from the minimum standards of this section. Such authority shall be exercised subject to the criteria which govern the grant of a variance by a zoning board of adjustment under RSA 674:33, I(b).

11 Nonconforming Structures. Amend RSA 483-B:11 to read as follows:

483-B:11 Nonconforming Structures.

I. Except as otherwise prohibited by law, nonconforming structures~~[, erected prior to July 1, 1994,]~~ located within the protected shoreland may be repaired, renovated, or replaced in kind using modern technologies, provided the result is a functionally equivalent use. Such repair or replacement may alter the interior design or existing foundation, but **shall result in** no expansion of the existing footprint ~~[or outside dimensions shall be permitted]~~ **except as authorized by the department pursuant to paragraph II.** An expansion that increases the sewerage load to an on-site septic system, or changes or expands the use of a septic system or converts a structure to condominiums or any other project identified under RSA 485-A:29-44 and rules adopted to implement it shall require approval by the department. Between the primary building line and the reference line, no alteration shall extend the structure closer to the public water, except that the addition of a deck or open porch is permitted up to a maximum of 12 feet towards the reference line **for nonconforming structures erected prior to July 1, 1994.**

II. When reviewing requests for the redevelopment of sites that contain nonconforming structures ~~[erected prior to July 1, 1994,]~~ **or any expansions of nonconforming structures** the commissioner shall review proposals which are more nearly conforming than the existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to the public waters. For the purposes of this section, a proposal that is "more nearly conforming" means a proposal for significant changes to the location or size of existing structures that bring the structures into greater conformity, or a proposal for changes to other aspects of the property, including but not limited to stormwater management, wastewater treatment or traffic volume or flow, or both types of proposal which significantly improve wildlife habitat or resource protection.

12 Rulemaking. Amend RSA 483-B:17, III-X to read as follows:

III. **Implementation and** enforcement of the minimum shoreland standards, including methods and timing of inspection and coordination with municipalities.

IV. Procedures and criteria for the placement of small accessory structures such as storage sheds and gazeboes, the size, placement, and construction of which is consistent with the intent of this chapter, between the reference line and the primary building line.

V. Criteria governing the assessment of administrative fines.

VI. Criteria governing low phosphate, slow release nitrogen fertilizer.

~~[VII. Criteria governing maintaining a healthy, well-distributed stand of trees, saplings, shrubs, and ground covers.~~

~~VIII.] VII.~~ A methodology for identifying unsafe trees.

~~[IX.] VIII.~~ Defining the opening for building construction.

~~[X.] IX.~~ Definitions of terms not defined in this chapter.

13 Permit. Amend RSA 483-B:5-a, V is repealed and reenacted to read as follows:

V.(a) Within 30 days of receipt of an application for a permit or 75 days of receipt of an application for a permit that will require a variance of the minimum standard of RSA 483-B:9, V or a waiver of the minimum standards of RSA 483-B:9, the department shall request any additional information required to complete its evaluation of the application, and provide the applicant with any written technical comments the department deems necessary. Any request for additional information shall specify that the applicant submit such information as soon as practicable and notify the applicant that if all of the requested information is not received within 60 days of the request, the department shall deny the application.

(b) When the department requests additional information pursuant to subparagraph (a), the department shall, within 30 days of the department's receipt of the information:

(1) Approve the application and issue a permit;

(2) Deny the application, in whole or in part; or

(3) Extend the time for response for good cause and with the written agreement of the applicant.

(c) Where no request for additional information is made, the department shall, within 30 days of receipt of the application for a permit or 75 days of receipt of an application for a permit that will require a variance of the minimum standard of RSA 483-B:9, V or a waiver of the minimum standards of RSA 483-B:9, approve or deny the application, in whole or in part.

(d) If the department fails to render a decision in the time frame provided in this paragraph, the application shall be deemed to be approved and a permit shall be issued.

14 Contingency. If HB 663-FN-A of the 2007 legislative session becomes law, section 13 of this act shall take effect April 1, 2008. If HB 663-FN-A does not become law, section 13 of this act shall not take effect.

15 Repeal. The following are repealed:

I. RSA 483-B:19 relative to the applicability of the comprehensive shoreland protection act.

II. RSA 483-B:20, relative to the exception of certain designated rivers.

III. 2002, 114:2, relative to setback requirements.

16 Effective Date.

I. Section 5 of this act shall take effect July 1, 2011.

II. Section 12 of this act shall take effect July 1, 2007.

III. Section 13 of this act shall take effect as provided in section 14 of this act.

IV. Section 14 of this act shall take effect upon its passage.

V. The remainder of this act shall take effect April 1, 2008.

2007-1789s

AMENDED ANALYSIS

This bill adds a waterfront buffer requirement and modifies the natural woodland buffer requirement of the comprehensive shoreland protection act. This bill also repeals the authorization for certain municipalities to maintain defined primary building lines.

Energy, Environment and Economic Development
May 30, 2007
2007-1972s
06/03

Amendment to HB 416

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

AN ACT relative to mercury reduction and establishing a committee to study methods of improving the recycling rate in New Hampshire for mercury-added thermostats.

Amend RSA 149-M:58, II as inserted by section 1 of the bill by replacing it with the following:

II. Owners and operators of solid waste landfills, transfer stations, and incinerators may develop programs to sort, collect, and recycle or dispose of mercury-added products in accordance with applicable laws and regulations.

Amend the introductory paragraph of RSA 149-M:58, V as inserted by section 1 of the bill by replacing it with the following:

V. Owners and operators of solid waste landfills, transfer stations, and incinerators shall not be found to have knowingly accepted or disposed of mercury-added products if, at a minimum, the facility has implemented all of the following mechanisms:

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

2 Committee Established. There is established a committee to study methods of improving the recycling rate in New Hampshire for mercury-added thermostats.

3 Membership and Compensation.

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

(a) Two members of the senate, including one member of the energy, environment, and economic development committee, and one member of the ways and means committee, appointed by the president of the senate.

(b) Three members of the house of representatives, including one member of the environment and agriculture committee, one member of the science, technology, and energy committee, and one member of the ways and means committee, appointed by the speaker of the house of representatives.

II. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

4 Duties. The committee shall:

I. Review the current status of mercury-added thermostat recycling in New Hampshire and evaluate the need for a formal collection and recycling program.

II. Review existing and proposed programs in other states to collect and recycle mercury-added thermostats.

III. Identify options for the funding of such collection and recycling programs, including consideration of manufacturer-funded programs.

IV. Solicit relevant information and testimony from the following organizations:

(a) The New Hampshire department of environmental services.

(b) An organization representing the environmental community in New Hampshire.

(c) An organization representing the thermostat manufacturing sector.

(d) The New Hampshire Municipal Association.

(e) An organization representing the recycling sector.

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

6 Report. The committee shall report its findings and any recommendations for proposed legislation to the president of the senate, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library on or before November 1, 2007.

7 Effective Date.

I. Section 1 of this act shall take effect January 1, 2008.

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

2007-1972s

AMENDED ANALYSIS

This bill:

I. Bans the disposal of mercury-added products in solid waste landfills, transfer stations, or incinerators.

II. Establishes a committee to study methods of improving the recycling rate in New Hampshire for mercury-added thermostats.

Election Law and Internal Affairs

May 30, 2007

2007-1968s

03/04

Amendment to HB 429

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

AN ACT relative to nominations by write-in vote.

Amend the bill by replacing section 1 with the following:

1 Disqualification of Candidate, Write-in Votes. Amend RSA 659:91-a, II to read as follows:

II. Notwithstanding the provisions of RSA 655:37, if any candidate is disqualified from accepting the nomination of another party by means of write-in votes because the candidate is disqualified under the provisions of paragraph I, then the nomination shall be given to the candidate who received the highest number of write-in votes and who was not disqualified under the provisions of paragraph I, so long as he or she receives [~~10~~] **100** write-in votes, or write-in votes equaling [~~10~~] **20** percent or more of the total votes cast for that party on the state primary election ballot, whichever is the smaller.

2007-1968s

AMENDED ANALYSIS

This bill increases the number of write-in votes needed to receive a nomination in cases where another candidate is disqualified from receiving the nomination because he or she ran for that office on a different party's ballot.

Senate Ways and Means

May 31, 2007

2007-2021s

08/03

Amendment to HB 511

Amend RSA 287-E:7, XI as inserted by section 1 of the bill by replacing it with the following:

XI. Except as provided in paragraphs XIII and XV, all prizes, tokens, or awards used, given, offered or awarded in connection with any game or series of games conducted on one game date shall not exceed the total value of [~~\$3,500~~] **\$4,000, up to \$500 of which may be provided by the commercial hall.**

Energy, Environment and Economic Development

May 30, 2007

2007-1964s

08/09

Amendment to HB 672

Amend paragraph I(b)-(c) of section 2 of the bill by replacing them with the following:

(b) One member of the senate, appointed by the senate president.

(c) One member from the New Hampshire Municipal Association, appointed by the association.

Energy, Environment and Economic Development
May 30, 2007
2007-1970s
08/01

Amendment to HB 699

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

1 Commission Established. There is established a sewage, sludge, and septage disposal commission.

2 Membership and Compensation.

I. The members of the sewage, sludge, and septage disposal commission shall be as follows:

(a) Three members of the house of representatives, appointed by the speaker of the house of representatives.

(b) One member of the senate, appointed by the president of the senate.

(c) One member from the division of water of the department of environmental services, appointed by the commissioner of the department of environmental services.

(d) One member from the division of waste management, appointed by the commissioner of the department of environmental services.

(e) The director of the office of energy and planning, or designee.

(f) The commissioner of the department of agriculture, markets, and food, or designee.

(g) The state epidemiologist, or designee.

(h) A member representing the university of New Hampshire college of engineering and physical sciences appointed by the dean of the college.

(i) A member representing the university of New Hampshire college of life sciences and agriculture, appointed by the dean of the college.

(j) A member representing the institute for the study of earth, oceans, and space, appointed by the director of the institute.

(k) A member representing the University of New Hampshire Thompson school of applied science, appointed by the dean of the school.

(l) A member representing the University of New Hampshire cooperative extension, appointed by the director.

II. Legislative members of the commission shall receive mileage at the legislative rate when attending to the duties of the commission.

III. The commission shall choose a chairperson, a vice-chairperson and a clerk from its membership.

3 Duties. The sewage, sludge, and septage disposal commission shall study:

I. The costs involved with the disposal of sewage, sludge, and septage.

II. The options used for sewage, sludge, and septage disposal.

III. The technological alternatives to disposal methods used in New Hampshire and their costs.

IV. The economic feasibility of alternatives to current disposal methods.

V. The environmental impact of current and alternative disposal methods.

VI. The public health effect of current and alternative disposal methods.

VII. The definition of biosolids.

4 Meetings. The sewage, sludge, and septage disposal commission shall meet at least quarterly to discuss pending legislation and at such times as the chairperson may call.

5 Report. The commission shall make an interim report on its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2007, and shall make a final report on its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2008.

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

Senate Judiciary

May 31, 2007

2007-2022s

05/04

Amendment to HB 707

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

1 Protection of Persons from Domestic Violence; Hearing. Amend RSA 173-B:3, VII to read as follows:

VII.(a) The court shall hold a hearing within 30 days of the filing of a petition under this section or within 10 days of service of process upon the defendant, whichever occurs later.

(b) The time frame established in this paragraph may be extended for an additional 10 days upon motion by either party for good cause shown. If an extension is granted, the court shall re-schedule the hearing in an expeditious manner. A recusal of the available judge or any act of God that interferes with the originally scheduled hearing shall not be cause for the dismissal of the petition.

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

2007-2022s

AMENDED ANALYSIS

This bill permits the court to extend the hearing date in a domestic violence case for good cause.

Energy, Environment and Economic Development

May 30, 2007

2007-1960s

08/09

Amendment to HB 812

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

1 Temporary Use Authorization; Time Extended. Amend 1998, 56:6 as amended by 2003, 43:14, 2003, 302:3, and 2005, 141:2 to read as follows:

56:6 Temporary Use Authorization.

I. The septage and sludge land application restrictions contained in RSA 483:9, VI(c), RSA 483:9-a, VII(b), RSA 483:9-aa, VII(b), and RSA 483:9-b, VII(b) shall not apply until [~~July 1, 2007~~] **January 1, 2010** to any land upon which septage or sludge has been spread in accordance with all applicable rules adopted by the federal Environmental Protection Agency and the New Hampshire department of environmental services, during any portion of the 3-year period prior to January 1, 1998. In addition, there shall be no termination of this restriction exemption for qualifying land that is used for scientific research on septage or sludge. Any continued application of septage and sludge pursuant to this section shall comply with all applicable federal and state laws and any best management practices published by the university of New Hampshire cooperative extension.

II. *Upon the effective date of this paragraph, the department of environmental services shall work with the local river management advisory committees for the upper Merrimack, Connecticut, and Pemigewasset Rivers to develop appropriate testing protocols at each eligible site under paragraph I to test for groundwater contamination and surface water contamination from sludge and septage land application during the temporary use authorization specified in paragraph I.*

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

2007-1960s

AMENDED ANALYSIS

This bill extends the exemption of certain uses of land application of septage and sludge within certain distances of natural, rural, rural-community, and community rivers.

Senate Education

May 30, 2007

2007-1959s

08/04

Amendment to HB 822

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

188-E:5(a) The program in the regional vocational centers shall be broad enough to serve the reasonable needs of the area, and provide for a substantial vocational offering in the region. Each center shall make maximum utilization of cooperative arrangements with special education and vocational rehabilitation in providing vocational education for disadvantaged and disabled persons. Opportunities for out-of-school youths, including "drop outs" and others, and adult education will be provided whenever possible. The regional vocational centers, as an integral part of each vocational offering, may provide opportunities in leadership development through participation by students in appropriate corresponding and nationally recognized vocational student organizations.

(b) Regional vocational centers shall, on a space available basis, enroll any student requesting enrollment who has attended 2 years of high school regardless of the number of academic credits earned, provided that:

(1) The student has successfully completed any courses required as a prerequisite for the career and technical education program elected; or

(2) The prerequisites have been waived by the regional vocational center. Such a waiver shall not be unreasonably withheld.

SPECIAL ORDER

THURSDAY, JUNE 7, 2007

ENERGY, ENVIRONMENT AND ECONOMIC DEVELOPMENT

HB 663-FN-A, (2nd New Title) relative to the protected shoreland permitting process and establishing and funding positions within the department of environmental services.

Ought to pass with amendment, Vote 3-0

Senator Cilley for the committee.

AMENDMENTS

Energy, Environment, and Economic Development

May 16, 2007

2007-1672s

06/10

Amendment to HB 663-FN-A

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

1 New Section; Permit Required. Amend RSA 483-B by inserting after section 5 the following new section:

483-B:5-a Permit Required; Exemption.

I.(a) No person shall commence construction, excavation or filling activities within the protected shoreland without obtaining a permit from the department to ensure compliance with this chapter.

(b) The permit application fee shall be \$100 plus \$.10 per square foot of area affected by the proposed activities and shall be deposited in the wetlands and shorelands review fund established under RSA 482-A:3, III. Such fees shall be capped as follows:

- (1) For projects of 0-9,999 square feet, \$750.
- (2) For projects of 10,000 – 24,999 square feet, \$1,875.
- (3) For projects of 25,000 square feet or more, \$3,750.

II. Timber harvesting operations permitting requirements shall be in accordance with RSA 485-A:17, IV and therefore shall be exempt from the permitting requirement under paragraph I.

III. Construction of public roads, public utility lines and associated structures and facilities, and public water access facilities shall be exempt from the permitting fees of paragraph I.

IV. Impacts in the protected shoreland that receive a permit in accordance with RSA 482-A shall not require a permit under this section.

V.(a) Within 75 days of receipt of an application for a permit the department shall request any additional information required to complete its evaluation of the application, and provide the applicant with any written technical comments the department deems necessary. Any request for additional information shall specify that the applicant submit such information as soon as practicable and notify the applicant that if all of the requested information is not received within 120 days of the request, the department shall deny the application.

(b) When the department requests additional information pursuant to subparagraph (a), the department shall, within 30 days of the department's receipt of the information:

- (1) Approve the application and issue a permit;
- (2) Deny the application, in whole or in part; or
- (3) Extend the time for response for good cause and with the written agreement of the applicant.

(c) Where no request for additional information is made, the department shall, within 75 days of receipt of the application, approve or deny the application, in whole or in part.

2 New Paragraph; Rulemaking. Amend RSA 483-B:17 by inserting after paragraph X the following new paragraph:

XI. Procedures and criteria for permitting under RSA 483-B:5-a, including permit by notification and the identification of those activities that may be conducted without obtaining a permit, all consistent with the provisions of this chapter.

3 Excavating and Dredging Permit; Certain Exemptions. Amend RSA 482-A:3, III to read as follows:

III. The filing fees collected pursuant to paragraphs I, V(c), XI(h), and XII(c) **and RSA 483-B:5-a** are **continually** appropriated to and shall be expended by the department for paying per diem and expenses of the public members of the council, hiring additional staff, reviewing applications and activities relative to the wetlands of the state **and protected shorelands under RSA 483-B**, conducting field investigations, and holding public hearings. Such fees shall be held by the treasurer in a nonlapsing fund identified as the wetlands **and shorelands** review fund.

4 Application of Receipts. Amend RSA 6:12, I(b)(131) to read as follows:

(131) Moneys deposited in the wetlands **and shorelands** review fund under RSA 482-A:3, III.

5 Positions Established. The department of environmental services may hire up to 6 additional staff positions to implement RSA 483-B and to perform education and outreach. Authorized positions include, at a minimum, 2 environmentalist II and 2 environmental III positions for implementation of RSA 483-B, and one environmentalist II position for education and outreach. Funding for the positions and associated costs shall be drawn from the wetlands and shorelands review fund under RSA 482-A:3, III.

6 Funding Transfer and Repayment. The state treasurer shall transfer \$375,000 from the general fund to the wetlands and shorelands review fund under RSA 482-A:3, III for the biennium ending June 30, 2009. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated. Notwithstanding any provision of law to the contrary, 1/2 of the permit fees collected under RSA 483-B:5-a shall be deposited in the general fund until such time as the \$375,000 is repaid.

7 Excavating and Dredging Permit; Reference Deleted. Amend RSA 482-A:3, III to read as follows:

III. The filing fees collected pursuant to paragraphs I, V(c), XI(h), and XII(c), [~~and RSA 483-B:5-a~~] are continually appropriated to and shall be expended by the department for paying per diem and expenses of the public members of the council, hiring additional staff, reviewing applications and activities relative to

the wetlands of the state and protected shorelands under RSA 483-B, conducting field investigations, and holding public hearings. Such fees shall be held by the treasurer in a nonlapsing fund identified as the wetlands and shorelands review fund.

8 Repeal. The following are repealed:

I. RSA 483-B:5-a, I(b), relative to permit application fees.

II. RSA 483-B:5-a, III, relative to exemptions from permit application fees.

9 Effective Date.

I. Section 1 of this act shall take effect April 1, 2008.

II. Sections 7-8 of this act shall take effect July 1, 2011.

III. The remainder of this act shall take effect July 1, 2007.

HEARINGS

TUESDAY, JUNE 5, 2007

EDUCATION, Room 103, SH

Sen. Estabrook (C), Sen. Foster (VC), Sen. Fuller Clark, Sen. Kelly, Sen. Bragdon, Sen. Letourneau
9:30 a.m. **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
10:15 a.m. **BUDGET PRESENTATION TO THE SENATE**

MEETINGS

FRIDAY, JUNE 1, 2007

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

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

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

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

WELLNESS AND PRIMARY PREVENTION COUNCIL (RSA 126-M:3)

10:00 a.m. Room 205, LOB Regular Meeting

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

12:00 p.m. Room 307, LOB Regular Meeting

MONDAY, JUNE 4, 2007

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

10:00 a.m. Room 205, LOB Corrections Subcommittee

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

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

NEW HAMPSHIRE CONSERVATION NUMBER PLATE ADVISORY COMMITTEE (RSA 261:97-d)

1:00 p.m. Room 305, LOB Regular Meeting

ESTABLISHING A STATE ENERGY POLICY COMMISSION (HB 1146, Chapter 257:1, Laws of 2006)
 2:00 p.m. Room 304, LOB Subcommittee Work Session

TUESDAY, JUNE 5, 2007

TASK FORCE TO STUDY COUNTY GOVERNMENT (SB 319, Chapter 221:1, Laws of 2006)
 10:00 a.m. Room 301, LOB Full Committee Meeting

THURSDAY, JUNE 7, 2007

A COMMISSION TO STUDY WAYS TO ENCOURAGE THE PROPER RECYCLING AND DISPOSAL OF GREASE TRAP WASTES AND TO DETERMINE WAYS TO DEVELOP ADDITIONAL DISPOSAL CAPACITY (HB 1373, Chapter 261:1, Laws of 2006)

1:00 p.m. Room 303, LOB Regular Meeting

FRIDAY, JUNE 8, 2007

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

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

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

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

MONDAY, JUNE 11, 2007

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

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

LEGISLATIVE ETHICS COMMITTEE (RSA 14-B:2) & **EXECUTIVE BRANCH ETHICS COMMITTEE** (RSA 21-G:29)

10:00 a.m. The Attorney General's Office
 Room 302
 33 Capitol Street
 Concord, NH Joint Meeting

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

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

ESTABLISHING A TASK FORCE TO STUDY TEMPORARY ASSISTANCE TO NEEDY FAMILIES (TANF) (HB 1461, Chapter 247:1, Laws of 2006)

2:00 p.m. Room 205, LOB Regular Meeting

TUESDAY, JUNE 12, 2007

JOINT LEGISLATIVE COMMITTEE ON ELDERLY AFFAIRS (RSA 17-H:2)

9:30 a.m. Room 205, LOB Reorganizational Meeting

FRIDAY, JUNE 15, 2007

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

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

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

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

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

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

MONDAY, JUNE 18, 2007

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

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

FRIDAY, JUNE 22, 2007

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

9:00 a.m. Rooms 305-307, LOB Regular Meeting

TUESDAY, JUNE 26, 2007

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

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

THURSDAY, JUNE 28, 2007

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

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

FRIDAY, JUNE 29, 2007

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

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

THURSDAY, JULY 19, 2007

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

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

MONDAY, JULY 23, 2007

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

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

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SENATE BILLS AMENDED BY THE HOUSE

- SB 29** updating laws relative to child impact seminars to reflect the implementation of the judicial branch family division.
- SB 38** relative to uninsured or hit-and-run motor vehicle coverage.
- SB 47-FN-A** making a supplemental appropriation for school building aid.
- SB 55-FN** (New Title) establishing a committee to study the efficacy of the Master Settlement Agreement and strategies for addressing the financial burden imposed on the state by cigarette smoking and the use of tobacco products.
- SB 59** establishing a committee to study the effect on the unemployment compensation trust fund of employees with negative balance separate accounts.
- SB 64** changing the dates of the reports on court facilities made to the supreme court by the court accreditation commission and made to the commissioner of administrative services by the supreme court.
- SB 66** (New Title) relative to involuntary civil commitment of sexually violent predators and relative to payment of the sex offender registration fee by criminal offenders.
- SB 69** relative to exceptions to the confidentiality provisions for certain department of employment security records.

- SB 78** relative to the placement of twins or other multiples in the same classroom.
- SB 118** increasing fines for certain dog violations.
- SB 160** adding members to the Skyhaven airport operation commission and changing the required completion date for the Skyhaven airport transfer plan.
- SB 161-FN** relative to the registration fees for mortgage servicing companies.
- SB 187** relative to motor vehicles operated in parades.

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ENROLLED BILL AMENDMENTS ARE AVAILABLE IN THE SENATE CLERK'S OFFICE FOR 2007 BILLS.

HOUSE BILLS: 153, 216, 220, 361, 468, 846, 873, 889

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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 2007 BILLS.

SENATE BILLS: 35, 47, 55, 65, 67, 68, 74, 76, 82, 90, 93, 98, 101, 103, 113, 117, 122, 126, 128, 129, 134, 138, 145, 146, 148, 163, 166, 168, 169, 172, 176, 179, 183, 184, 186, 191, 200, 204, 205, 206, 210, 213, 217, 219, 223, 224, 225, 226, 232, 233, 235, 240, 242, 243, 249, 255, 257, 260, 263

HOUSE BILLS: 2, 25, 43, 46, 64, 95, 118, 228, 239, 243, 256, 272, 273, 417, 426, 440, 451, 471, 488, 523, 547, 553, 568, 590, 608, 629, 653, 657, 661, 663, 718, 727, 733, 755, 790, 791, 826, 828, 857, 873, 876, 895, 907, 927

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NOTICES

NEW SMOKING POLICY

At the Monday, March 12, 2007 meeting of the Joint Legislative Facilities Committee, a new smoking policy was adopted, and reads as follows:

Effective this date, smoking is prohibited in the State House and Legislative Office Building, including all outdoor areas adjacent to these buildings up to the city owned sidewalks, with the exception of the following designated areas:

1. The existing smoking room in the basement of the Legislative Office Building, and
2. The basement and first floor levels of the covered outdoor parking garage located behind the Legislative Office Building

Sylvia B. Larsen, Senate President

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Open enrollment for the State of New Hampshire group health and dental plans will be held from June 8 through June 22, 2007. All legislators and their dependents are eligible to join the health and/or dental plans at their own expense. Legislators currently enrolled may change plan types and add or remove dependents during open enrollment. More information will be mailed to each of you from the Office of Legislative Accounting by the end of the month. Information and enrollment/change forms are available through Joyce Phinney, Legislative Accounting, State House, Room 113 or 271-5685.

Sylvia B. Larsen, Senate President

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FRIDAY, JUNE 1, 2007

The 34th Annual Bill White Memorial Legislative Golf Tournament is scheduled for Friday, June 1, 2007 at the Waukegan Golf Course, Meredith, NH. The entry fee for this annual tournament is \$90.00 per person which includes greens fee, cart, barbecue dinner and prizes.

Registration is at 7:30 a.m. and the shotgun start is scheduled for 9:00 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.

A maximum of 100 players will be allowed. 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 14th to Sandra Anderson at the LOB Lobby Desk. Checks should be made payable to Sandra Anderson.

Sylvia Larsen, President of the Senate

34th Annual Bill White Memorial Golf Tournament

Waukegan Golf Course

Meredith, NH

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

Telephone: _____ Amount Enclosed: _____

Senator Joseph A. Foster
 Senator Theodore L. Gatsas

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MONDAY, JUNE 4, 2007

It is with great honor and respect that I would like to invite you to the naming ceremony of the Epsom Traffic Circle in memory of fallen police officers Jeremy T. Charron and Michael L. Briggs on Monday, June 4th at 10:00 a.m. on the grounds of the Epsom Traffic Circle located at the intersection of Routes 4 and 28 in Epsom. All legislators and members of the public are invited to attend.

Senator John S. Barnes

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TUESDAY, JUNE 5, 2007

NH State PIRC (Parent Information & Resource Center) Open House; Tuesday, June 5th, 5:30 p.m. - 7:30 p.m. 151A Manchester St., Concord; Wine, Cheese, and Light Food will be Served; RSVP: 224-7005

Senator Martha Fuller Clark

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WEDNESDAY, JUNE 6, 2007

Osteoporosis Education Prevention - The annual education, prevention, snack celebration will be held on Wednesday, June 6th, from 11:00 a.m. to 1:00 p.m. Hopefully, bone density of the foot will be done. Everyone is welcome. Come join the fun in Room 103, State House.

Senator Sheila Roberge

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SENATE SCHEDULE

Thursday, June 7, 2007	Last day to ACT on all remaining House Bills
Thursday, June 14, 2007	Last day to FORM Committees of Conference
Thursday, June 21, 2007	Last day to SIGN Committee of Conference Reports
Wednesday, June 27, 2007	Last day to ACT on Committee of Conference Reports
Wednesday, July 4, 2007	Fourth of July (State Holiday)
Monday, September 3, 2007	Labor Day (State Holiday)
Monday, November 12, 2007	Veteran's Day (State Holiday)
Thursday, November 22, 2007	Thanksgiving Day (State Holiday)
Friday, November 23, 2007	Day after Thanksgiving (State Holiday)
Tuesday, December 25, 2007	Christmas Day (State Holiday)

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VISITORS CENTER SCHEDULE - MAY - JUNE

State House Visitation Schedule 2007

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 & June 2007. These listings are to ensure all members be notified in a timely manner of visitors from their district. Please note that schools may schedule and reschedule, therefore you may contact the Visitor Center to check on updates. Our schedule is tightly booked for the remainder of the school year. 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	Grade/Size
June 1	10:00	Nashua Christian Academy	4/10
June 1	10:00	Lighthouse Christian Academy – Brentwood	(3/4)/11
June 1	11:00/12:00 SH/SC	Riddle Brook School- Bedford	4/55
June 4	8:30	Florence Rideout Elementary School – Wilton	4/52
June 4	10:15/11:30 SH/HM	Pelham Elementary School	4/100
June 4	12:45	Lyndeborough Central School	5/9
June 5	10:15/11:30 SH/HM	Pelham Elementary School	4/100
June 5	12:00	Estabrook School – West Lebanon	(3 rd -6 th)/10
June 6	9:30/10:30	Raymond Elementary School	4/100
June 6	11:00/12:30 SH/HM	Maple Street School – Contoocook	4/80
June 7	8:00	St. Joseph Junior High School – Manchester	8/65
June 7	10:00	Kensington Elementary School	4/30
June 7	12:00	Ed Fenn School- Gorham	4/40
June 8	8:00	St. Joseph Junior High School – Manchester	8/65
June 8	10:00	Ray School – Hanover	4/40
June 8	11:00	Ben Franklin School – Keene	4/30
June 11	10:00	Jonathan Daniels Elementary School – Keene	4/30
June 11	12:00	Plymouth Elementary School	4/52
June 12	10:00	Nashua Children's Home	5&6/10
June 12	10:00/11:30 SH/HM	Ray School – Hanover	4/60
June 13	10:00	Rivendell Academy – Orford	6/48
June 14	9:30	John Fuller School – North Conway	4/32
June 20	1:15	New Hampshire State Grange	25
June 22	9:30	Boy's State	HS/60