Bill as Introduced

HB 1441 – AS INTRODUCED

2002 SESSION

02-2431
10/01

HOUSE BILL ***1441***

AN ACT relative to the availability of records of the joint committee on legislative facilities.

SPONSORS: Rep. Herman, Hills 13; Rep. Welch, Rock 18

COMMITTEE: Legislative Administration

ANALYSIS

This bill provides for the availability of the record of the minutes of meetings of the joint committee on legislative facilities and its subcommittees.

Explanation: Matter added to current law appears in ***bold italics.***
Matter removed from current law appears [~~in brackets and struckthrough.~~]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

HB 1441 – AS INTRODUCED

02-2431
10/01

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Two

AN ACT relative to the availability of records of the joint committee on legislative facilities.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 New Section; Joint Committee on Legislative Facilities; Committee Records. Amend RSA 17-E by inserting after section 5 the following new section:

17-E:6 Committee Records. A record of the minutes of committee and subcommittee meetings shall be available to the public and shall be maintained in accordance with the provisions of RSA 91-A:2, II. The record of the minutes of the joint committee on legislative facilities shall be available at the office of legislative accounting. The record of the minutes of the house and senate subcommittees shall be available at the office of the clerk of the appropriate chamber.

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

Committee Minutes

State of New Hampshire

STATE HOUSE

CONCORD

TDD Access: Relay NH 1-800-735-2964

MEMORANDUM

TO: **Study Committee Members, HB 0574, Chapter 0061:2, Laws of 2001**

Rep. David Welch
Rep. Richard Leone
Rep. Paul Mirski
Sen. Thomas Eaton
Sen. Carl Johnson
Sen. Edward Gordon
Sen. Lou D'Allesandro

FROM: **Rep. Keith Herman**
387 Osgood Road
Milford NH 03055-3435
603-673-0750 email: repherman@aol.com

DATE: **August 29, 2001**

RE: **Organizational Meeting**
establishing a committee to study the recodification of laws relating to the joint committee on legislative facilities and the application of the right-to-know law.

As first-named House member of the above-captioned committee, I have scheduled an organizational meeting for

Wednesday, September 12, 2001 at 2:00 p.m. in State House Room 100

At that time we will select a chairman and discuss how the committee shall proceed with its study. Please don't hesitate to contact me with any questions or comments prior to the meeting.

KRH/jal

9-12-01 3:00 pm

Need for minutes of meetings to be available at a place certain in S. H.

~~Oct~~ Sept 26, 01 2:30 pm
room to be announced

9-21-01

No mention of a role for facilities in the aquisition or placing of portraits or other items suggested by Log Historical Committee.

9-26-01

Problem Staff (access to minutes) should not feel intimidated to ask for minutes.

problem Create an "official" handbook
Leave on website

Next Week Oct 3, 01 2:30 pm

Remove Rule 63

Oct 17, 2001

Q. minutes at clerks office?

A. legislation to make minutes available at clerks office

Q. confidentiality

A. 17E - address 91-A issues in statute
personnell issues qualify

Lee Marden

codify issues, consistency of records. facilities management, good move to reflect actual duties.

17E:5

Oct 23, 2001 Facilities Study

Management

1:00 to Vote
October 31, 2001

No Quorum

State of New Hampshire

HOUSE OF REPRESENTATIVES

CONCORD

HELP LINE TDD RELAY
225-4033

COMMITTEE ON LEGISLATIVE ADMINISTRATION

To: Members of the Committee to Study Recodification of Laws Relating to the Joint Committee on Legislative Facilities

From: Rep. Keith Herman, Chairman

Date: October 25, 2001

Re: Final Meeting; Vote on Draft Proposal

On Wed. Oct. 31st the committee will meet for a final time to vote on proposed recommendations for the drafting of legislation. The meeting will be held at 1:00 p.m. in Room 100 of the State House. Enclosed, you will find the draft proposal. In the event there is a lack of a quorum, my report for the committee (Due Nov. 1) will state that the committee was unable to finish its work. In any case, the committee has already agreed to minor changes in the statutes to reflect a name change for the Facilities Committee and references to RSA 91-A placed in RSA 17-E. My report will make these recommendations should we not adopt any other recommendations on the 31st.

Thank you for your participation.

Date: April 2, 2002
Time: 3:47 p.m.
Room: Room 103, LOB

The Senate Committee on Internal Affairs held a hearing on the following:

HB 1441 relative to the availability of records of the joint committee on legislative facilities.

Members of Committee present: Senator Flanders
Senator Wheeler

The Chair, Senator Flanders, opened the hearing on HB 1441.

Senator Robert B. Flanders, D. 7: Representative Herman is not here. Representative Welch is not here. Representative Norman Major? Does not wish to speak, supporting the bill.

Jennifer Williams: He is not here.

Senator Robert B. Flanders, D. 7: Representative Judith Sullivan. You are going to represent Representative Herman? It looks that way. Whether he likes it or not, you are going to.

Representative Judith Sullivan: This was my original bill. This was my bill and it was the amendment.

Jennifer Williams: I'm sorry, that was Judy Sullivan?

Representative Sullivan: Yes, Carroll County District 2.

Jennifer Williams: Thank you.

Representative Sullivan: This bill.

Senator Katherine W. Wheeler, D. 21: Is this 1441 that you are talking about?

Representative Sullivan: No, 1329.

Senator Robert B. Flanders, D. 7: No, we are on 1441 now. I'm sorry. So, there is nobody here to speak on 1441. I'm not sure I have had this situation before.

Senator Katherine W. Wheeler, D. 21: Let's see.

Jennifer Williams: What does one do?

Senator Katherine W. Wheeler, D. 21: Well, I had it once and I recessed it.

Senator Robert B. Flanders, D. 7: I have opened it. I will recess HB 1441 and we will have to wait until 4:00.

Senator Katherine W. Wheeler, D. 21: Was there anybody else here for 1441?

Unidentified speaker: You said Representative Major put a card in?

Jennifer Williams: He signed up earlier this morning.

Senator Robert B. Flanders, D. 7: Representative Norman Major put a card in. Supporting the bill, he said no.

Jennifer Williams: He signed this morning.

Senator Katherine W. Wheeler, D. 21: And, he doesn't like the bill?

Senator Robert B. Flanders, D. 7: Yes. Supporting the bill, does not wish to speak.

Senator Katherine W. Wheeler, D. 21: Oh, supporting the bill?

Senator Robert B. Flanders, D. 7: Yes. So, I will recess it.

Unidentified speaker: We found a sponsor.

Senator Robert B. Flanders, D. 7: Found a sponsor.

Senator Katherine W. Wheeler, D. 21: Found a sponsor. My God, you just wandered the hall and there was a sponsor.

Senator Robert B. Flanders, D. 7: What were you doing, walking down the street?

Jennifer Williams: And, you are?

Representative David Welch: I will fill this out after I give my testimony.

Senator Robert B. Flanders, D. 7: That's certainly fine. Thank you. That's OK.

Representative Welch: I thought Representative Herman would be here, but knowing how things are going lately, I decided I better make sure I show up and, of course, I didn't show up on time. However, 1441...

Senator Katherine W. Wheeler, D. 21: But you always carry your files?

Representative Welch: I always carry my files. This is the file on the committee that created this bill. This bill reflects about 10% of what the committee was intending to do. If Representative Herman was here, he would tell you that the only part that was done in a

timely fashion that could be agreed upon, and it was basically due to a lack of a quorum, is the part on the right to know law, which would make records available.

I am prepared, if you want to, these are all my records of the file. We had various meetings that concerned staff issues, staff people were telling us that they were intimidated in having to give the records of these meetings because they weren't always kept in a public place. We tried to address that. The hearings or meetings were not always properly posted, at least that is what we were told. Senator D'Allesandro was very much involved on that committee and I suspect that he is probably your best resource seeing as how you would be able to capture him from time to time.

Representative Dickinson had presented some things to us about what the Facilities Committee and passed out this Facilities Committee Handbook where they listed all the various session laws and statutes that go along with it because they are scattered all over the place. A suggestion was made that it ought to be recodified in some fashion so that you would have one place to go for your information. I will leave this with the Committee, although it is a dear possession and I hate to give up any paper, but I am sure you folks will handle it well.

NOTE: Due to its volume, the referenced Handbook is not attached to this transcript, but is available in the original bill file.

We did lack a quorum several times to get things done. We wanted to accomplish much more. We met one, two, three, four, we had five meetings. We started off with a fairly good attendance. It ended up on the last day, we had one, only three people there and a fourth one came in too late to accomplish anything. We had difficulty getting things done.

There seems to be a great resistance on the part of the Joint Committee of Legislative Facilities to do things the way other committees do. I don't mean that as a criticism. It is probably just the way it is constituted and the issues that it deals with. So, I am not criticizing them, but I think what the committee was attempting to do was improve how it operates, improve what people know about it. I mean, who knows what the Joint Facilities Committee does? It was indicated that perhaps it ought to have a name change because it deals with personnel issues. That doesn't reflect...

I was hoping, and I didn't prepare an actual testimony for it, but all the information that we had was all contained in these various, in all the various paperwork that we have. There are amendments. There were attempts to do this before. I am looking to see if there is something here that would give you a real good...

Senator Katherine W. Wheeler, D. 21: Question?

Senator Robert B. Flanders, D. 7: Yes.

Senator Katherine W. Wheeler, D. 21: Representative Welch, did the committee that you are talking about, that you had a hard time getting a quorum, and you wanted to talk about reform, that was itself the Joint Committee on Legislative Facilities, not a study committee?

Representative Welch: No, this was a study committee to look at the issue and to come up with hopefully a fix. I think that the best way to do that is, if in fact you feel as though something should happen beyond just attaching the right to know issue to it, which should be there anyhow, we are supposed to be doing that. I will leave my whole file.

Senator Gordon was on it. Senator Johnson, Senator Eaton, and Senator D'Allesandro. Representative Keith Herman was the Chair. I was on it. Representative Leone and Representative Mirski. This is the complete file for the committee. I will leave the whole file.

Senator Katherine W. Wheeler, D. 21: Of the study committee?

Representative Welch: Yes. You will see the areas where we had some concerns. If you choose to resolve it, you will have information here. I will be more than willing to, if you need to look any closer than that, I would strongly suggest that you talk with Senator D'Allesandro, who proposed a couple of amendments during the process, but because of the lack of a quorum, we couldn't do anything with it.

Senator Katherine W. Wheeler, D. 21: I have two questions.

Senator Robert B. Flanders, D. 7: Yes, go ahead.

Senator Katherine W. Wheeler, D. 21: Thank you. Thank you, Representative Welch. Did the study committee think in terms of wanting to extend the deadline for the study by a year? To put in a piece of legislation that would do that? We just had another bill like that a little while ago.

Representative Welch: If we had done that, we wouldn't have been able to accomplish anything in this term and I think that the momentum that we thought we had probably wouldn't be there at the end of it. We felt as though there were some obvious things. Mostly, we were involved with the staff and their ability to monitor what the committee does because it does affect how they operate and how they work.

There appeared to be an intimidating factor of going in and asking for the records of the committee. We felt as though if the records were kept in a central place like either/or perhaps the Senate Clerk's Office and the House Clerk's Office, anybody would have access to the records and they wouldn't have to ask for them. Certainly, you and I would not have any difficulty asking for them, but a staff person might.

Senator Katherine W. Wheeler, D. 21: One more question. My first second question was, are the duties of the Legislative Facilities Committee outlined anywhere in statute?

Representative Welch: Everywhere. And that is what that blue book is. It is a compilation of all the statutes and session laws that apply to them in one form or another that have never been put into one place. While this is not a recodification per se, it is one booklet that was made up to include all those things so that if you served on it, you wouldn't know really what it is exactly, what powers you have and what powers you don't have. It has never been put in one place before. I will give Representative Dickinson, who initiated that process, and the people over at OLS, a lot of credit for putting that together. It must have taken some time.

Senator Katherine W. Wheeler, D. 21: I have one more question, please. Thanks, Representative Welch. Does it act often as a personnel committee?

Representative Welch: I can't answer that definitively because I have not attended those, but from my understanding of the testimony we have is that, from time to time, it would do that.

Senator Katherine W. Wheeler, D. 21: And, therefore, as a follow up to that, does it go into non-public session?

Representative Welch: I suspect it does.

Senator Katherine W. Wheeler, D. 21: And then we have to debate how the records are made public from a non-public session, I suppose.

Representative Welch: I suspect that would be true, and that is fine by the way because non-public sessions are there for a reason, it is a tool and certainly you don't have a verbatim record that comes out of that, but certainly all decisions are supposed to be made public. That is my understanding.

Senator Katherine W. Wheeler, D. 21: I guess I have one more follow up to that. The bill as presented has nothing to do with whatever may have been done in a non-public session? The minutes of the committee and subcommittee meetings shall be available to the public. That would not include the non-public sessions?

Representative Welch: No. There are provisions in there. I think what you do is, when you come out of, you can seal the minutes. In some cases that might be a desirable thing to do. Information that was dealt with in a non-public session may be made public, depending on the nature of it. I'm not sure that it has to, but I think there is enough folks around who have served as selectmen and whatnot that deal with that all the time. The right to know law is a very interesting animal.

Senator Katherine W. Wheeler, D. 21: Yes, I know. Thank you.

Senator Robert B. Flanders, D. 7: Any other questions? Thank you very much for your testimony. Is there anyone else who cares to testify on HB 1441? Yes. Did you sign up, sir?

Joe Haas: No, I haven't signed up, I just have a comment. I will sign up if you would like. Joe Haas is my name. Of Concord.

Senator Robert B. Flanders, D. 7: OK. Go ahead.

Mr. Haas: I tried to get a paper out of this committee by going to the House Speaker's Office first because somebody told me that he was the chairman, but that was last year. I understand that it rotates, it goes back and forth, switches all the time. So, then I went to the Senate President's Office and, as you go in, there is a new reception area to the right and I asked for something and she said, "Well, go ask Donna 'cause she knows everything". So, then Donna said that Amy was the one that had the actual paperwork.

What I was asking for was a copy of my complaint. This was just as an example, 'cause I knew you were going to have a hearing today and I just thought I would test the system and I tried to get a copy of my complaint of about a year ago to the committee dealing with RSA 3-E:1 that has to do with the House bill that Dick Marple put in in the year 2000 that became law dealing with the flags because all the flags in this facility here and next door, well not all of them I should say, but most of them, have the gold fringe around them, which he said is military because he was in the Korean War and he fought under that flag and he said this isn't proper to have them in a civil place. I asked what was going on with that and could I have a hearing on it. What happened was they said that we are going to have a hearing, you don't need to be present, we will talk about it and give you a report and I never got the report. So, I wanted to find out what exactly was said and what they are going to do

about it 'cause all I heard through the grapevine was as soon as they age, get worn, they will be replaced. You know, look at the Hall of Flags. Those flags have been over there for centuries.

I thought I would give you that as an example of how I tried to get some paperwork out of this committee.

Senator Katherine W. Wheeler, D. 21: So, did you get anything?

Mr. Haas: No, I never go anything.

Senator Katherine W. Wheeler, D. 21: Still haven't got it?

Mr. Haas: I saw Donna as I was coming out of another hearing on the first floor of the State House and I asked her, I said, "Well, what is the progress report?" and she said, "Well, Amy hasn't gotten back to me yet". I mean, it is no big deal. I just would like to maybe eventually find out because I did e-mail Dick Marple today and I asked him if he wanted to come up here because, you know, this isn't the only state committee that has been kind of haphazard. The State Board of Claims has been sitting on his case for three years and that is a whole nother (sic) story and I won't burden you with that.

Senator Robert B. Flanders, D. 7: Any other questions? Thank you for your testimony. Is there anyone else who cares to speak on HB 1441? If not, I declare the hearing closed.

Hearing concluded at 4:05 p.m.

Respectfully submitted,

Recorded by Jennifer Williams
Transcribed by L. Gail Brown

Speakers

COMMITTEE HEARING ON HB 1441

Date: 4/2 Place: _____

NAME: Rep Welch

Business Address: _____

City: _____ Phone: _____

REPRESENTING: Rock 18

WISH TO SPEAK: YES ✓ NO ___ Time Needed: 2 min

Supporting Bill: ✓ Opposing Bill: _____

PLEASE LEAVE COPY OF ANY PREPARED STATEMENT
WITH COMMITTEE CLERK

COMMITTEE HEARING ON HB 1441

Date: 4.2.02 Place: 103, LOB

NAME: Rep Norman Major

Business Address: _____

City: Plaistow NH Phone: _____

REPRESENTING: Rock 16

WISH TO SPEAK: YES ___ NO ✓ Time Needed: _____

Supporting Bill: ✓ Opposing Bill: _____

PLEASE LEAVE COPY OF ANY PREPARED STATEMENT
WITH COMMITTEE CLERK

Testimony

FACILITIES

COMMITTEE

HANDBOOK



Compiled by
Representative Howard C. Dickinson, Jr.
(House Committee Alternate)
January 2001

INTRODUCTION

This Facilities Committee Handbook has been compiled in order to insure that the members of the Joint Facilities Committee, and the House and Senate Facilities subcommittees fully understand and have easy access to several documents and chapter laws related to the operation of the House and Senate.

Since 1973 when the Joint Facilities Committee was first created to act as "Clerk of the Works" for the construction of the Storrs Street Garage and the Legislative Office Building, a number of chapter laws have been passed but never codified in RSA 17-E. Consequently, these laws are next to impossible to access without great difficulty.

It is hoped that this compilation will be of assistance to the members of the Joint Facilities Committee and to the members of the House and Senate as a whole. It is further recommended that in the near future all relevant chapter laws and other related statutory laws will be codified in RSA 17-E. In addition, some of the old chapter laws, which are no longer needed, may be repealed during this recodification study.

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Section I

History and Background

RESEARCH DIVISION

Office of Legislative Services

Room 112, State House, 107 N. Main St., Concord, NH 03301-4951

(603) 271-3326

Research Brief #2000-32102

SUBJECT: Legislative History of the Joint Committee on Legislative Facilities

DATE: February 10, 2000

FROM: Richard M. Lambert

The Research Division was asked to provide a legislative history of the Joint Committee on Legislative Facilities (New Hampshire Revised Statutes Annotated 17-E).

OVERVIEW

Since 1973, the General Court has enacted no fewer than 23 session laws relating to the Joint Committee on Legislative Facilities.[1] Of these 23 laws, only 9 were inserted into the RSAs,[2] and of the 9, only 2 related to RSA 17-E, the chapter that statutorily establishes the Facilities Committee.[3]

LEGISLATIVE HISTORY

Chapter 368 of the New Hampshire Laws of 1973 first established the Joint Committee on Legislative Facilities. This session law established a joint committee whose duties were limited to "conducting, supervising and coordinating the renovating, rebuilding, remodeling or construction of the state-owned building known as the Old Post Office." The new committee was charged with having the building – subsequently re-named the Legislative Office Building – ready for legislative use by January 1, 1975. In 1974, the General Court amended session law 1973, 368 with the enactment of 1974, 38: 23-25. This 1974 law gave the Facilities Committee the additional responsibility to "conduct, supervise and coordinate the planning and construction of a legislative parking facility...for the use and control of the legislature." In 1975, Chapter 4 increased the appropriation for the planning and construction of the parking facility, and Chapter 308 directed the Facilities Committee to "study the overall problem of the printing requirements of the legislature" and to report its findings. It was 1975, 430, "An Act Relative to the Joint Committee on Legislative Facilities," that inserted RSA 17-E, Joint Committee on Legislative Facilities, into the statutes.

Also in 1975, the General Court enacted Chapter 465, "An Act Relative to the Powers and Duties of the Joint Committee on Legislative Facilities and Requiring the Senate and House of Representatives to Fill a Vacancy in the Office of its Presiding Officer within Thirty Days after the Vacancy Occurs." Section 1 of Chapter 465 – which did not go into the statutes – amended session law 1973, 368:2, as amended by 1974, 38:24, 1975, 4:3, and 1975, 308:1, by expanding the duties and authority of the Facilities Committee to include the authority to:

- review and approve all joint legislative budgets;
- establish salary schedules for all employees of joint legislative agencies, except the legislative budget assistant, and to assist the presiding officers of both houses in developing "relatively uniform salary schedules for house and senate employees and officers";

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[1] See attached list of session laws.

[2] These 9 session laws were: 1975, 430, which inserted RSA 17-E; 1975, 464, which amended RSA 20:1, et seq.; 1975, 472, which amended RSA 14:7; 1977, 600:80, 81, and 106, which amended RSA 14:20, 14:21, and 14:19, respectively; 1979, 380, which amended RSA 20:1 and 20:16; 1986, 109, which amended RSA 14:5-a; 1992, 289:31, which amended RSA 125:13-a; 1994, 329:4, which amended RSA 14-B:4; and 1995, 9:10, which amended RSA 17-E:2.

[3] These 2 session laws were: 1975, 430, which first inserted the law into the statutes, and 1995, 9:10, which made minor changes to RSA 17-E.

- study ways to improve the legislative operation, organization, procedures, facilities and working conditions, and make quarterly reports concerning its findings;
- appoint the director of the Office of Legislative Services, establish the salary for that position and for the director or head of any other joint legislative agency or office;
- coordinate the activities of the office of the legislative budget assistant and the office of legislative services, and such other joint legislative agencies or offices and establish operating policies for them;
- coordinate and oversee intergovernmental relations programs on behalf of the General Court;
- provide necessary furniture, stationery and other supplies and equipment for the use of the committees, agencies and offices of the General Court;
- establish published rules of procedure for the conduct of the business of the committee;
- perform such other duties and responsibilities as may be assigned to the committee from time to time by the two houses; and
- receive from General Court agencies budget requests, and reports concerning their personnel and supply requirements.

Section 2 of Chapter 465 amended RSA 17-A:2 and 4 and provided that the Facilities Committee would appoint the director of the Office of Legislative Services, fix the director's salary, and approve the appointment and compensation of the director's assistants.

There were 4 other session laws enacted in 1975 that related to the Facilities Committee. 1975, 464 amended RSA 20:1, et seq., and assigned to the Facilities Committee the authority to determine the number of copies of the statutes, session laws, and advance sheets to be published and establish the prices for their sale. 1975, 472 amended RSA 14:7 and granted to the Facilities Committee a role in the publication of House and Senate Journals. 1975, 479:4 amended session law 1973, 368:1, as amended. 1975, 491 also amended session law 1973, 368, as amended, and authorized the Facilities Committee to renovate the "Hall of Flags" and Room 100 in the State House and transferred the Visitor's Center to the State House.

In 1977 the General Court enacted 2 laws which related to the Facilities Committee. 1977, 325, which amended session law 1975, 464:11, related to the publication of the RSAs, and 1977, 600: 80-81 and 106, which amended RSA 14, granted authority to the House and Senate subcommittees of the Facilities Committee to determine the compensation of the clerks and assistant clerks of their respective bodies.

1979, 380, which amended RSA 20, related to the Facilities Committee's authority over the distribution of the statutes and session laws. 1981, 568:73 required for the biennium ending June 30, 1983 that the salaries of the employees of the Visitor's Center were to be approved by the Facilities Committee, and 568:80 related to transfers made within the divisions of the legislative branch.

1983, 469:110 transferred the Office of Legislative Accounting to the jurisdiction of the Facilities Committee. 1987, 109 amended RSA 14:5-a and required that the compensation of the Senate Legal Counsel be determined by the Senate subcommittee of the Facilities Committee. 1988, 224:23 made appropriations to the Facilities Committee for improving the fire and electrical systems in the State House and to study the feasibility of a parking garage facility. This session law was subsequently amended by 1991, 4:16. Also in 1991, Chapter 355:115 granted the Facilities Committee authority, together with the governor and council, to approve plans to acquire, renovate, rehabilitate, and occupy suitable office space in the Capitol Area Government Center.

1992, 289:31 amended RSA 125:13-a and, along with 1992, 256:55-57, transferred the State House Health Services Coordinator from the Department of Health and Human Services to the jurisdiction of the Facilities Committee. 1994, 329:4 assigned to the Facilities Committee a role in disciplining staff for ethics violations. Lastly, 1995, 9:10 amended RSA 17-E:2 by making some gender neutral changes and changing "appropriations" to "finance" in reference to the Facilities Committee member who is the chairperson of the House Finance Committee.

LIST OF SESSION LAWS RELATING TO THE JOINT COMMITTEE ON LEGISLATIVE FACILITIES

Codified?/Where?	Session Law	
No	1973, 368	An Act Establishing a Legislative Facilities Committee; and Making an Appropriation Therefor
No	1974, 38:23	Legislative Facilities Committee
	38:24	Legislative Parking Facility
	38:25	Appropriation
No	1975, 4	An Act Increasing the Appropriation for the Planning and Construction of the Legislative Parking Facility and to Provide the Joint Committee on Legislative Facilities with Condemnation Powers Relative to Such Facility
No	1975, 308	An Act Directing the Joint Committee on Legislative Facilities to Study and Report on Legislative Printing
RSA 17-E	1975, 430	An Act Relative to the Joint Committee on Legislative Facilities
RSA 20:1 et seq.	1975, 464	An Act Relative to the Publication of Statutes and Making Appropriations for the Republication of Volumes 2, 2-A and 2-B of the Revised Statutes Annotated and for the 1977 Supplements to the RSA
No	1975, 465	An Act Relative to the Powers and Duties of the Joint Committee on Legislative Facilities and Requiring the Senate and House of Representatives to Fill a Vacancy in the Office of its Presiding Officer within Thirty Days After the Vacancy Occurs
RSA 14:7	1975, 472	An Act Relative to Legislative Proceedings and the Duties and Expenses of the Clerks of Both Houses
No	1975, 479	An Act Relative to Legislative Control of State Office Space and Parking Facilities and Providing the Director of Legislative Services Shall Maintain a Permanent Office in the State House or Legislative Office Building
No	1975, 491	An Act Authorizing the Legislative Facilities Committee to Renovate the State House Hall of Flags and Room 100 and Provide for the Transfer of the Visitors Center Thereto and Revising the Appropriation for Such Renovation
No	1977, 325	An Act Relative to the Publication of the Revised Statutes Annotated
RSA 14:19-21	1977, 600:80	House Clerk's Compensation
	600:81	Assistant Clerk's Compensation
	600:106	Senate Clerk's Compensation
RSA 20:1, 16	1979, 380	An Act Relative to the Distribution of the Revised Statutes Annotated and the Session Laws
No	1981, 568:73	Visitor's Center Employees
	568:79	Legislative Branch Employees
	568:80	Legislative Branch Appropriation
No	1983, 469:110	Legislative Accounting Transfer
RSA 14:5-a	1986, 109	An Act Relative to the Governor's Staff and the Senate Staff
No	1988, 224:23	Appropriations; Joint Committee on Legislative Facilities
No	1991, 4:16	Appropriation Bonded; Joint Committee on Legislative Facilities
No	1991, 355:115	Department of Administrative Services; Capitol Area Government Center; Appropriation
RSA 125:13-a	1992, 289:31	Health Services Change from Department of Health and Human Services to Legislative Facilities Committee
No	1992, 256:55	Position Transfer
	256:56	Health Services Position Deleted
	256:57	Health Services Position Inserted
RSA 14-B:4	1994, 329:4	Ethics Committee; Procedures
RSA 17-E:2	1995, 9:10	House Finance Committee

Section II

Existing Statutory Law (RSA 17-E and others)

LIST OF RSA PROVISIONS RELATING TO THE JOINT COMMITTEE ON LEGISLATIVE FACILITIES

RSA 17-E, Joint Committee on Legislative Facilities
RSA 14:5-a, Legal Counsel
RSA 14:7, Journals of Proceedings
RSA 14:19, Senate Clerk
RSA 14:20, House Clerk
RSA 14:21, Assistant Clerks
RSA 14-B:4, Complaints; Procedures
RSA 17-A:2, Appointment
RSA 17-A:4, Assistants
RSA 20:1, Laws
RSA 20:2-b, Revised Statutes Annotated
RSA 20:16, Distribution of Revised Statutes Annotated
RSA 125:13-a, Health Service Room
RSA 198:49, Adequate Education and Education Financing Commission

CHAPTER 17-E. JOINT COMMITTEE ON LEGISLATIVE FACILITIES

Sec.
17-E:1. Committee Established.
17-E:2. Membership.
17-E:3. Chairman.
17-E:4. Meetings.
17-E:5. House and Senate Subcommittees.

Transfer of legislative accounting office and function. 1983, 469:110 eff. July 1, 1983, provided: 'The office and function of legislative accounting currently in the office of legislative budget assistant is hereby transferred to the jurisdiction of the joint committee on legislative facilities. All personnel, equipment, records and appropriations for the legislative accounting function are hereby transferred to respective joint accounts and may be expended at the discretion of the joint committee on legislative facilities. Notwithstanding any other provision of law, the office of legislative accounting shall continue to maintain the accounts and records it currently has and any other accounts that the joint committee on legislative facilities may assign within the legislative branch. Notwithstanding any other provision of law, employees of the legislative accounting office shall be eligible for all fringe benefits that are available to other legislative employees."

Annotations

Cited. Appeal of House Legislative Facilities Subcommittee, 141 N.H. 443, 685 A.2d 910 (1996).

Library References

CJS States § 55.

§ 17-E:1. Committee Established.

A joint committee on legislative facilities is hereby established.

History

Source. 1975, 430:1, eff. June 18, 1975.

§ 17-E:2. Membership.

The committee shall consist of:

I. The president of the senate or designee;

II. The speaker of the house or designee;

III. The majority leaders of each house;

IV. The minority leaders of each house;

V. The chairperson of the senate finance committee;

VI. The chairperson of the house finance committee;

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VII. Two members of the house appointed by the speaker of the house; and

VIII. Two members of the senate appointed by the president of the senate.

History

Source. 1975, 430:1. 1995, 9:10, eff. June 11, 1995.

Amendments--1995. Deleted "his" preceding "designee" in pars. I and II and substituted "chairperson" for "chairman" in pars. V and VI and "finance" for "appropriations" preceding "committee" in par. VI.

§ 17-E:3. Chairman.

The chairmanship of the committee shall rotate biennially between the president of the senate or his designee and the speaker of the house or his designee, provided that the speaker shall serve as the first chairman. In the event that the presiding officer or his designee serving as chairman resigns or for any reason is unable to serve, the other presiding officer or his designee shall become chairman, provided that such substitution shall not change the rotation hereinabove provided for.

History

Source. 1975, 430:1, eff. June 18, 1975.

§ 17-E:4. Meetings.

The committee shall meet on a regular stated date monthly and at such other times at the call of the chair or upon written request of 4 members and any such special meeting shall be held within 5 days of such call or request.

History

Source. 1975, 430:1, eff. June 18, 1975.

§ 17-E:5. House and Senate Subcommittees.

The house members, with the speaker as chairman, shall be a subcommittee for legislative management for the house; and the senate members, with the president as chairman, shall be a subcommittee for legislative management of the senate. All transfers within the house or senate appropriations and all salaries of legislative attaches and other employees unless otherwise specifically provided by statute shall require the approval of the respective subcommittee. The salaries as determined hereunder shall be a charge upon the appropriation made for the legislature.

History

Source. 1975, 430:1, eff. June 18, 1975.

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§ 14:5-a. Legal Counsel.

The president of the senate may appoint a legal counsel who shall be an attorney. The compensation of the legal counsel shall be set at a rate to be determined by the senate subcommittee of the legislative facilities committee established under RSA 17-E:5. The legal counsel shall provide advice and assistance to the president of the senate and to the senate members.

History

Source. 1957, 218:1. 1986, 109:2, eff. Jan. 1, 1987.

Amendments--1986. Amended section generally.

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§ 14:7. Journals of Proceedings.

As soon as possible after every final adjournment of a session of the general court, and in any case consistently with the schedule of performance set forth in contracts for printing and binding of the journals of the general court, the clerks of each house shall file with the printers of the permanent journals a copy of the proceedings of the respective houses in proper form for printing and corrected page proofs of each. The clerks, with the approval of the respective house or senate subcommittee of the joint committee on legislative facilities, may correct clerical errors or formal imperfections in the printed and bound permanent journals.

History

Source. 1951, 245:4. RSA 14:7. 1963, 74:1. 1969, 300:5. 1975, 472:1, eff. June 23, 1975.

Amendments--1975. Amended section generally.

--1969. Amended section generally.

--1963. Substituted "a reasonable time" for "thirty days" following "filed within" in the second sentence and "such time" for "the time limited" preceding "he shall forfeit" in the third sentence.

CROSS REFERENCES

Daily journals, see, RSA 20:3.

Indexing of journals, see RSA 20:3-b.

Printing and distribution of permanent journals, see RSA 20:3-a.

Library References

CJS States §§ 40, 41.

Statutes § 45.

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§ 14:19. Senate Clerk.

The compensation of the clerk of the senate shall be set at a rate to be determined by the senate subcommittee of the legislative facilities committee as established by RSA 17-E:5. The clerk of the senate shall be deemed to be a full-time legislative employee under the direction of the president who shall determine what days the clerk shall be in attendance, and as such eligible for fringe benefits as provided for full-time legislative employees.

History

Source. 1860, 2369:2. GS 271:27. GL 289:27. PS 286:22. 1895, 84:1. PL 4:22. RL 9:20. 1951. 85:1, par. 20. RSA 14:19. 1955, 335:5. 1961, 280:1. 1969, 300:1. 1976, 45:4. 1977, 600:106, eff. July 1, 1977.

Amendments--1977. Substituted "to be determined by the senate subcommittee of the legislative facilities committee as established by RSA 17-E:5" for "of $ 60 per day for each day of attendance and the president of the senate shall determine what days the clerk shall be in attendance" following "rate" in the first sentence and inserted "under the direction of the president who shall determine what days the clerk shall be in attendance" preceding "and" in the second sentence.

--1976. Deleted "including but not being limited to the period from the last Wednesday of December to the date of convening of the next regular session of the general court" following "in attendance" and added the second sentence.

--1969. Amended section generally.

--1961. Inserted "and fifty" following "one hundred" in the first sentence.

--1955. Substituted "one hundred" for "ninety-five" preceding "dollars a week" in the first sentence.

CROSS REFERENCES

Compensation for special sessions, see RSA 14:22.

Retirement benefits, see RSA 14:27-c

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§ 14:20. House Clerk.

The compensation of the clerk of the house shall be set at a rate to be determined by the house subcommittee of the legislative facilities committee as established by RSA 17-E:5. He shall be a legislative employee under the direction of the speaker of the house who shall determine what days the clerk shall be in attendance.

History

Source. 1860, 2369:1, 7. GS 271:26. GL 289:26. PS 286:23. 1895, 84:2. PL 4:21. RL 9:19. 1951, 85:1, par. 19. 1953, 266:13. RSA 14:20. 1961, 280:6. 1969, 300:2. 1976, 45:5. 1977, 600:80, eff. July 1, 1977.

Amendments--1977. Substituted "to be determined by the house subcommittee of the legislative facilities committee as established by RSA 17-E:5" for "of $ 60 per day for each day of attendance and the speaker of the house shall determine what days the clerk shall be in attendance" following "rate" and added the second sentence.

--1976. Deleted "including but not being limited to the period from the last Wednesday of December to the date of convening of the next regular session of the general court" following "in attendance".

--1969. Amended section generally.

--1961. Substituted "one hundred fifty" for "one hundred" preceding "dollars a week" in the first sentence.

CROSS REFERENCES

Compensation for special sessions, see RSA 14:22.

Retirement benefits, see RSA 14:27-c.

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§ 14:21. Assistant Clerks.

The compensation of the assistant clerks of the senate and of the house shall be set at a rate to be determined by the appropriate house or senate subcommittees of the legislative facilities committee as established by RSA 17-E:5. The president of the senate or the speaker of the house, as the case may be, shall determine what days the assistant clerk shall be in attendance.

History

Source. 1866, 4308:1. GS 271:20. GL 289:20. PS 286:25. 1895, 84:3. PL 4:22. RL 9:20. 1951, 85:1, par. 20. RSA 14:21. 1955, 335:6. 1961, 280:7. 1965, 1:1. 1969, 300:3. 1976, 45:6. 1977, 600:81, eff. July 1, 1977.

Amendments--1977. Amended section generally.

--1976. Substituted "or" for "and" preceding "the speaker" and deleted "including but not being limited to the period from the last Wednesday of December to the date of convening of the next regular session of the general court" following "in attendance".

--1969. Amended section generally.

--1965. Substituted "compensations of the assistant clerks of the senate and" for "compensation of the assistant clerk of the" preceding "house".

--1961. Deleted "the assistant clerk of the senate and" preceding "the assistant clerk of the house" and substituted "one hundred twenty" for "ninety-five" preceding "dollars per week".

--1955. Deleted "shall be eighty dollars per week for each six-day week of any regular session" following "senate" and "the compensation of" preceding "the assistant clerk of the house".

CROSS REFERENCES

Compensation for special sessions, see RSA 14:22.

Retirement benefits, see RSA 14:27-c.

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ance, including but not being limited to the period from the last Wednesday of December to the date of convening of the next regular session of the general court.

HISTORY

Source. 1860, 2369:1, 7. GS 271:26. GL 289:26. PS 286:23. 1895, 84:2. PL 4:21. RL 9:19. 1951, 85:1, par. 19. 1953, 266:13. RSA 14:20. 1961, 280:6. 1969, 300:2, eff. Jan. 1, 1969.

Amendments—1969. Amended section generally.

—1961. Increased the house clerk's compensation.

14:21 Assistant Clerks. The compensation of the assistant clerks of the senate and the house shall be set at a rate of forty-five dollars per day for each day of attendance and the president of the senate and the speaker of the house, as the case may be, shall determine what days the assistant clerk shall be in attendance, including but not being limited to the period from the last Wednesday of December to the date of convening of the next regular session of the general court.

HISTORY

Source. 1866, 4308:1. GS 271:20. GL 289:20. PS 286:25. 1895, 84:3. PL 4:22. RL 9:20. 1951, 85:1, par. 20. RSA 14:21. 1955, 335:6. 1961, 280:7. 1965, 1:1. 1969, 300:3, eff. Jan. 1, 1969.

Amendments—1969. Amended section generally.

—1965. Added reference to clerk of the senate.

—1961. Omitted reference to assistant clerk of the senate (now covered by RSA 14:19-a) and increased compensation of assistant clerk of the house.

—1955. Increased the compensation of the assistant clerk of the senate.

14:22 Special Sessions. If there is a special session of the legislature the clerks and assistant clerks shall be paid such compensation for services thereat as shall be voted them by the legislature.

HISTORY

Source. GL 289:26, 27. PS 286:24. PL 4:23. RL 9:21.

14:23 Incidentals. The clerks shall be allowed the postage and express charges incurred by them in the discharge of their official duties, to be audited by the governor and council.

HISTORY

Source. 1860, 2369:6. GS 271:30. GL 289:30. PS 286:27. PL 4:24. RL 9:22.

REPEALED

14:24 Salaries. The salaries of all legislative attaches and other employees, unless otherwise specifically provided by statute, shall be determined by the president of the senate, with the approval of the finance committee, for such attaches and employees of the senate and by the speaker of the house of representatives, with the approval of the appropriations committee, for such attaches and employees of the house of

representatives. The salaries as determined hereunder shall be a charge upon the appropriation made for the legislature.

HISTORY

Source. 1913, 147:1. 1919, 151:1. 1921, 117:1. PL 4:25. RL 9:23. 1945, 89:1. 1947, 271:1. 1953, 2:1; 266:1. RSA 14:24. 1955, 290:1; 335:7. 1957, 314:1. 1961, 280:2. 1965, 4:1, eff. March 8, 1965.

Amendments—1965. Amended section generally by eliminating specific rates of pay for certain house attaches and leaving it to the president of the senate and the speaker of the house subject to approval and by extending coverage to all attaches and other employees of both house and senate.

—1961. Omitted references to compensation of senate attaches (now covered by RSA 14:24-a) and increased compensation of house attaches.

—1957. Increased compensation of certain attaches.

Pay protected. 1965, 4:3, provided: "Nothing herein shall be construed as authorizing the reduction in salary of any attache or employee who was in office or who was employed by the legislature at the beginning of the 1965 session which salary was determined by the statutes then in force."

14:24-a Senate Attaches.

[Repealed, 1965, 4:2, eff. March 8, 1965, superseded by RSA 14:24.]

Former section 14 was derived from 1961, 280:3.

14:24-b Longevity.

[Repealed, 1965, 4:2, eff. March 8, 1965, superseded by RSA 14:24.]

Former section 24-b was derived from 1963, 141:4.

14:25 Legislative Service Assistants.

[Repealed, 1965, 4:2, eff. March 8, 1965, superseded by RSA 14:24.]

Former section 25 was derived from 1947, 1:1; 1951, 85:2; 1953, 266:2; 1957, 314:2; 1961, 280:4; 1963, 141:1.

14:25-a Senate Legislative Service Assistants.

[Repealed, 1965, 4:2, eff. March 8, 1965, superseded by RSA 14:24.]

Former section 25-a was derived from 1961, 280:5; 1963, 141:2.

14:26 Absence from Duties. In case any one of the clerks, assistant clerks, stenographers, mileage clerks, attaches or other employees of the senate or house of representatives shall be absent from his duties, his compensation shall be suspended during his said absence from duty, unless the finance committee of the senate or the appropriations committee of the house of representatives shall otherwise determine, for good cause shown.

HISTORY

Source. 1953, 2:2, eff. Feb. 3, 1953.

14:27 Mileage Clerk.

[Repealed 1965, 4:2, eff. March 8, 1965, superseded by RSA 14:24.]

§ 14-B:4. Complaints; Procedures.

I. Each complaint shall be submitted in writing and signed under oath by the complainant. The sworn complaint shall be filed confidentially with the committee and shall contain the name and address of the complainant. The legislator, officer, or employee of the legislature complained against shall be furnished with a copy of the complaint and a copy shall be sent to each member of the committee for review. The committee shall evaluate each complaint promptly after receipt to ascertain whether the committee has jurisdiction to consider the complaint.

II. Any person who knowingly and willfully swears falsely to a sworn complaint does so under penalty of perjury, and the committee may refer any such case to the attorney general for prosecution.

III. If, after receiving a sworn complaint, the committee concludes by a recorded vote that the alleged conduct is not within the committee's jurisdiction or is without merit or is unfounded, the committee shall dismiss the complaint and shall report such conclusion to the complainant and to the legislator, the officer, or the employee of the legislature together with an explanation of the basis of such determination.

IV. If the committee concludes that the complaint is within its jurisdiction and has merit, then by recorded vote, the committee may conduct a preliminary investigation.

V. Upon completion of its preliminary investigation, the committee shall conclude by recorded vote that:

(a) No action is appropriate because no improper conduct occurred;

(b) The violation is inadvertent, technical or of a de minimis nature and shall be addressed by informal methods; or

(c) The conduct complained of is of a serious nature and formal proceedings should be instituted to inquire further into the complaint. The committee shall then make a statement of formal charges and hold a hearing on the complaint.

VI. Upon completion of the hearing, the committee shall conclude by recorded vote that:

(a) No action is appropriate because no improper conduct occurred; or

(b) No action is appropriate because there is not clear and convincing evidence that improper conduct occurred; or

(c) There was improper conduct based upon clear and convincing evidence, but such conduct does not justify formal disciplinary action and should be resolved by informal methods; or

(d) There was improper conduct based upon clear and convincing evidence, and the improper conduct was of a serious nature so as to warrant formal disciplinary action by the general court in the case of a legislator or officer of the legislature, or formal disciplinary action by the joint committee on legislative facilities in the case of an employee of the legislature, except in the case of an employee of the legislature employed by the legislative budget assistant, in which case the formal disciplinary action shall be taken by the fiscal committee of the general court. The committee shall submit to the speaker of the house and senate president in the case of a legislator or officer of the legislature, to the joint committee on legislative facilities in the case of an

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employee of the legislature, or to the fiscal committee of the general court in the case of an employee of the legislature employed by the legislative budget assistant, a summary report of the deliberations regarding the complaint and of its findings. The report shall contain any specific recommendations concerning disciplinary actions to be imposed. Such recommendations may include reprimand, censure, or expulsion. Before any disciplinary action may be taken against a legislator or against an officer of the legislature, the report shall be ratified by the legislator's or by the officer's respective body of the general court. In a case involving an employee of the legislature, the joint committee on legislative facilities shall determine what disciplinary action shall be taken against the employee. In a case involving an employee of the legislature who is employed by the legislative budget assistant, the fiscal committee of the general court shall determine what disciplinary action shall be taken against the employee. In making its determination, the joint committee on legislative facilities or the fiscal committee of the general court as appropriate may use any of the specific recommendations concerning disciplinary actions which are contained in the report which it receives.

VII. In processing complaints filed under this chapter, the committee shall have subpoena powers. If the legislator, the officer, or the employee of the legislature refuses to participate in the proceedings, the committee may refer the complaint to the attorney general for appropriate action.

VIII. Any member of the legislative ethics committee who is directly or indirectly involved in any complaint before the committee shall not participate in deliberations regarding the complaint. In the event that a member does not participate in a particular case, the appointing authority shall designate an alternate to serve on the committee for that case only.

History

Source. 1991, 105:1. 1994, 329:4. 1995, 196:3, eff. Aug. 11, 1995.

Amendments--1995. Paragraph VI(d): Amended generally.

--1994. Amended section generally.

CROSS REFERENCES

Falsification in official matters, see RSA 641.

Perjury, see RSA 641:1.

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CHAPTER 17-A. DIRECTOR OF LEGISLATIVE SERVICES

Sec.
17-A:1. Office Established.
17-A:2. Appointment.
17-A:3. Office.
17-A:4. Assistants.
17-A:5. Attorney General's Office [Repealed].
17-A:6. Gender Neutral Drafting.

Library References

CJS States § 54.

§ 17-A:1. Office Established.

There shall be a director of legislative services, appointed as hereinafter provided, who shall have the following functions and duties:

I. To draft bills for both houses of the general court and the individual members and incoming members thereof, both during sessions and while the general court is not in session, and to check and examine all bills and joint resolutions prior to final engrossment.

II. Pursuant to the direction of the president of the senate and the speaker of the house, to perform or cause to be performed, as circumstances will permit, research and drafting service requested by any committee of the general court in connection with the performance of its functions; to give such consideration to and service concerning any measure before the general court as circumstances will permit and which is in any way requested by the house or senate or any committee of the general court having the matter before it; and to assist and cooperate with any interim legislative committee or commission. Research and drafting assignments made to him by joint or concurrent action of the general court shall be given priority over other research and drafting requests received.

III. The director shall perform a continuing review, revision and codification of the Revised Statutes Annotated, as amended, and all statutes of a public and general nature which are enacted at any session of the general court. The director shall prepare legislation providing for the revision and recodification of such statutes, and any revisions and recodifications contained in such legislation shall take effect only after they have been enacted into law.

History

Source. 1963, 297:1. 1975, 278:1; 465:5. 1987, 225:4, eff. May 18, 1987.

Amendments--1987. Paragraph II: Inserted "and" preceding "to assist and cooperate" and deleted "and to approve all manifests for the expenditure of funds by such interim committees and commissions" following "committee or commission" in the first sentence.

Paragraph III: Deleted "pursuant to the direction of a special committee consisting of the members of the joint committee on legislative facilities and the chairman of the standing house and senate judiciary committees" preceding "the director" in the first sentence, and deleted the former second sentence.

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--1975. Paragraph III: Added by ch. 278.

Paragraph III: Chapter 465 substituted "joint committee on legislative facilities" for "special committee established under RSA 17-A:2" following "members of the" in the first sentence.

CROSS REFERENCES

Notice of bill drafting service, see RSA 14:39.

Publication, distribution and sale of Revised Statutes Annotated, see RSA 20:2-b.

§ 17-A:2. Appointment.

The joint committee on legislative facilities shall appoint the director of legislative services and fix his salary. He shall hold office for a term of 2 years coterminous with the biennial legislative term. He shall be chosen without reference to party affiliation and solely on the ground of his fitness, qualifications and experience to perform the duties of his office. In the performance of its duties under this chapter, said joint committee may act whether or not the general court is then in session; and 7 members thereof shall constitute a quorum.

History

Source. 1963, 297:1. 1975, 465:2. 1987, 225:5, eff. May 18, 1987.

Amendments--1987. Deleted the former second sentence and made other minor stylistic changes.

--1975. Amended section generally.

§ 17-A:3. Office.

The director of legislative services shall maintain a permanent office in the state house or legislative office building where he shall be provided with suitable and sufficient offices convenient to the chambers of the house and senate and shall be in attendance upon all sessions of the general court. Said office shall be kept open during the time provided for other state offices, and when the general court is in session at such hours, day and night, as are most convenient for members of the general court.

History

Source. 1963, 297:1. 1975, 479:3, eff. July 1, 1975.

Amendments--1975. Inserted "or legislative office building" following "state house" in the first sentence.

§ 17-A:4. Assistants.

The director may, subject to the approval of the joint committee on legislative facilities, appoint and fix the compensation of such additional professional, technical, clerical or other employees necessary to perform his functions and duties under this chapter. He may, subject to like approval, designate one of said employees to be his deputy to act in his absence.

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History

Source. 1963, 297:1. 1975, 465:3, eff. June 22, 1975.

Amendments--1975. Substituted "joint committee on legislative facilities" for "special committee hereinbefore referred to" preceding "appoint" in the first sentence.

Employee benefits. 1981, 568:79, eff. July 1, 1981, provided: "Notwithstanding any other provision of law employees of the legislative budget assistant's office and the director of legislative services office and the visitors center shall be eligible for fringe benefits as provided for classified employees including membership in retirement system, Blue Cross and Blue Shield coverage, life insurance coverage and annual and sick leave benefits."

§ 17-A:5. Attorney General's Office.

[Repealed 1987, 225:6, I, eff. May 18, 1987.]

Former RSA 17-A:5, which was derived from 1963, 297:1, related to assistance from the attorney general's office.

§ 17-A:6. Gender Neutral Drafting.

I. It is the intent of the general court that the office of legislative services continue its efforts to draft all bills, resolutions and amendments using words that are neutral as to gender, to the extent practicable.

II. In addition, the office of legislative services shall continue to study the issues involved in gender neutral drafting, including the development and utilization of sexually neutral terms to replace masculine gender terms currently in use.

III. All members of the general court are encouraged to support the use of gender neutral terms in the drafting of legislation.

History

Source. 1994, 104:1, eff. July 10, 1994.

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§ 20:1. Laws.

I. At the close of a legislative session, the director of legislative services shall cause such number of copies of all the acts and resolves thereof, with an appropriate index, to be printed as the joint committee on legislative facilities shall determine.

II. Such acts and resolves shall be numbered consecutively as chapters, beginning with number one, in the order in which they were enacted and shall be uniform in style with the Revised Statutes Annotated.

III. The director of legislative services shall cause such number thereof to be bound as said committee shall determine:

(a) In paper, and

(b) In hard cover.

IV. All the printed copies of the laws which are to be sold or distributed by the state librarian shall be delivered to the state librarian for distribution, sale, and storage.

V. (a) The state librarian shall distribute one free copy of the hard bound laws to the following:

(1) The governor.

(2) Each member of the executive council.

(3) Each agency and institution of the state.

(4) The justices and clerks of the supreme and superior court.

(5) The Library of Congress.

(6) Depository libraries designated under RSA 202-B.

(7) The state or territorial library of each state and territory in the United States, provided that if any state or territory makes a charge to the New Hampshire state library for copies of its laws, the state librarian is hereby authorized to make the proper charge for copies of the laws of New Hampshire when forwarded to the state or territorial library of such state or territory.

(8) Each free public library established under the laws of the state, upon written request to the state librarian on or before September 1 of each year for the laws enacted in that calendar year.

(9) The town clerk of each town, upon written request submitted to the state librarian on or before September 1 of each year for the laws enacted in that calendar year.

(b) Each member of the legislature shall be furnished one copy of the paper bound session laws upon request to the house or senate clerk, as appropriate.

(c) After retaining sufficient copies for the required distribution, the state librarian shall sell copies of paper bound or hard bound laws to other persons requesting them. The state librarian is authorized to recover the costs of mailing and distribution of those volumes which are sold and may add such costs to the sale price established under paragraph VI.

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VI. (a) The joint committee on legislative facilities shall determine and fix the price for the sale of hard and paper bound copies of the laws. The state librarian may retain the difference between the cost of printing and the sale price for any hard and paper bound laws sold. The state librarian shall return to the director of legislative services for deposit in the general fund an amount equal to the cost of printing for all hard and paper bound laws sold.

(b) The state librarian may sell any unsold copies of the laws in the possession of the state librarian after 5 years from the date the joint committee on legislative facilities fixed the price for such copies, at a price set by the state librarian. The state librarian may retain all proceeds from such sales.

History

Source. 1919, 3:1. 1921, 66:1. PL 5:1. RL 10:1. RSA 20:1. 1955, 2:1. 1969, 98:1. 1975, 464:1. 1979, 380:1, eff. June 23, 1979. 1997, 351:38, eff. July 1, 1997.

Amendments--1997. Paragraphs IV-VI: Amended generally.

--1979. Paragraph V: Amended generally.

Paragraph VI: Inserted "and paper" preceding "bound".

--1975. Amended section generally.

--1969. Inserted "private acts" preceding "and resolves".

--1955. Substituted "such number of" for "10,000" preceding "copies" and inserted "as the governor and council shall determine" preceding "to be printed".

CROSS REFERENCES

Distribution of acts and resolves, see RSA 20:11, 11-a.

Index, see RSA 20:1-b.

Annotations

1. Evidence.
The statement in the official publication of the session laws as to when an act is approved is sufficient evidence thereof. Bourque v. Adams, 93 N.H. 257, 40 A.2d 582 (1945).

§ 20:1-a. Advance Printing and Distribution of Acts and Resolves.

During each legislative session the director of legislative services shall provide for the advance printing and distribution of all acts and resolves, together with an index thereof, of such session. Each justice of the supreme, superior, probate, district and municipal courts shall be furnished a set of this publication without charge. The senate shall receive at least 2 such sets and the house of representatives at least 3 such sets. The state library shall be furnished a set for its own use and sets for distribution to depository libraries designated under RSA 202-B, and upon request, sufficient sets to exchange with other states.

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History

Source. 1955, 23:1. 1975, 464:2, eff. June 20, 1975. 1997, 351:39, eff. July 1, 1997.

Amendments--1997. Amended section generally.

--1975. Amended section generally.

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§ 20:2-b. Revised Statutes Annotated.

The director of legislative services is hereby authorized to contract, with the approval of the joint committee on legislative facilities, for the editorial preparation and publication of original, replacement or revised volumes of the official Revised Statutes Annotated and periodic supplements thereto, as necessary.

History

Source. 1975, 464:7. 1993, 150:1, eff. May 17, 1993. 1997, 351:40, eff. July 1, 1997.

Amendments--1997. Amended section generally.

--1993. Inserted "official" preceding "Revised" in the first sentence.

CROSS REFERENCES

Publication and distribution of Revised Statutes Annotated, see RSA 20:14 et seq.

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§ 20:16. Distribution of Revised Statutes Annotated.

I. Unless otherwise directed by the joint committee on legislative facilities, the director of legislative services is authorized to distribute official bound volumes of the Revised Statutes Annotated, replacement volumes thereof and periodic supplements thereto free of charge to each of the following: the clerk of the Supreme Court of the United States, each judge of the circuit court of the United States for this district, the district court of the United States for this district, the United States Department of Justice, the Library of Congress, the New Hampshire Historical Society, and a sufficient number of copies to the state library and law library for use and for distribution to each state or territorial library of the United States on an exchange basis. If any state or territory makes a charge to this state for copies of its laws such state or territory shall in a like manner be required to pay to the state library or law library a price for copies of the Revised Statutes Annotated which shall be determined by the joint committee on legislative facilities.

II. The joint committee on legislative facilities shall determine the allocation of volumes of the Revised Statutes Annotated other than those provided for in paragraph I among the following:

(a) For the legislative branch, to the director of legislative services, who shall distribute a sufficient number of copies to meet the needs of the general court and all of its agencies as shall be determined by the joint committee on legislative facilities.

(b) For the executive branch, to the secretary of state, who shall distribute such copies to the officers, departments, divisions, boards, commissions and institutions of the executive branch as shall be directed by the governor and council.

(c) For the judicial branch, to the clerk of the supreme court, who shall distribute such volumes to the supreme, superior and probate courts, which shall include retired judges of the courts mentioned, as shall be directed by the chief justice of the supreme court.

III. The joint committee on legislative facilities is authorized to establish a charge for volumes allocated to the secretary of state for distribution under paragraph II(b) and to the clerk of the supreme court for distribution under paragraph II(c) to recover the actual costs incurred by the director of legislative services in having such volumes printed and distributed pursuant to RSA 20:2-b. The secretary of state and the clerk of the supreme court may each recover any charges for which he may be liable under this paragraph on a per volume basis from the persons to whom and the courts to which the volumes are distributed. If a charge is made for the printing and distribution of volumes, the secretary and the clerk shall remit the charge to the director of legislative services and the sums so received shall be credited to the legislative appropriation for joint printing and binding.

IV. This section shall not be construed to limit any branch of state government from purchasing such volumes of the Revised Statutes Annotated as it may determine it needs in excess of the number of volumes allocated to it under this section.

History

Source. 1955, 231:3. 1970, 14:4. 1971, 300:1. 1973, 307:3. 1979, 380:3. 1994, 7:3, eff. April 5, 1994.

Amendments--1994. Paragraph I: Inserted "and law library" following "state library" and deleted "its"

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preceding "use" in the first sentence and inserted "or law library" preceding "a price" in the second sentence.

--1979. Amended section generally.

--1973. Inserted "and replacement or supplement volumes thereof" preceding "free" in the first sentence, deleted "and" following "comptroller" in the second sentence, added "a sufficient number of copies to the clerks of the house and senate to provide each standing committee of the house and senate with one copy, and twenty copies to the office of the director of legislative services" following "staff" at the end of that sentence and added the third sentence.

--1971. Substituted "a sufficient number of" for "seven" preceding "copies to the office of the attorney general" at the end of the second sentence and added "to provide each attorney in that office with a set and to provide such additional sets as may be needed for the use of its secretarial staff" thereafter.

--1970. Added "unless otherwise directed by the chief justice of the supreme court" at the beginning of the second sentence and made other minor stylistic changes.

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§ 125:13-a. Health Service Room.

The legislative facilities committee shall equip and maintain a health service room in such location in the state house as may be assigned for such purpose. Said room shall be staffed by a licensed registered nurse employed by the legislative facilities committee, and the room shall be kept open at all times when the state house is open for business. The expense of the health service room, including a contract nurse, shall be a charge upon the joint expenses appropriation to the general court. The department of health and human services may, in the event of the absence of the employed nurse, provide from its staff a licensed registered nurse on a temporary basis. The department of health and human services is further authorized, in the event the department cannot provide a licensed registered nurse, to negotiate a contract for the legislative facilities committee with a nursing service for the purpose of staffing the health service room in the event of an absence of the employed nurse. The daily coordination of the contract nurse shall be accomplished jointly with the house chief of staff and the department of health and human services. The commissioner of the department of health and human services shall provide medical supervision for the employed nurse, for any temporarily assigned nurse and, if necessary, for any contracted nursing service.

History

Source. 1957, 245:1. RSA 125:13-a. 1983, 291:1, I. 1992, 289:31. 1994, 82:1. 1995, 310:175, 181, 182, eff. Nov. 1, 1995.

Amendments--1995. Substituted "department of health and human services" for "division of public health services" in the fourth through fifth sentences, "department" for "division" preceding "cannot" in the sixth sentence and "commissioner of the department of health and human services" for "director, division of public health services" in the seventh sentence.

--1994. Substituted "the" for "said" following "committee, and" in the second sentence, inserted "including a contract nurse" following "room" in the third sentence, substituted "may, in the event of the absence of the employed nurse, provide from its staff a licensed registered nurse on a temporary basis" for "shall provide back-up" in the fourth sentence, and added the fifth through seventh sentences.

--1992. Amended section generally.

--1983. Substituted "department of health and human services" for "department of health and welfare" in the first sentence.

Revision note--1961. Substituted "department of health and welfare, division of public health services" for "state board of health" in the first sentence and "division of public health services" for "health department" in the second and third sentences pursuant to 1961, 222:1.

CROSS REFERENCES

Animal population control program, see RSA 437-A.

Rabies control generally, see RSA 436:99 et seq.

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§ 198:49. Adequate Education and Education Financing Commission.

I. An adequate education financing commission shall be established consisting of:

(a) Five members of the house of representatives, appointed by the speaker of the house; and

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

II. The chair of the commission shall rotate biennially between the first-named house member and the first-named senate member. The first chairperson shall be the chairperson of the house finance committee. A member shall only serve while a member of the general court. The members shall not be compensated but shall receive mileage at the legislative rate when carrying out their duties.

III. An advisory committee to the commission shall be established consisting of:

(a) Four members appointed by the governor, one of whom shall be an elementary or secondary special education teacher, one of whom shall be a primary teacher who does not teach special education, and one of whom shall be a member of the business community.

(b) The chancellor of the university system of New Hampshire or designee.

(c) The commissioner of the regional community-technical college system, or designee.

(d) One member from the state board of education, appointed by the chairperson of the state board of education.

(e) Eight members who shall be agreed to and jointly appointed by the governor, the president of the senate, and the speaker of the house consisting of the following:

(1) One local school board member, with the advice of the New Hampshire School Boards Association;

(2) One school administrator, with the advice of the New Hampshire School Administrators Association;

(3) One special education administrator at the elementary or secondary school level, with the advice of the New Hampshire Association of Special Education Administrators;

(4) Two parents of school-age children, one of whom shall be the parent of a child with an educational disability;

(5) One member from the business community, who shall be associated with a School Initiative program;

(6) One school business official, with the advice of the New Hampshire Association of School Business Officials; and

(7) One member from a special education advocacy organization.

IV. In order to ensure that all students are provided an adequate education, the duties of the commission shall be as follows:

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(a) Recommend the costs of an adequate education for all students in New Hampshire by calculating adjustments for individual school districts based on yearly inflation, cost of living variances, diseconomies of scale, transportation variability, demographics, including for school districts with a disproportionate number of students who are economically disadvantaged or have educational disabilities, and such other factors as deemed relevant.

(b) Recommend the amount of state aid, including building aid, to be distributed to cities and towns based upon the cost of an adequate education as recommended in subparagraph (a) and the method for distributing the state aid.

(c) Recommend changes in policy and procedure in the areas of educational improvement and accountability.

(d) Recommend interim and permanent processes to ensure adequate planning and implementation at the local and state level of special education and educationally related services, including planning for and development, on an interagency basis, of local school-based options for pupils who have been placed in alternative or separate schools who could be placed in appropriate less restrictive options if available.

(e) Recommend changes in policy, procedure, financing, and governance in cooperative school districts, including how the cost of an adequate education should be determined, apportioned, and credited within cooperative school districts.

V. The commission shall report its findings and recommendations no later than December 1, 2000. The report shall include, for each recommendation, proposed implementation schedules with timelines, specific steps, agencies and persons responsible, and resources needed. Where feasible, all plans, measures and initiatives shall be proposed as legislation or regulation so that they will have the force of law. All recommendations and plans shall be designed to be fully implemented no later than September 1, 2004.

VI. The department of justice, department of revenue administration, department of education, and department of health and human services shall provide the commission with assistance.

VII. The commission may request that the legislative facilities committee approve funding for the commission not to exceed $150,000.

History

Source. 1999, 17:41, eff. April 29, 1999; 65:4, eff. May 28, 1999; 281:13, eff. July 16, 1999.

Amendments—1999. Paragraph IV(e): Added by ch. 281.

Paragraph VII: Chapter 65 substituted "$150,000" for "$300,000".

Purpose 1999, 281:4, eff. July 16, 1999, provided: "The enactment of HB 117 (1999, 17) has created questions within cooperative school districts about how the costs of providing an adequate education should be credited against the cooperative district's total budget. The general court's intention is to encourage the existence of cooperative school districts, which increase educational opportunities and promote efficient delivery of education in municipalities that otherwise would be unable to provide such opportunities in a cost effective manner. The general court finds that crediting adequate education money in the cooperative districts in the next 2 years as if it were foundation aid would promote the continuation of cooperative school districts and treat the receipt of such revenue in pre-existing districts in the same manner as it is treated in single-municipality school districts. Therefore, the intention of the general court in

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enacting this legislation is to have the cost of an adequate education in cooperative districts credited against the pre-existing districts' obligations to the cooperative school district as foundation aid was credited under the provisions of the former RSA 198:29, VI. The general court also finds that the issue is appropriate for further study and places the issue in the jurisdiction of the commissions established in RSA 198:49 and 1999, 17:55."

Contingency; constitutional amendment; reenactment of laws. See note preceding RSA 198:46.

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Section III

Current Staff Manual (1997)

STATE OF NEW HAMPSHIRE

REVISED

GENERAL COURT PERSONNEL MANUAL

Adopted by the
Joint Committee on Legislative Facilities
April 8, 1997

STATE OF NEW HAMPSHIRE
REVISED
GENERAL COURT PERSONNEL MANUAL

INTRODUCTION

This manual has been prepared as a guide for employees of the New Hampshire General Court. It is intended as a quick reference source to the personnel policies for legislative staff rather than an exhaustive explanation of these policies. In developing this manual, the Joint Committee on Legislative Facilities has attempted to balance the need of the General Court for orderly operation with the needs of its employees for flexibility. The policies set forth in this manual are provided as a guide and are subject to periodic reviews and changes by the Committee. The policies in this manual do not constitute a contract with any employee. Any oral or written statement to the contrary not signed by the Speaker of the House or the President of the Senate is not valid and should not be relied on by any employee. Nothing in this manual alters any employee's status as an at-will employee.

This manual applies only to permanent full-time employees. All part-time and/or sessional employees are subject to individual arrangements made between that employee and the Speaker of the House of Representatives or the President of the Senate.

Employees are subject to any change, deletion or addition to the manual by the Joint Committee on Legislative Facilities regardless of the date of hire.

TERM OF EMPLOYMENT

All employees of the New Hampshire General Court, except Constitutional officers, are at-will employees. This means that the Speaker of the House or the President of the Senate may terminate their employment at any time. In the case of a joint employee, such termination would require the approval of the joint appointing authority.

ADMINISTRATION

The administrative officers for the purposes of this manual shall be the Speaker of the House and the President of the Senate. The administration of all or part of the policies

outlined in this manual may be delegated to a designee or designees at the direction of the President and/or Speaker.

I. HOURS OF WORK

A. Workday

Employees are expected to be at work from 8:00 a.m. to 4:30 p.m. or 8:30 a.m. to 5:00 p.m. unless another arrangement or schedule has been approved in advance by the Speaker of the House or the President of the Senate.

B. Lunch

Employees shall be entitled to lunch breaks of no more than 1 hour. Employees should be flexible in scheduling periods for lunch as is necessary in conducting the business of the General Court. Such periods shall be taken as authorized by the employee's immediate supervisor.

C. Extended Work Day

Employees are expected to be available whenever the House or the Senate is in session. Any other arrangements pertaining to such availability must be made with the prior approval of the Speaker and/or the President.

D. Compensatory Time

Compensatory time is paid time off for eligible employees, on an hour-for-hour basis, in exchange for hours worked in excess of the work week.

It is the policy of the New Hampshire General Court that planning and scheduling activities by supervisors should minimize the need for overtime work and that approval for overtime work may be given on an as needed basis. Overtime work shall be the exception rather than the rule.

In unavoidable circumstances, such as emergencies or peak load periods, eligible employees shall be compensated for overtime work approved by supervisors in accordance with these policies. Compensation for overtime shall be made by requiring the employee to take compensatory time off at a rate of one hour for each hour of overtime worked. Eligible employees may accumulate compensatory time from December 1 through June 30. Compensatory time shall be accrued at a minimum of one hour at a time up to a maximum of 75 hours per year, except that the maximum number of hours accrued may be extended in individual situations when required by special

circumstances. after approval by the Speaker of the House and/or the President of the Senate. All hours accrued shall be used by December 1 following the accrual period. All accrued hours not so used shall lapse.

Employees eligible for compensatory time shall be determined by the Speaker of the House or the President of the Senate on an individual basis.

E. Attendance Record

A daily attendance record will be maintained by the employee's supervisor.

F. Absences

Employees taking sick leave shall call their supervisor or other designated contact person before 8:30 a.m. on each day of absence. If the employee is to be absent for part of a day on personal business, prior approval shall be obtained from the employee's supervisor.

G. Vacations

Vacations shall generally not be permitted during the session, i.e. from December through June, except with the express approval of the Speaker and/or the President. At all other times every attempt will be made to accommodate employee's requests for particular vacation time. Because supervisors must balance the need to maintain adequate staffing of offices to accommodate the needs of the General court, vacation time may only be taken with the supervisor's prior approval.

The Speaker and/or President or designee may direct an employee to take at least one full calendar week of annual leave in a calendar year.

II. LEAVE

Employees are responsible for filling out leave slips reflecting time absent from work. Such leave slips must be submitted to the employee's supervisor for approval or denial.

A. Annual Leave

Employees are entitled to annual leave with full pay based on the formula below. Entitlement shall be computed at the end of each completed month of service. Annual leave may be accumulated for not more than the prescribed days and shall not lapse.

During the first six months of service, employees are not eligible to use any annual time as paid time off. At the completion of six months of service the employee shall receive 6 days of annual leave. An employee shall accrue one day of annual leave per

month for the remaining 6 months of the first year of service. An employee shall accrue 1 ¼ days per month for each month worked in the second year of service until eight years of service has been completed and shall only be allowed to accrue a maximum of 30 days annual leave during that time. An employee shall accrue 1 ⅓ days per month for each month worked in the ninth year of service until fifteen years of service has been completed and shall only be allowed to accrue a maximum of 36 days annual leave during that time. An employee shall accrue 1 ¾ days per month for each month worked in the sixteenth year of service until 20 years of service has been completed and shall only be allowed to accrue a maximum of 42 days during that time. An employee shall accrue 2 days per month for each month worked in the twenty first year of service and thereafter and shall only be allowed to accrue a maximum of 48 days of annual leave during that time.

For purposes of utilization, leave time shall be converted to hours.

B. Sick Leave

Employees are entitled to sick leave with full pay based on the formula below. Entitlement shall be computed at the end of each completed month of service. Sick leave may be accumulated for not more than the prescribed days and shall lapse at the time of separation from service pursuant to RSA 94:3-a.

After completion of one month of service, employees are eligible to use accumulated sick time as paid time off. An employee shall receive 1 ¼ days of sick leave for each month worked. An employee shall be allowed to accrue a maximum of 90 days of sick leave in the first 8 years of service. After an employee has been in service for 9 years the employee shall be allowed to accrue a maximum of 105 days of sick leave. After an employee has been in service for 16 years the employee shall be allowed to accrue a maximum of 120 days of sick leave.

An employee may utilize sick leave for absences due to illness, injury, or exposure to contagious diseases endangering the health of other employees when requested by the attending physician. An employee may also utilize sick leave for medical and dental appointments or for absence due to death in the employee's immediate family. The employee may utilize up to five days of sick leave per fiscal year for the purpose of providing in-home care to an ill or injured dependent.

An employee may utilize up to 4 days of sick leave for a death in the employee's immediate family which days shall not be counted as regular sick days in calculating bonus leave earned.

For purposes of utilization, sick leave time shall be converted to hours.

Upon retirement under the provisions of RSA 100-A:5 but electing to receive a lump sum in lieu of an annuity, an employee shall receive payment in a sum equal to 1/3 the number of sick leave days remaining to the employee's credit, however, the total number of days eligible for payment shall not exceed thirty (30) days.

C. Bonus Leave

Bonus leave will be computed at the end of the fiscal year as follows:

Employees shall be entitled to bonus leave accrual based on the number of sick leave hours used per fiscal year. Bonus leave accrued under this provision shall be earned for completed fiscal years only.

Sick Leave Used	Bonus Leave Earned
22.5 hours or less	30 hours
30 hours or less	22.5 hours
37.5 hours or less	15 hours
45 hours or less	7.5 hours
more than 45 hours	0 hours

For purposes of utilization, bonus leave time shall be converted to hours.

Employees should be aware also of the provisions of RSA 94:3-a as they relate to annual and sick benefits upon transfer of service or death during service.

D. Accrued Leave Upon Separation from Service

Upon separation from service for any reason other than retirement, the employee shall receive payment in a sum equal to the number of unused accrued annual leave days, bonus leave days, and floating holidays.

E. Maternity Leave

An employee shall be allowed to take six weeks of accumulated sick leave for maternity purposes. Any additional time must be comprised of other leave and be pre-approved by the Speaker and/or the President, or designee.

Due to the addition of Martin Luther King, Jr./Civil Rights Day as an official state holiday, the following changes (noted in bold italics) are made to Sections F and G of the Personnel Manual adopted by the Joint Committee on Legislative Facilities on April 8, 1997.

F. Holidays

Employees shall be entitled to all holidays prescribed by law or by the President of The Senate and Speaker of the House, provided the employee is on pay status on the Employee's next regularly scheduled workday preceding and subsequent to the holiday.

The following days are holidays:

New Year's Day
Martin Luther King, Jr./Civil Rights Day
Presidents' Day
Memorial Day
Fourth of July
Labor Day
Veterans' Day
Thanksgiving
Day after Thanksgiving
Christmas Day

When an employee works a Monday through Friday schedule and the calendar holiday falls on a Saturday, the employee shall be allowed the preceding day off. When a calendar holiday falls on a Sunday, the employee shall be allowed the following day off. If the employee works the day preceding or following such a holiday, the employee shall be given another workday off with pay or shall receive payment for that day at a regular rate.

G. Floating Holidays

Floating Holidays are ***two*** annual holidays during which state offices remain open. Each employee shall be authorized ***2*** floating holidays of the employee's choice per fiscal year.

If an employee wishes to choose one of these days off, annual, bonus leave or a floating holiday that is accrued may be used. Floating Holidays are received July 1 ***and January 1*** of each fiscal year. Floating Holidays shall be used as full days and not a part thereof and must have prior approval of the supervisor. Floating Holidays accrued must be used by the end of the budget biennium in which they are received, unless prior approval for an extension is received from the Speaker of the House and/or the President of the Senate.

H. Civil Leave

An employee may be granted civil leave without loss of pay under either of the following conditions: (1) when performing jury duty; or (2) when subpoenaed to appear before a court, public body, or administrative tribunal in a matter in which the employee is not a party. An employee on civil leave shall surrender to the state any fees received for such activity, less mileage reimbursement for the use of the employee's own vehicle.

I.. Family and Medical Leave Act (FMLA)

Employees have certain rights and responsibilities under the FMLA._ For details, contact Legislative Accounting Payroll/Benefits Coordinator and/or U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division listed in local telephone directories under U.S. Government, Department of Labor.

J. Workers' Compensation

The managed care program for workers' compensation is called JOBCARE.

In the event of an injury sustained by an employee in the course of employment, the employee must report the injury, no matter how minor, to the State House Health Services Coordinator (the State House Nurse, basement Room 30). Failure to report may result in a delay or loss of benefits. If you have a medical emergency, seek treatment immediately and contact the State House Nurse as soon as possible.

The State House Nurse will instruct you as to what procedure to follow depending upon the extent of your injury. If the Nurse is not available, contact JobCare directly at (800) JOB-CARE. This line is staffed 24 hours a day, seven days a week. They will assist you with the paperwork and course of action you should take.

III. COMPENSATION

Payday is every other Friday for the period ending Thursday two weeks earlier. All pay is held two weeks in arrears. New employees do not have to wait four weeks to be paid, as the first pay period payment is allocated between the first two paydays occurring after the employee's date of hire. Whenever a holiday falls on a Friday, paychecks will be distributed the previous work day.

Direct deposit to most financial institutions is available for those employees interested. If an employee is participating in direct deposit, the employee may also select an amount to be directed to a second institution.

A. Salary Ranges

A salary table for legislative employees has been developed by the Legislative Facilities Committee and is available in the Office of Legislative Accounting.

B. New Hires

New hires shall submit an employment application, including an acknowledgment of receipt of the personnel manual which includes a description of the employee's at-will employment status.

New hires shall normally start at the minimum of the pay range assigned to the position. If the new hire has substantial relevant experience, the employee may be placed at a higher step in the pay level, but not at a higher salary range, in recognition of the prior related experience. The determination of the step will be made by the Speaker and/or the President based upon the extent and relevance of the prior experience.

C. Performance Evaluations

Employees shall have an annual performance review prior to the employee's anniversary date. This review, conducted by the supervisor, shall include a written evaluation to be signed by both the supervisor and the employee and submitted to the Speaker and/or the President, or designee.

If an employee at any time has not worked at a satisfactory level or an indiscretion has occurred, the employee may receive a verbal and/or written documentation describing the unsatisfactory performance and actions necessary to correct the situation.

There may be certain behavior which, because of its nature, repetition, or seriousness warrants immediate suspension or termination. Nothing in the above statements of disciplinary action should be construed as depriving the General Court of the right to such immediate suspension or termination as it deems appropriate.

D. Salary Increases

The Senate and House subcommittees of the Joint Facilities Committee, upon recommendation of the Speaker of the House and/or the Senate President, shall consider salary increases for each respective chamber's employees at varying intervals as required during the anniversary month of each employee's initial hire or subsequent promotion, and at such other times at the discretion of the Speaker and/or the President. The full committee shall consider all joint employee requests. The increases shall be based on performance evaluations.

When an employee is returning from a leave of absence without pay, the effective date of the employee's annual increment shall be adjusted accordingly.

E. Joint Legislative Salary Schedule

Salary step increases shall not be considered a salary entitlement, but may be granted dependent upon documented work performance.

The salary step increases for employees shall be administered as follows, provided that the position incumbent meets the performance expectations established:

a. The progression of salary steps from the Minimum to Salary Step 4 shall require a minimum of one year at each step.

b. The progression from Salary Step 4 to Salary Step 5 and Salary Step 5 to Salary Step 6 shall require a minimum of 2 years at each step.

c. The progression from Salary Step 6 to the Maximum Salary shall require a minimum of 3 years.

d. Any specific variation from these time requirements shall require approval of the Joint Legislative Facilities Committee or its subcommittee.

IV. BENEFITS

A. Insurance

Employees are entitled to health insurance and dental insurance after a waiting period of 30 days. The coverage is effective the first day of the month occurring after the expiration of the waiting period.

Enrollment applications are in the new employee packet and must be applied for upon employment or the employee will have to wait until the next open enrollment period.

B. Voluntary Payroll Deductions

Employees may authorize additional deductions from salary for the following items:

1. Group Life/Disability Insurance
2. United States Savings Bonds
3. New Hampshire Federal Credit Union
4. Deferred Compensation
5. New Hampshire State Employees Charitable Campaign
6. Flex Plans/Insurance
7. New Hampshire Retirement System

The following is a general description of the various programs available to employees. **Further specific information and application forms may be obtained from the Office of Legislative Accounting.**

1. Group Life/Disability Insurance

Life, AD & D, and Disability Insurance is available to employees. There are a variety of plans offered. Most take effect after six months of employment.

2. United States Savings Bonds

Employees may choose to begin payroll deductions to purchase United States Savings Bonds at any time. Bonds may be purchased by contributing as little as $1 per pay check for bonds in denominations of $100, $200, $500, or $1000.

3. New Hampshire Federal Credit Union

All employees may become members of the New Hampshire Federal Credit Union at any time. The Credit Union allows members to maintain savings accounts, checking accounts, and obtain loans at competitive rates. Deposits and payments may be handled through payroll deductions. If interested, arrangements for initial enrollment should be made by contacting the New Hampshire Federal Credit Union, Concord, New Hampshire, telephone 224-7731. Thereafter, a change in deductions may be made by filling out a form which can be obtained from the Office of Legislative Accounting.

4. Deferred Compensation

Employees may participate in a voluntary Deferred Compensation Plan made available through the State of New Hampshire. A deferred compensation plan is an arrangement which permits the participants, on a voluntary basis, to authorize that a portion of their salaries be withheld (though payroll deduction) and invested for payment to the participants at a later date. Neither the amount withheld nor earnings on the investments are subject to current Federal Income Tax. Taxes become payable when the deferred income plus earnings are distributed to the participants, presumably at retirement when the participants are probably in a lower income tax bracket.

5. New Hampshire State Employees Charitable Campaign

Employees may contribute to the New Hampshire charities participating in the program through payroll deduction. A deduction may be initiated at any time and would run for the calendar year unless otherwise specified. Each year an annual fund drive occurs in the late fall. You will receive additional information at that time.

6. Flex Plans/Insurance

There are three programs offered. Each program allows the employer to withhold pre-tax dollars to be used for specific needs during the year, such as paying for unreimbursed medical expenses, dependent care expenses, and supplemental insurance.

7. New Hampshire Retirement System

The New Hampshire Retirement System provides a range of coverage and benefit levels comparable with most pension plans in public service and private industry. Through payroll deduction, money is collected and invested in preparation for an employee's retirement. The plan also includes death and disability benefits.

Joining the New Hampshire Retirement System is not mandatory for legislative employees. An employee who does not choose to join the Retirement System must sign a statement indicating that the opportunity to join was offered and declined. An employee may choose to enroll at any time. You may also choose to purchase at your own expense any previous time that qualifies as service under the rules of the Retirement System.

Both employees and the State contribute a pre-determined rate to the employee's account. Retirement deductions are tax deferred until such time as contributions are withdrawn.

All specific questions about the Retirement System should be directed to the New Hampshire Retirement System, 4 Chenell Drive, Concord, New Hampshire, 03301, telephone 271-3351.

D. Longevity

Pursuant to RSA 94:4, an employee who completes 10 years of service for the state shall be paid $200 annually and an additional $200 for each additional 5 years of state service. This longevity pay shall be received in the first payday in December.

E. Terminal Pay

Pursuant to RSA 94:9, an employee is entitled to terminal pay upon separation from service in the amount of 3 days' salary for each year of employment.

F. COBRA (Consolidated Omnibus Budget Reconciliation Act of 1985)

Under the COBRA law (Public Law 99-272, Title X), employees of the State of New Hampshire covered by the offered insurance carriers have the right to choose continuation coverage under certain circumstances.

V. JOB PERFORMANCE AND EVALUATION

Supervisors shall complete an annual performance evaluation of each employee prior to the anniversary date. The objective of the annual evaluation is to improve the employee's performance, thereby improving the operations of each office and the General Court as a whole. It is intended to be a communication device between employees and supervisors. It should identify the strengths and weaknesses in the employee's job performance and support the training and development of that employee. The evaluation shall also provide information to be used for personnel matters, such as pay increases or promotions.

The annual evaluation is to be conducted in good faith by all parties.

Each supervisor shall develop an appropriate method or form for conducting the annual evaluations for the employees in the supervisor's department. The form shall be approved by the Speaker and/or the President. The evaluation form attached as an example may or may not be the form selected by the supervisor because the supervisor may determine that it is not applicable to jobs performed by certain employees of the General Court. However, the method developed by all supervisors shall reflect similar criteria upon which all employees shall be evaluated as well as certain skills and traits necessary for the employee's particular job.

The following subject areas shall be included in all evaluations:

- work habits
- professional or technical knowledge and skills
- communication skills
- application of skills to particular job
- decision-making ability
- dealing with people
- progress since last evaluation
- goals for improving performance
- job objectives for the next year

All employees must sign the annual evaluation to indicate that the employee has seen the evaluation and discussed it with the supervisor. Signature does not indicate

agreement with the evaluation and all employees will be given the opportunity to respond in writing to the employee's annual evaluation. Such a written response shall be placed in the employee's personnel file with the evaluation.

VI. SEXUAL HARASSMENT POLICY

All employees should receive the Policy Prohibiting Sexual Harassment adopted by the Joint Committee on Legislative Facilities on April 6, 1994. This policy applies to all employees of the New Hampshire General Court.

VII. ETHICS GUIDELINES

It is the responsibility of employees to review and keep current with the Ethics Guidelines and Procedural Rules adopted by the Legislative Ethics Committee pursuant to RSA 14-B.

VIII. GRIEVANCE PROCEDURE

Any job-related grievance must be made in writing to the employee's immediate supervisor, who in turn will notify the appropriate Chief of Staff. In the event the complaint involves an employee's immediate supervisor, the employee may directly contact the appropriate Chief of Staff. Timely attention will be given to the matter. The Chief of Staff will respond, in writing, to any grievance, as the designee of the appropriate Presiding Officer or the Joint Committee on Legislative Facilities.

3% EFFECTIVE 10/1/00
1.03 X 10/1/99

LEGISLATIVE SALARY SCHEDULE EFFECTIVE 10/1/00
***(DIVIDED BY 26 PAY PERIODS)

GRADE	MINIMUM	STEP 1	STEP 2	STEP 3	STEP 4	STEP 5	STEP 6	MAXIMUM
1	18,407.79	19,135.46	19,914.39	20,719.26	21,524.16	22,380.96	23,289.69	24,224.41
Bi-wkly ***	707.99	735.98	765.94	796.89	827.85	860.81	895.76	931.71
2	19,914.39	20,719.26	21,524.15	22,380.96	23,289.69	24,224.41	25,185.07	26,223.62
Bi-wkly ***	765.94	796.89	827.85	860.81	895.76	931.71	968.66	1,008.60
3	21,524.15	22,380.96	23,289.69	24,224.41	25,185.07	26,223.62	27,288.15	28,586.34
Bi-wkly ***	827.85	860.81	895.76	931.71	968.66	1,008.60	1,049.54	1,099.47
4	23,289.69	24,224.41	25,185.07	26,223.62	27,288.15	28,586.34	29,806.66	31,104.85
Bi-wkly ***	895.76	931.71	968.66	1,008.60	1,049.54	1,099.47	1,146.41	1,196.34
5	25,262.97	26,353.46	27,443.94	28,586.34	29,806.66	31,104.85	32,403.06	33,831.08
Bi-wkly ***	971.65	1,013.59	1,055.54	1,099.47	1,146.41	1,196.34	1,246.27	1,301.20
6	27,443.94	28,586.34	29,806.66	31,104.85	32,403.06	33,831.08	35,259.09	36,765.01
Bi-wkly ***	1,055.54	1,099.47	1,146.41	1,196.34	1,246.27	1,301.20	1,356.12	1,414.04
7	32,403.06	33,831.08	35,259.09	36,765.01	38,348.82	40,348.03	42,165.51	44,060.89
Bi-wkly ***	1,246.27	1,301.20	1,356.12	1,414.04	1,474.95	1,551.85	1,621.75	1,694.65
8	36,920.78	38,608.45	40,348.03	42,165.51	44,060.89	46,060.11	48,111.27	50,266.28
Bi-wkly ***	1,420.03	1,484.94	1,551.85	1,621.75	1,694.65	1,771.54	1,850.43	1,933.32
9	42,165.51	44,060.89	46,060.11	48,111.27	50,266.28	52,551.10	54,913.84	57,925.68
Bi-wkly ***	1,621.75	1,694.65	1,771.54	1,850.43	1,933.32	2,021.20	2,112.07	2,227.91
10	48,111.27	50,422.05	52,810.75	55,277.32	57,925.68	60,677.84	63,559.83	66,597.63
Bi-wkly ***	1,850.43	1,939.31	2,031.18	2,126.05	2,227.91	2,333.76	2,444.61	2,561.45
11	52,611.62	54,716.09	56,904.73	59,180.93	61,548.16	64,010.09	66,570.49	69,233.30
Bi-wkly ***	2,023.52	2,104.46	2,188.64	2,276.19	2,367.24	2,461.93	2,560.40	2,662.82
12	59,456.81	61,835.09	64,308.49	66,880.83	69,556.06	72,338.30	75,231.84	78,241.11
Bi-wkly ***	2,286.80	2,378.27	2,473.40	2,572.34	2,675.23	2,782.24	2,893.53	3,009.27
13	64,040.70	66,602.33	69,266.42	72,037.07	74,918.56	77,915.31	81,031.91	84,273.20
Bi-wkly ***	2,463.10	2,561.63	2,664.09	2,770.66	2,881.48	2,996.74	3,116.61	3,241.28

Section IV

NCSL Report on NH Joint Legislative Staff Agencies (1988)

Review of the

NEW HAMPSHIRE

Joint Legislative Staff Agencies

By

Karl T. Kurtz and Beth Bazar

April 1988

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National Conference of State Legislatures
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Denver, Colorado 80265

The National Conference of State Legislatures serves the nation's 7,461 state legislators and their staffs.

NCSL was created in January 1975 from the merger of three organizations that served or represented state legislatures. NCSL is a nonpartisan organization with three objectives:

- To improve the quality and effectiveness of state legislatures;
- To foster interstate communication and cooperation; and
- To ensure states a strong, cohesive voice in the federal system.

The Conference has offices in Denver, Colorado, and Washington, D.C.

ACKNOWLEDGMENTS

We wish to acknowledge the time and effort that many New Hampshire legislators and staff committed to assisting us with this project. They know far more about the legislative process in New Hampshire than we, and we learned a great deal from all of them.

A number of NCSL staff assisted with this project. Gina Mitchell participated in the interviews of New Hampshire legislators and legislative staff and contributed a number of ideas to the report. Rich Jones organized the project initially, made valuable suggestions, and reviewed early drafts. Bill Pound and Brian Weberg also volunteered ideas. In the section relating to personnel policy, we borrowed ideas developed in a previous NCSL report on the Maine legislature by Jan Carpenter and former staffer Cindy Simon.

Thanks are due to the following staff in other states who contributed substantial time, information and ideas to the project:

Terry Anderson, South Dakota
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EXECUTIVE SUMMARY

As the first phase of a project that will ultimately lead to a comprehensive pay and classification system for New Hampshire legislative staff, the New Hampshire Joint Legislative Facilities Committee asked the National Conference of State Legislatures to evaluate the management and organizational structure of New Hampshire's joint legislative staff agencies. Functions such as legislative security that are not currently operated jointly were also studied.

During December 1987 and January 1988, NCSL conducted extensive interviews with New Hampshire legislators and staff, as well as with key staff in several other states. The following report contains our recommendations based on this research.

The primary concerns voiced by New Hampshire legislative leaders, rank-and-file members, and staff were:

1. Joint legislative agencies are considered to be too fragmented, with numerous small agencies reporting to a variety of directors and leaders.
2. This fragmentation leads some leaders to question the degree of accountability of some joint agencies.
3. The House currently provides or manages some services that both House and Senate leadership feel may be joint in nature.
4. Most staff and many members of the Joint Legislative Facilities Committee believe that the JLFC should limit its role to policy-setting and reduce its involvement in administrative matters.
5. The role of the Joint Legislative Committee on Administrative Rules in managing the staff responsible for reviewing administrative rules is the subject of considerable debate and pending legislation.
6. Many legislators expressed concern that the Legislative Budget Assistant have adequate management support and backup on the budget side of his office.

7. The elimination of the sunset process and staff has led to a concern that program review and evaluation of executive agencies has been de-emphasized.

To address these concerns and others that surfaced in the course of our interviews, NCSL has divided its recommendations into four sections: Management Structure of Joint Legislative Agencies; Security; Personnel Policies; and Legislative Procedures and Work Products.

I. Management Structure of Joint Legislative Agencies

Fragmentation of the joint agencies constitutes the most serious flaw in the General Court's management structure.

Recommendation: **New Hampshire should reorganize its joint legislative agencies in order to reduce fragmentation and increase accountability to the leadership.**

To accomplish this goal, we propose two reorganization options. The first plan, Option A (diagrammed on pg. 7), creates a single executive director under a joint management committee with four divisions for research and legal services, administration, information systems and administrative rules. Under this option, the Legislative Budget Assistant (LBA) remains under the Joint Fiscal Committee. Option B (see pg. 8) duplicates Option A, except that under Option B, the LBA also moves under the management committee for administrative purposes, while retaining its policy relationship to the Joint Fiscal Committee.

Whichever option New Hampshire chooses to implement, the reorganization should incorporate the following provisions:

Recommendation: **Each management committee in New Hampshire should have only one administrator who is responsible for overseeing all staff, including hiring, firing, performance evaluation and salary review functions, under policies established by the management committee.**

Recommendation: The JLPC should create an administration unit that is responsible for most central administrative functions of the legislature under the direction of the committee's Executive Director.

Recommendation: The administrative rules staff should be maintained under a central staff agency with policy supervision by the Administrative Rules Committee.

Recommendation: The LBA should convert an existing budget analysis position to a deputy director's position or seek authorization for an additional position.

Recommendation: The leadership should review the statute governing program results auditing and the current level of activity in this area to determine if any changes need to be made.

Recommendation: New Hampshire should review and recodify all statutes governing the joint legislative agencies.

We also offer the suggestion that New Hampshire consider combining the full-time, professional staffs of House Committee Services, Senate Research and the OLS Research and Bill Drafting Divisions into a single, joint agency that would not only perform research and drafting functions but also staff committees. This would address numerous problems regarding the present relationships among these offices.

II. Security

Although New Hampshire's present sergeants-at-arms and security personnel are viewed positively by members and staff of the legislature, some legislators feel that security should be a joint function. Members also expressed apprehension that certain types of threats might call for a security force with more professional training.

Recommendation: New Hampshire should develop a long-term plan for professionalizing its security services with appropriate participation in the management of security by both the House and Senate. Such a plan should make maximum possible use of current staff expertise and experience.

We suggest the long-term goal of contracting with the state police force for daytime capitol security, while leaving security in the chambers and committee rooms under the direction of the sergeants-at-arms.

III. Personnel Policies

We determined that the absence of comparable pay and classification systems among the House, the Senate, and the joint agencies has created some inequities in salaries and classification in these offices.

Recommendation: **The New Hampshire legislature should adopt a uniform, comprehensive compensation and classification system for all legislative employees.**

In conjunction with this change, we recommend that the General Court institute adjustments in other personnel policies as follows:

Recommendation: **New Hampshire should develop and adopt a performance appraisal system for all legislative staff.**

Recommendation: **New Hampshire should develop a uniform policy on compensatory time and overtime for all staff.**

Recommendation: **Employee benefits should be made uniformly available to all permanent, full-time staff.**

Recommendation: **New Hampshire should develop and publish a comprehensive, uniform manual of personnel policies and procedures.**

IV. Legislative Procedures and Work Products

During our interviews, we observed that some procedures and work products that had not been addressed in New Hampshire's original request for our evaluation might benefit from certain relatively small adjustments. Based on our research into other states' bill drafting and sign-off procedures, we determined that the following refinements might help New Hampshire reduce bill drafting errors, streamline procedures for sign-off and for handling of

duplicate bills, and address problems with the system of deadlines for bill drafting and introduction.

Recommendation: OLS should hire at least one team of two full-time, year-round professional proofreaders.

Recommendation: New Hampshire should consider hiring one or more legal editors or paralegals for the OLS Legal Division.

Recommendation: OLS should incorporate all enrolled bill amendments into one bill or consent calendar, rather than presenting each individually.

Recommendation: New Hampshire should consider adding one week to the interval between bill drafting request and introduction deadlines.

Recommendation: Bill sponsors should be allowed to sign a sponsor sheet rather than the original of the bill.

Recommendation: By rule, New Hampshire should impose a five-day deadline for sign-off after a member's receipt of the draft.

Recommendation: OLS should increase efforts to detect duplicate bills and to notify sponsors.

Furthermore, we recommend that OLS produce a bill drafting manual to standardize policies, and that New Hampshire create a research manual for all research staff.

In conclusion, we wish to affirm that the New Hampshire General Court is served by a dedicated and competent staff whose effectiveness may be augmented by the changes we recommend above. Though some of the recommendations we have provided would involve additional costs to implement, these costs would be partially offset by savings that would occur as a result of other recommendations, such as the consolidation of joint administrative functions.

INTRODUCTION

In November 1987, the New Hampshire Joint Legislative Facilities Committee contracted with the National Conference of State Legislatures to review and evaluate the management and organizational structure of New Hampshire's joint legislative staff agencies. As the first phase of a project that will ultimately lead to a comprehensive pay and classification system for staff of the General Court, NCSL was requested to evaluate existing pay and classification patterns. Although security is not presently a joint staff function, NCSL was also asked to review New Hampshire's legislative security services in view of the joint responsibilities involved.

NCSL's method for carrying out this study was to interview a broad cross-section of legislative leaders, rank and file legislators, staff, and some former leaders and staff in the joint agencies, the House, and the Senate. Over forty interviews were conducted in Concord December 7-10, 1987 and January 12-14, 1988. Based on the problems and issues raised by New Hampshire legislators and staff, we did a comparative analysis of how other states handle these matters. In the course of this work we interviewed more than a dozen legislative staff in other states of similar size to New Hampshire.

We should note at the outset that there is a great diversity in how legislatures in the fifty states are organized. There is no single "right" answer as to how to organize and manage the legislative process. Our approach has been to try to adapt the ideas in other states that might best apply to New Hampshire's traditions and circumstances.

We also wish to comment that, despite our suggestions for organizational and procedural changes, the New Hampshire legislature is well served by a dedicated and competent staff. Within the limits of the resources provided to them, most staff perform well. Our suggestions for management and organizational change should not be considered as evaluations of any individual staff members, nor do we have preconceived notions as to who should fill what positions should our recommendations be adopted.

It is easy for us to draw organization charts. The tough task is to fit organizations around people. The best organization charts are drawn to match the skills and talents of the staff involved. After our work is completed, that task remains to New Hampshire's leaders and managers of the legislative process.

I. MANAGEMENT STRUCTURE OF JOINT LEGISLATIVE AGENCIES

Our interviews raised at least seven major questions or concerns relating to the management of joint legislative staff agencies.

1. Most legislative leaders and leadership staff told us that the current management structure of the joint legislative agencies is too fragmented. Top leaders and staff had difficulty itemizing all the different staff agencies that report to them without reference to a complex organization chart.

2. Some leaders also felt that this fragmentation, combined with the presence of some senior staff who had served under many different legislative leaders, has led to a lack of accountability by some of the joint legislative agencies.

3. Both Senate and House leadership raised questions as to whether some functions that are currently provided or managed by the House should be joint.

4. Most staff and many legislators who serve on the Joint Legislative Facilities Committee feel that the JLFC should limit its role to policy-setting and reduce its involvement in administrative matters that should be handled by staff.

5. The role of the Joint Legislative Committee on Administrative Rules in managing the staff responsible for reviewing administrative rules is the subject of considerable debate and pending legislation.

6. Many legislators expressed concern that the Legislative Budget Assistant (LBA) have adequate management support and backup on the budget side of his office.

7. Some leaders and members believe that program review and evaluation of executive agencies has been de-emphasized too much as a result of the elimination of the sunset process and staff.

In the sections that follow we will deal with these issues by developing some recommendations and ideas for reorganizing the joint legislative agencies based on our comparative analysis of how other legislatures operate.

Current Organization

Before proceeding further, it is important to set out the current organizational structure of the joint legislative agencies.

Chart 1 provides an outline of the current organization. The two largest and most complex staff agencies are the Legislative Budget Assistant, with two divisions and a staff of 25, reporting to the Joint Fiscal Committee; and the Office of Legislative Services, with a staff of 20, reporting to the Joint Legislative Facilities Committee. The dotted line from the Administrative Rules Committee to the Administrative Rules division of OLS represents the policy supervision that the committee provides to this staff unit.

There are five other units that report to the JLFC. The Legislative Accountant is a three-person office, but all of the others are only one- or two-person units.

In addition, there are several other joint, one-person staff units, such as the nurse and the Upham-Walker House caretaker, that are not included on the chart in order to simplify it for discussion purposes.

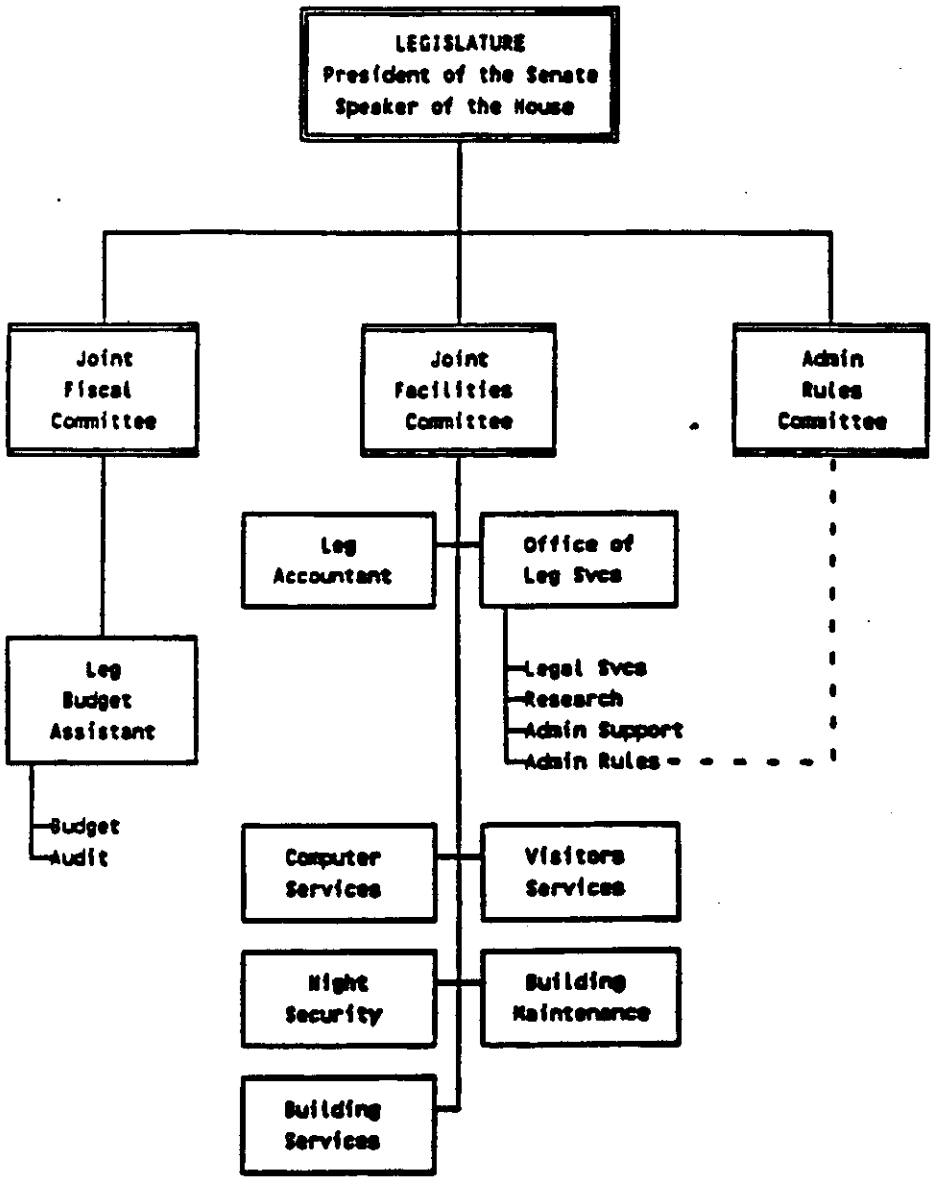
Reorganization

We view the fragmentation and dispersion of the various agencies currently reporting to the JLFC as the most serious flaw in the current management structure of the New Hampshire General Court.

Recommendation: **New Hampshire should reorganize its joint legislative agencies in order to reduce fragmentation and increase accountability to the leadership.**

Based on our comparative analysis of other legislatures with similar structures to New Hampshire, we offer two possible options for reorganizing the joint agencies.

CHART 1
CURRENT ORGANIZATION
JOINT LEGISLATIVE SERVICES



NCSL
February, 1988

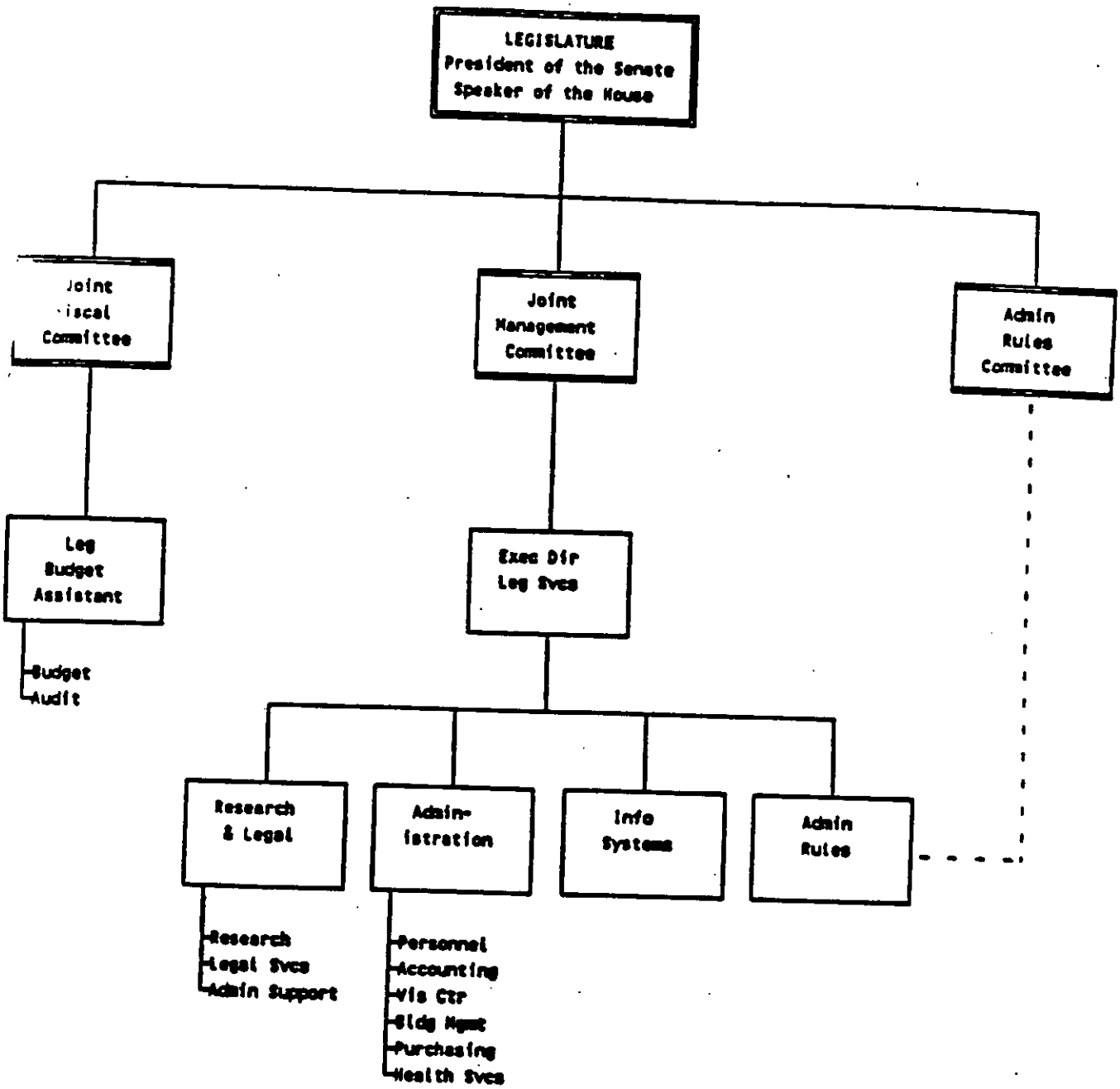
Option A is diagrammed in Chart 2. This option creates a single executive director under a joint management committee with four divisions for research and legal services, administration, information systems and administrative rules. The Administrative Rules Committee continues to have a policy but not an administrative role under this option, and the LBA remains under the Joint Fiscal Committee. This joint staff management structure of research, legal and administrative functions reporting to one committee and fiscal analysis to another is similar to that in Idaho, Montana, Iowa, and Maryland.

Option B is outlined in Chart 3. This option has the same features as Option A except that the LBA is also moved under the management committee for administrative purposes but retains a policy relationship to the Joint Fiscal Committee. This highly centralized type of staff structure can be found in Maine, Connecticut, North Dakota, Nevada, and Kentucky. In all of these states, the fiscal staff has very strong ties to the tax and expenditure committees and is substantially independent of the rest of the central staff.

These two options are very similar in many respects. We will briefly outline their principal differences before looking more closely at the features they have in common.

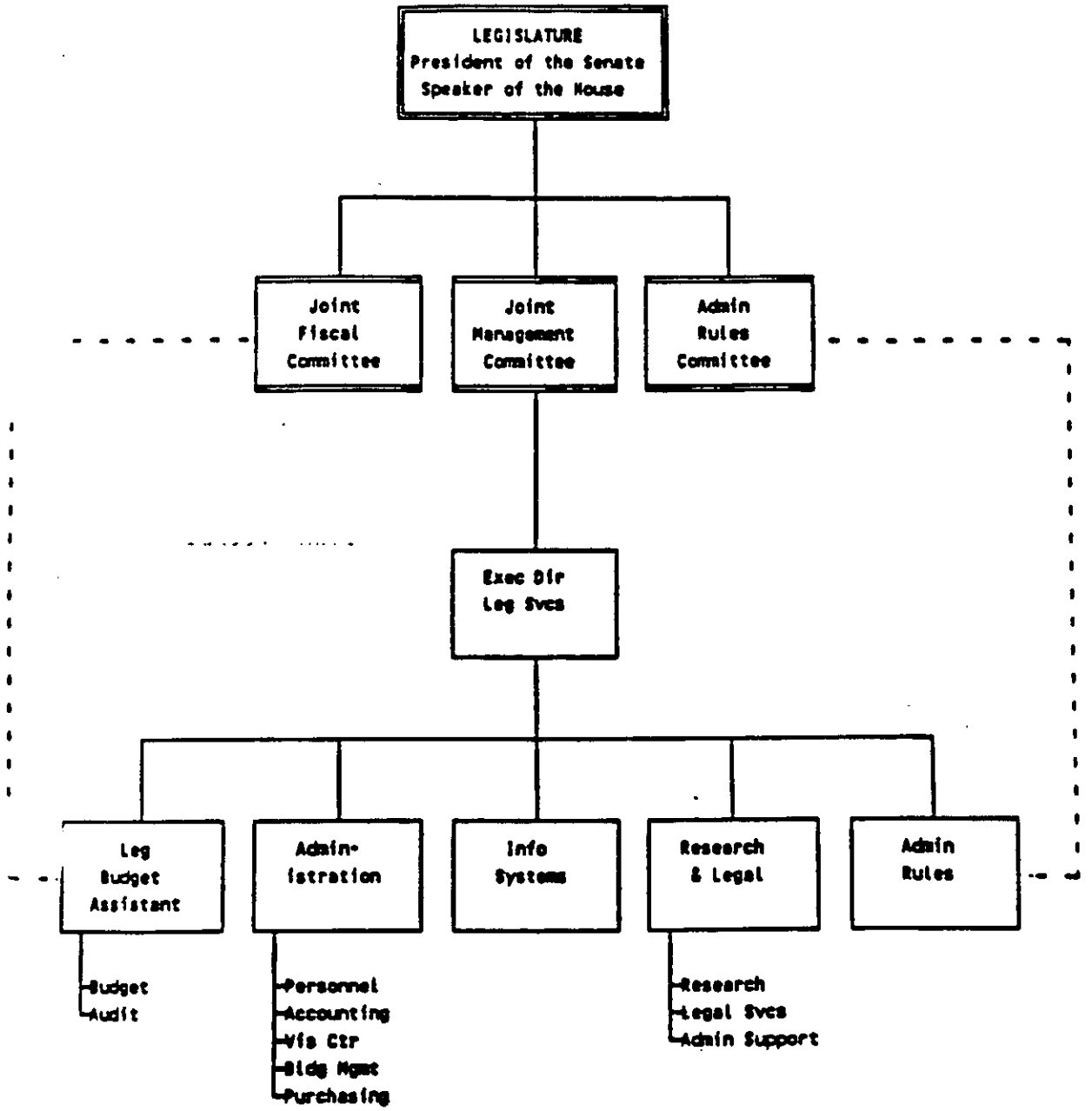
The principal advantage of Option A is that it makes less change in the current management structure. Most legislators and staff feel that the LBA works fairly well under its current structure reporting directly to the Joint Fiscal Committee. And generally, there appears to be good communication and cooperation between LBA and OLS under the current separate management structure.

CHART 2
OPTION A ORGANIZATION
JOINT LEGISLATIVE SERVICES



NCSL
April, 1988

CHART 3
OPTION B ORGANIZATION
JOINT LEGISLATIVE SERVICES



NCSL
April, 1988

The principal advantage of Option B is that it brings all administrative management under a single structure and promotes comparability of personnel and salary policies. It also gives unified leadership control under a single management committee.

Far more important than the differences between these two options, however, are the common features. The following section will focus on these and develop each idea more fully.

Management Role of Committees

We previously mentioned complaints that the JLFC gets involved in administrative matters that could be left to staff managers. This is partly due to a fragmented management structure that has at least seven different operating units under the JLFC. But even when there is a director of a large agency (OLS), the Committee reviews each individual staff person's salary and performance in that agency.

In most states, administrative functions such as salary and personnel are centralized under a staff administrator with policy direction by a management committee. Pay ranges and classifications are established by the management committee, but individual salaries are set by a director hired by the committee. The New Hampshire Joint Fiscal Committee follows this practice with the LBA.

Recommendation: **Each management committee in New Hampshire should have only one administrator who is responsible for overseeing all staff, including hiring, firing, performance evaluation and salary review functions, under policies established by the management committee.**

Our experience and our evaluation of other states' procedures is that management committees function best when there is a single professional manager who can be accountable to the committee for the performance of the entire staff.

In reviewing its management role, the JLFC may also wish to consider whether its name, dating from the time the committee was created to deal with conversion of the Legislative Office Building, is an anachronism. A name such as Joint Legislative Management Committee, commonly used in a number of states, may more accurately reflect the committee's current role.

Executive Director

The function of the Executive Director under both options is to implement the policies of the management committee and to manage the joint functions of the legislature. Because the director would have senior managers to supervise each of the major staff units, he or she should have time to manage at least e of the units directly. Which unit this is would depend on the skills and interests of the director.

Administration

Five of the units that currently report to the JLFC have primarily administrative functions. These include Legislative Accounting and four functions that relate to management of the physical facility of the State House and the Legislative Office Building: Visitors' Services, Building Maintenance, Building Services, and Night Security.

In addition, the House has two employees who provide services to both chambers. The House Operations Officer is responsible for purchasing, equipment, and physical facilities management, and the LOB receptionist

handles telephone calls and directs visitors. Both services are utilized by the Senate as well as the House.

All of these administrative functions could be combined into an administration unit under joint management of both chambers.

Recommendation: **The JLFC should create an administration unit that is responsible for most central administrative functions of the legislature under the direction of the committee's Executive Director.**

This unit would have the following functions for the entire legislature: accounting and payroll, purchasing, facilities management (including receptionist and tour guides), and health services. This step would greatly reduce fragmentation and improve efficiency and accountability without any additional cost. By combining positions and functions that are currently scattered, a net reduction in staff costs might be achieved.

Information Systems

New Hampshire has recently centralized responsibility for the development of legislative information systems. Office automation is occurring rapidly, but there is much more that can be done to improve the efficiency and effectiveness of the legislature. Because of its importance, this responsibility should be continued as a separate unit reporting to the Executive Director.

Administrative Rules

There has been considerable debate in the last several years over whether the staff who review administrative rules should be hired and managed directly by the Administrative Rules Committee or should remain under OLS with policy direction by the Committee.

The experiences of other states have shown that administrative rules staff can function effectively under either alternative. Each has advantages and disadvantages. Placing the staff administratively under the Rules Committee gives the committee more control and makes the staff more accountable to them, but it also fragments personnel and administrative management, reduces the capacity to share workloads between different staff units in peak and slack times, and may encourage other committees to demand that they be able to hire their own staff.

Leaving the administrative rules staff under a central staff agency allows for common personnel management and policies and encourages workload sharing but may create tensions between central management and the Administrative Rules Committee.

Generally, in the absence of a compelling reason to split apart joint staff functions, we recommend a centralized staffing structure.

Recommendation: **The administrative rules staff should be maintained under a central staff agency with policy supervision by the Administrative Rules Committee.**

LBA Management

The LBA staff generally receives very high marks from legislators and legislative staff for its work on budget analysis, but there is a widespread concern among legislators that the Legislative Budget Assistant needs a deputy director on the budget side. This concern is primarily directed at the need for a trained successor in the event that the LBA were to leave. The LBA currently has a deputy who manages the audit division of the office but does not have a deputy on the budget side.

Recommendation: The LBA should convert an existing budget analysis position to a deputy director's position or seek authorization for an additional position.

The other concern that was voiced regarding the LBA is that as a result of the transfer of the responsibility for program review of executive agencies to the legislative audit division of the LBA after the abolition of the sunset staff in 1987, there has been a significant reduction in the number of program reviews conducted.

Our investigation of this issue suggests that the allegation is true. There appear to be two reasons for the reduced activity. First, the transfer is relatively recent, and the legislative audit division is still in the start-up phase of carrying out this responsibility. Second, the statute that requires the LBA to carry out "program results auditing" limits the activity in this area to studies that are specifically directed to occur by the Joint Fiscal Committee. Thus the statute greatly reduces the scope of current program review activities compared to the previous sunset process, unless the fiscal committee specifically directs greater activity.

Recommendation: The leadership should review the statute governing program results auditing and the current level of activity in this area to determine if any changes need to be made.

Review and Recodification of Joint Agency Statutes

Regardless of what changes the legislature may wish to make in the organization of the joint agencies, the current RSAs governing the joint legislative agencies contain some dated and sometimes contradictory, or at least confusing, statements.

Recommendation: New Hampshire should review and recodify all statutes governing the joint legislative agencies.

Relationship of Joint Agencies to Other Staff Offices

Reviewing and evaluating staff offices in the Senate and the House was beyond the scope of this study. However, we did interview a number of House and Senate staff to obtain their comments on the joint agencies, and we asked the joint agencies about their relationship to House and Senate staff. In this process some issues were raised to which we wish to alert the leadership. These are more in the nature of observations than recommendations.

First is the matter of providing staff support to committees. LBA provides comprehensive support to the fiscal committees of the legislature during both session and interim. Other than drafting legislation and amendments on request, OLS generally does not provide staff support or attend committee meetings either during session or during the interim. (One OLS staffer told us that in more than ten years he or she had appeared at no more than five committee meetings.) OLS staff said that the primary reason for this is that they do not have time to work directly with committees.

The House has taken partial steps toward professional staffing of committees by creating the Office of House Committee Services, which has one professional staff person for approximately every three House committees. The Senate provides limited professional staff support to its committees.

This picture falls somewhat short of the standard that most legislatures have now achieved, with at least one professional staff person available for each committee. An understandable reason why the House has not gone further with committee staffing is the large size of the body, which necessitates a relatively large number of committees.

Nonetheless, this patchwork pattern of committee staffing has created some problems. One is that whenever joint study committees that meet in the interim want staff research support, they tend to turn to House Committee Services staff, which is full-time, rather than to the limited, part-time Senate staff. This may create workload problems for House Committee Services, and it also generates concerns about House staff doing the work of joint committees. This situation is probably the result of recent growth and change in the roles of the House Committee Services staff. Management policies regarding staffing of interim committees may not have caught up with these changes.

A second problem is that OLS staff complain that House committee staff occasionally get involved in drafting amendments and bills. While it is a matter of some dispute between the two staffs as to how much this happens, we judge that the tendency for staff who are present at committee meetings to be asked to draft legislation, especially amendments, will increase. We think that this is rightfully so; at least on complex or controversial matters, legislative committees should have qualified staff present to assist in drafting amendments and legislation. If OLS attorneys do not have the resources or choose not to be present, committees will naturally turn to whoever is there.

In addition, some people commented that OLS staff would be more effective if they participated more actively in the legislative process. They felt that the LBA staff's active involvement in the fiscal committees is one reason why they are generally more positively evaluated by legislators than OLS staff. We share this view, as we believe that drafting and research in the legislative process are integrally tied to the work of committees, and that staff who are insulated from the committee process are seriously handicapped.

We also observed that there is a need for greater communication between the various staff offices. One director of an agency that has a counterpart elsewhere in the legislature with very similar types of responsibility reported that he had not communicated with his counterpart in more than six months.

While there is generally a good informal network of communication among legislative staff, there may be a need for more formal communication mechanisms. One option that might be considered is a monthly meeting of all senior staff managers. Such meetings would be designed to deal with some of the administrative and personnel matters that we raise later in the report, as well as with substantive matters of concern to the entire legislature.

A more comprehensive and fundamental change would address many of the above issues involving the relationship of the joint agencies with other staff offices. We suggest that New Hampshire consider combining the full-time, professional staffs of the four legal and research offices into a single, joint agency. This combination would create a large enough pool of legal and research staff to be charged not only with research and drafting functions but also with staffing committees. If this step were taken, each house might want to have session research staff to support its own specific needs.

We feel that a reorganization of this nature could strengthen research, legal, and committee support services for the legislature and establish a structure that would foster improved communication.

We offer this only as an idea for consideration and not as a specific recommendation, because we have not done the detailed analysis of the work of the House and Senate research offices that would be necessary to back up these ideas. We would be pleased to carry out further work on this in the future.

II. SECURITY

Under the current structure in New Hampshire, the Senate has a session-only sergeant-at-arms. The House has a full-time sergeant with a staff of four virtually full-time people, most of whom are retired police officers. During the interim, the House Sergeant's staff has assumed responsibility for security in all areas of the State House except the Governor's office.

Although New Hampshire's present sergeants-at-arms and security personnel are viewed positively by members and staff of the legislature, legislators expressed apprehension that certain types of threats might call for a security force with more professional training. Both House and Senate members and staff raised the question of whether security functions should be joint, particularly during the interim. Under the current system the House Sergeant's-at-Arms office handles all security in the legislative facilities when the legislature is not in session.

Recommendation: New Hampshire should develop a long-term plan for professionalizing its security services with appropriate participation in the management of security by both the House and Senate. Such a plan should make maximum possible use of current staff expertise and experience.

In conjunction with a survey of legislative security in the 50 states, we identified several state legislatures whose security forces were similar in size to that of New Hampshire. They illustrate three different approaches, as follows:

Model 1: Joint security under legislative control, with ceremonial officers in each house. Under this system, which is in effect in the Vermont Legislature, one sergeant-at-arms to the Legislature is elected by both the House and Senate. He is responsible for legislative security in general and supervises a doorkeeper in each chamber. Doorkeepers are responsible for security in the chambers and committee rooms during

legislative business and also perform most of the traditional ceremonial roles of the sergeant-at-arms. The sergeant-at-arms also supervises one professionally trained security officer in the daytime. Night security is handled by the Department of State Buildings.

Model 2: Professional security forces handled separately by both chambers. As illustrated by the South Carolina Legislature, this system employs two separate security forces, both composed of certified law enforcement officers who receive the same training as state police, through the state's law enforcement academy. Sergeants-at-arms perform both ceremonial duties and security and are also responsible for administrative functions such as maintenance of inventories and scheduling facilities for legislative business.

Model 3: Security under state police or Department of Public Safety with ceremonial sergeants-at-arms in each house. Exemplified by Arizona and South Dakota, this model uses full-time, year-round state police or Department of Public Safety personnel for all security. Sergeants-at-arms can be purely ceremonial in function or can have additional administrative duties, but usually are responsible for maintaining order in the chambers and committee rooms.

A number of variations on these patterns can be found across the country, but these appear to be the ones most relevant to New Hampshire. Any of these three approaches might be suitable for New Hampshire; it would be advisable for the General Court to study the comparative costs of each type of system.

While each of the models has its benefits, we suggest that Model 3, involving state police for capitol security, may be the long-term direction in which New Hampshire should move. A higher degree of professionalization of security seems advisable, and contracting with the existing state police force would appear to be the most straightforward method of providing that professionalization.

Sergeants-at-arms could be responsible for security in the chambers and committee rooms and would retain their ceremonial functions. State police could be assigned to all other areas of the capitol, including the governor's offices, if desired. For night security, New Hampshire might not need to augment its present staff, as the night watchman is not responsible for the protection of large numbers of members, staff and the public.

Some staff expressed misgivings as to the practicality of using state police with a 424-member legislature. As long as the sergeants-at-arms retain responsibility for keeping order in the chambers and committee rooms, we see no reason that the presence of state police should disrupt the legislature's normal functioning. In the chambers, police need only be called in in the case of a disruptive incident beyond the capacity of the sergeants-at-arms and doorkeepers to control.

There is significant talent and experience among the existing sergeant-at-arms staff. We urge the New Hampshire legislative leadership to utilize their skill and knowledge while at the same time taking steps toward using professional law enforcement personnel for the protection of New Hampshire's legislative members, staff, and citizens.

More information on other states' security measures can be obtained from the NCSL study, to be available in May 1988.

Comparability of Compensation and Classification Systems

Both legislators and staff, especially leaders and leadership staff, expressed concern about the comparability of pay and classification systems among the House, the Senate, and the joint agencies. The House uses a classification and pay plan based on a study done by Arthur Young in 1983. OLS and LBA each have independent systems that base their compensation on the state pay and classification system. The Senate has no classification system or established pay ranges.

It was beyond the scope of this phase of our report to carry out the detailed job descriptions and interviews necessary to develop a new pay and classification system. However, we did considerable analysis to determine the extent of current inequities among different staff offices. In addition to interviewing a number of legislative staff, we took information about current grades, job titles, and salaries and grouped all full-time, permanent staff into five broad categories as follows:

Clerical/secretarial/technical
Junior professional/secretarial or technical supervisor
Researcher/analyst/lawyer/administrator
Senior professional/mid-level manager
Senior manager

We then arrayed these five categories by the office or agency in which staff work. This analysis led us to the following observations:

1. At the lower levels there appears to be reasonable comparability among different offices and agencies. Based on this level of analysis, however, we were not able to evaluate whether some offices or agencies classified staff higher than others for similar work performed.

2. At the middle level Senate staff salaries are 15-20% lower than comparable salaries in the House and the joint agencies.

3. At the top levels Senate staff are paid significantly less than their counterparts in the House.

4. Senior professionals in OLS are paid 15-20% less than those in LBA.

5. A larger proportion of LBA staff are classified in the upper levels than are OLS staff.

We hasten to point out that there may be good reasons for significant differences between different offices. For example, because of the differences in size, a manager in the Senate may have significantly fewer staff to deal with than a manager in the House. Or salaries of auditors working for LBA may be particularly affected by outside competitive pressures in the marketplace.

Nonetheless, we conclude that there is strong evidence to support the viewpoint that there are significant inequities in salaries and classification among the House, the Senate, and the joint agencies.

This detailed analysis of existing compensation and classification plans led us to several other interesting observations. Each of two agency directors with similar roles and responsibilities told us that the other one paid higher salaries for comparable work and was therefore able to "raid" their staff. Our analysis showed both directors to be correct. One agency pays entry level staff more, while the other one pays experienced staff more. This conflict between two agency directors highlights the problems that are created when salary inequities exist.

Further, the existing classification systems lack adequate career ladders for major classes of staff. For example, the OLS classification system has only two grade levels for researchers, and the House system appears to have only one. These career ladders are important to staff in giving them a sense

of future opportunities and incentives to stay within the organization. Several staff complained to us about the limited career opportunities.

Recommendation: **The New Hampshire legislature should adopt a uniform, comprehensive compensation and classification system for all legislative employees.**

Because the House classification system is limited in scope and lacking in career paths, we do not believe that a new classification system should be based on the House plan. Given the unique needs and demands of the legislative branch, a completely new system should be developed, independent of the executive branch but closely tied to their system.

Following are several examples of the kinds of career ladders that should be incorporated in a new classification system:

Secretarial	Research	Budget
Secretary	Research Assistant	Trainee
Senior Secretary	Research Associate	Assistant Budget Officer
Administrative Assistant	Senior Analyst	Budget Officer
Administrative Coordinator	Research Director	Budget Office Supervisor

These examples are designed to be illustrative only, although the budget track is one that is currently in place in the LBA office.

Development of a new compensation and classification system will require detailed analysis of each individual job description in the legislature. This type of analysis may show that the needs and demands of Senate and House staff are sufficiently different from those of the joint agencies that a single compensation and classification system is not adequate. This proved to be the case when NCSL carried out such an analysis in Maine. If this proves to be true in New Hampshire, no more than two plans, one for House and Senate staff and one for the joint agencies, should be adopted, and they should be closely tied together.

Performance Appraisal

House and Senate leadership expressed concern to us that not only cost of living but also step increases are given automatically without adequate consideration of merit. We found this to be true for House and Senate staff and less true for OLS and LBA staff.

We believe that a sound performance appraisal system is essential to most important personnel decisions, including promotion, dismissal, and salary increases. Performance appraisal ensures regular communication between a supervisor and an employee on work-related issues and provides an opportunity for regular discussion of goals, objectives and standards of quality.

Recommendation: **New Hampshire should develop and adopt a performance appraisal system for all legislative staff.**

Such a performance appraisal system should not be undertaken hastily, but rather should be the product of a thoughtful process that obtains input from a cross-section of legislators, managers, and staff. We encourage the legislature to create a task force of legislators and staff to design a performance appraisal system that meets the needs of New Hampshire legislative staff.

Compensatory Time and Overtime

Policies on compensatory time off appear to vary a good deal from office to office in New Hampshire. Virtually all managers and many staff expressed concern about existing policies. Many staff said that they never had time to take the compensatory time to which they were entitled. One manager suggested that compensatory time off should be abolished and that salaries be increased

instead to reflect the extraordinary time commitment that the legislature frequently demands.

We believe that compensatory time off and overtime pay are necessary to combat the uneven workloads and session time demands of legislative work. Comp time and overtime not only serve to compensate legislative employees for work performed, but also serve as a useful management tool to give staff necessary time off to alleviate stress and fatigue.

At the same time, compensatory time off is often very difficult to manage equitably. As part of this study, we have discussed comp time policies with managers in a number of different state legislatures. Many express the same frustrations as New Hampshire staff.

Most legislatures pay overtime or comp time to clerical staff. The rates are typically either time-and-a-half or hour-for-hour. Approximately half of the legislatures reward professional staff with comp time, usually on an hour-for-hour basis.

Recommendation: **New Hampshire should develop a uniform policy on compensatory time and overtime for all staff.**

We prefer a system in which clerical employees, who have less control over the management of their time, are paid overtime (or given comp time at their choice) at whatever rate is used in the executive branch, professional staff are given time off on an hour-for-hour basis, and limits are placed on the comp time and the period in which it can be taken. However, such a plan may not meet the needs and traditions in New Hampshire. We encourage the New Hampshire legislature to form a task force of legislators and a cross-section of staff to develop a uniform comp time policy.

Uniformity of Availability of Benefits

Several staff complained to us that employee benefits are not uniformly available to all staff. In the past a small number of legislative staff have been selectively granted special benefits in the areas of retirement and reimbursement for mileage.

Sound personnel policies require that all benefits be uniformly available and administered equitably. The establishment of a uniform pay and classification system should eliminate the need for special benefit compensation for individual employees. Some special treatment of temporary or part-time staff may continue to be necessary.

Recommendation: Employee benefits should be made uniformly available to all permanent, full-time staff.

Manual of Personnel Policies and Procedures

To our knowledge, no staff office has written personnel policies and procedures for its office, much less for the legislature as a whole. Other than the state collective bargaining agreement, there is no statement for staff about policies, procedures, and benefits that apply to them. As a result there is at least a perception that policies and benefits are inequitable between different offices and agencies.

Recommendation: New Hampshire should develop and publish a comprehensive, uniform manual of personnel policies and procedures.

This manual should address such issues as conditions of employment, compensation, leaves and holidays, employee benefit programs, and other management policies. As with our recommendation regarding a compensation and classification system, it may be necessary to have one manual for House and

Senate staff and another for joint staff, but any differences between the two should be minimized. We encourage the legislature to establish a task force of legislators and a cross-section of staff to develop the manual of personnel policies and procedures. We have collected several manuals from other states and will make them available.

IV. LEGISLATIVE PROCEDURES AND WORK PRODUCTS

In the course of our interviews with members and staff, we frequently heard comments on matters that were not within the original scope of our project. This section deals with some of these matters, which pertain less to the structure of the joint agencies than to their procedures and work products, particularly those of the Office of Legislative Services. Based on our familiarity with other states' methods for performing such functions as bill sign-off, we offer the following recommendations for possible refinements in these procedures.

In general, our opinion is that the Office of Legislative Services does a good job given the staffing resources available to it. We hope that the following suggestions may add to the effectiveness and efficiency of an office that already functions well.

Quality Control in Bill Drafting

Bill drafting quality and procedures drew many unfavorable comments from members and staff. While we cannot address every aspect of procedures, the following recommendations target those areas that seem most in need of change.

The most common complaint of legislators and staff involved errors in bill drafting--from typographical errors and misspelled place names to incorrect dates of enactment and whole passages of text omitted or duplicated in a bill. Some also cited poorly drafted amendments or conflicts with existing law.

While we have identified some staffing changes that should alleviate these problems, we hasten to point out that the perception of poor drafting may persist to some degree, regardless of improvements in accuracy. The director

of another New England state's drafting office explained that he too receives a certain number of complaints, although the percentage of actual errors is low. According to this director, many of the things members call errors are not errors and are unavoidable. Inadequate communication of the objectives of proposed legislation between member and drafter is one such instance. Only somewhat facetiously, he commented that it is not unusual to receive a drafting request "to reorganize Western democracy."

Another example of "non-errors" particularly applicable to the New Hampshire drafting office is the difficulty in numbering of enacted legislation; there is no way for OLS to anticipate which legislation will be enacted, and since numbers are interdependent, numbering changes must often be made. This accounts for a good proportion of the enrolled bill amendments that many members perceive as a problem.

Although a certain amount of member dissatisfaction may be endemic to bill drafting services, a survey of five other states with similar bill volume and staff size (Colorado, Maine, South Dakota, Vermont, Wyoming) pointed up two significant differences in their staffing and procedures, leading to the following suggestions.

Recommendation: OLS should hire at least one team of two full-time, year-round professional proofreaders.

Currently, OLS bill drafting procedure does not include the use of professional proofreaders. A draft goes from the drafter to a word processor for entry, then is proofed by the word processor. Next, a drafter reviews the bill and it returns to the word processing pool for corrections. Finally, each bill is read by either the OLS director or the deputy director.

All but one state we studied employ from five to 12 year-round, professional proofreaders. In Colorado, the five proofreaders perform other functions in off-peak periods, including photocopying, bill delivery, general office help, and assisting with the many publications produced by the jointly run Legislative Drafting Office and Office of Revisor of Statutes. In Maine, 12 proofreaders work in teams of three.

If New Hampshire is to reduce errors in bill drafting, the addition of professional proofreaders to the OLS staff is a necessary step.

Furthermore, we suggest that one or two of the present full-time, year-round word processors eventually be replaced by these proofreaders, and that temporary word processing personnel be used to fill the gap during bill production. A number of staff reported that current OLS clerical help are often idle in the interim; increasing automation in OLS may further reduce OLS clerical workloads. Proofreaders could be used more extensively to assist with production of the RSAs and other OLS projects, and could also provide general office help as performed by the Colorado proofing staff.

OLS could entice temporary typists/word processors for bill production with a slightly higher pay level than that received by permanent typists. Additional cost is offset by the absence of benefits for temporary personnel.

Recommendation: New Hampshire should consider hiring one or more legal editors or paralegals for the OLS Legal Division.

Colorado's bill drafting staff includes four legal editors, which the division director describes as "more than a proofreader but less than an attorney." They check bills for grammar and style as the first stage after drafting. According to the director, these editors catch most of the errors in the bills.

In Maine, two paralegals are employed in checking bills against existing statutes.

While the hiring of proofreaders is the more imperative step, we suggest that the addition of one or two legal editors would add another dimension of quality to OLS products. The legal editor(s) could be utilized to check both for stylistic errors beyond the proofreaders' scope, and for conflicts with the RSAs. It is up to New Hampshire to determine what degree of improvement is sought, and to undertake the corresponding staffing changes or additions.

Another step that might streamline procedures and assist OLS in minimizing the impact of small errors would be an alteration in the handling of enrolled bill amendments. As noted earlier, many of these amendments are numbering changes and are unavoidable, but members are sensitive to the volume and frequency of the amendments.

In Maine and South Dakota, appropriate staff offices are given the statutory authority to make minor corrections, such as fixing spelling and typographical errors. More substantive problems can be corrected in an "Errors Bill," which may include 100-200 items from bills passed in the previous and current sessions.

Recommendation: **OLS should incorporate all enrolled bill amendments into one bill or consent calendar, rather than presenting each individually.**

This would minimize the effort required for the legislature to make these corrections, and would probably improve members' perception of OLS's accuracy by reducing the frequency with which enrolled bill amendments are presented to them. OLS staff noted that the House had recently approved a large group of

enrolled bill amendments in one motion. We believe this approach would be beneficial on a permanent basis.

Deadlines

OLS staff made some constructive comments regarding the system of bill drafting deadlines, a factor that certainly contributes to slip-ups in bill quality. Legislative Services' repeated difficulties in coping with the introduction deadline suggest that some adjustment of the deadline structure may be needed.

In essence, the problem is too little time between the deadline for filing drafting requests and the deadline for introducing bills. Once bills are drafted, word processing staff receive a huge volume of material for input, proofing, and correction. This leads to long hours, hiring of temporary clerical personnel, and (under the current system) recruitment of research staff for overtime proofreading.

Recommendation: **New Hampshire should consider adding one week to the interval between bill drafting request and introduction deadlines.**

Additional time in the production stage would probably allow for fewer errors in bill drafting, reduce costs of hiring extra word processing help, and decrease overtime for permanent staff. Other suggestions made by staff also merit consideration:

* Set the deadline for filing drafting requests and that for providing complete information to bill drafters on the same day. To our understanding, the deadline for complete information sometimes follows the request deadline, leading to holdups while bill drafters wait for further information.

* Structure the workflow of bill drafters such that all drafts are completed about two weeks before sign-off, to allow more typing and proofreading time.

OLS might also consider implementing a system for monitoring bill drafting output more closely. Drafters in Maine utilize daily meetings to keep track of the backlog; in Wyoming, the office attempts to process all requests within 48 hours of filing, and the director keeps a close eye on input and output.

While New Hampshire Senators generally report satisfaction with attention given their requests to the Research Division, they are less pleased with their ability to stand up against the House's demand on the Legal Services office. OLS staff may wish to analyze their records and procedures to determine if they are equally responsive to both chambers and to report this information to the legislative leadership.

Bill Sign-Off

A common snag for drafting offices, bill sign-off difficulties are amplified in New Hampshire's legislature of 424 members. OLS currently sends a copy of the bill draft to each sponsor, who must then appear at the OLS office to sign the original copy of the bill. Co-sponsors must also sign the original. With co-sponsorship unlimited and no rule in effect to limit the length of time sponsors may wait to sign, the OLS office is engulfed by members on the sign-off deadline.

The states we surveyed approach the problem in various ways. In Maine, bill sponsorship is limited to one prime sponsor and three co-sponsors; traditionally, sponsors sign off on bills the day they receive them, or in some cases, the day after. The director of that office reports that sign-off is smoother when no deadline is set, as a sign-off deadline leads to lines in the drafting office.

Wyoming and South Dakota have no limits on sponsorship, but use an approval sheet that the member signs and returns to the office. In Wyoming, co-sponsors have 10 days to respond, prime sponsors have no time limit. Some sponsors still come in to sign the physical bill, but this poses no problem.

In Colorado, drafts are mailed to the sponsor for response within five days. Members can give their approval either in writing or by phone; formal signing of a bill is not required. Leadership has stipulated that the drafting office does not have to keep a bill more than five days after drafting while waiting for approval. Colorado is also considering imposing a limit on co-sponsors per bill this session.

Recommendation: **Bill sponsors should be allowed to sign a sponsor sheet rather than the original of the bill.**

A sponsor sheet (or sign-off sheet) lists members' names and provides space for signatures. Such a form would eliminate the need for signatures on the actual bill, and would therefore reduce the throngs of members in the OLS office on the sign-off deadline. It would also eliminate the problem that arises in the second year of the session, when the sign-off deadline occurs at a time when legislators are not in Concord.

Recommendation: **By rule, New Hampshire should impose a five-day deadline for sign-off after a member's receipt of the draft.**

New Hampshire staff noted that such a rule has been used in the past and proved effective.

Duplicate Bills

Duplicate bills are a concern of New Hampshire legislators and staff alike, and pose a problem for most of the other legislatures we surveyed. Confidentiality of some drafting requests puts the drafting office in a difficult situation when it detects duplicate requests, yet cannot notify the sponsors.

Maine and Wyoming again illustrate a possible method for alleviating this problem. In both states, if duplicate drafting requests are discovered, the staff first notifies the earliest sponsor that a duplicate request has been filed. If that member agrees to allow co-sponsors, the other sponsors are asked if they wish to co-sponsor. With their agreement, the drafting office notifies the first sponsor of the others' names. In an instance in which a member refuses to co-sponsor a bill, the director of Maine's drafting office takes the problem to a legislative management committee to adjudicate. Wyoming goes ahead and drafts the duplicates.

Recommendation: OLS should increase efforts to detect duplicate bills and to notify sponsors.

Presently, duplicate requests are discovered by OLS drafters when they are assigned by subject to the same drafter. But if the duplicates should happen to be assigned different subjects (and therefore different drafters), the presence of identical drafts may not be detected. The addition of a legal editor to the staff, as recommended previously, might assist the division in catching these duplicates.

We suggest that New Hampshire follow the Maine/Wyoming model for notifying sponsors. The first sponsor prevails (by LSR number), and confidentiality is

not violated as long as all sponsors agree to co-sponsor the legislation before any names are exchanged. Although it can be argued that during the busy period bill numbers are not necessarily assigned in the order of time each request is received, still the bill number should prove an adequate point of reference for determining the first sponsor.

When sponsors refuse to work together, OLS seems to have no choice but to draft the duplicates. New Hampshire might consider devising some method of adjudicating the conflict in those instances.

Computers and Office Automation

New Hampshire currently has a plan to implement computerization of functions such as bill drafting and tracking, upkeep of the Revised Statutes Annotated, word processing of research reports, and so on. While the General Court is progressing in the area of computerization, we would like to reaffirm the need to increase computer applications and availability. We understand that the office automation plan will eventually provide computers to all offices with significant word and data processing needs; in the meantime, however, some key offices are unnecessarily ineffective due to lack of computer hardware.

As more functions are performed online, levels of clerical staff will prove more adequate for New Hampshire's needs. We also detected several areas where the use of the appropriate computer programs would significantly improve effectiveness. For instance, the Research Division presently files research requests by member name but not by subject; a computerized, cross-referenced subject file would avert problems in confidentiality that can arise with the name-file system, and would also simplify recall for the researchers.

We offer these comments merely to encourage New Hampshire to continue in and, to the extent possible, accelerate its pace toward increased computerization.

Manuals of Procedure and Style

To our knowledge, New Hampshire currently does not have a research manual for the use of all staff performing that function.

Recommendation: New Hampshire should create a research manual for all research staff.

The manual that is currently in use by House Committee Services staff might be reviewed and modified to serve as a standard manual for all researchers. Development of this manual would improve communication and standardization of work products between staff with similar functions and reduce training time for new staff.

Concerns were also raised regarding the absence of a bill drafting manual. Although a staff of experienced drafters may not feel the need for a drafting manual, standardized policies as set forth in a manual can improve the quality of work and help eliminate errors and inconsistencies.

Recommendation: OLS should produce a bill drafting manual.

NCSL will make available some examples from other states of bill drafting manuals covering style, relation to existing law, amendments, and so on.

Management Training and Professional Development

Briefly, we wish to stress the importance of continued efforts to provide further training for staff in their specialties and to train managers in the art of managing. Enrolling staff in the appropriate courses could assist New

Hampshire in maximizing the output of staff, as well as developing mechanisms for improving procedures that aren't working. NCSL and other organizations provide valuable instruction in such areas.

If a performance appraisal system as recommended earlier in this report is designed and implemented, it will require further training for both managers and non-managerial staff in evaluation procedures.

Based on issues raised in extensive interviews with New Hampshire legislators and legislative staff and comparative analysis with other states, we have developed recommendations and options for management change and reorganization of the joint legislative agencies, ideas for improving management of security services, an evaluation of existing compensation and classification systems with recommendations for change, and a series of ways to improve procedures and work products in the Office of Legislative Services.

Costs

None of the ideas or recommendations we have suggested is radical. Inevitably, however, the question will be, "What will it cost?" While we cannot answer this question definitively without knowing how some of our ideas will be implemented, we believe that our suggested changes would involve relatively small net additional costs to the New Hampshire General Court.

The only recommendations we have made that may involve substantial cost are the addition of an executive director reporting to the central management committee, possible changes or enhancements to the security staff, and the addition of quality control specialists in OLS. These additional costs would be partially offset by savings that would occur if our recommendations for consolidating joint administrative functions and reducing clerical staff as automation increases are adopted.

Conclusion

A veteran, widely-respected legislative auditor, in response to a question about who audits the legislature, commented recently that every legislature

could benefit from a thorough review of its organization and management of legislative staff but that too few undertake the effort. The New Hampshire General Court is one of the few that have begun this process. With new leaders in both houses who appear to work well together and who are committed to management improvement, New Hampshire has an ideal opportunity to make lasting changes that will improve the quality and effectiveness of the General Court.

Section V

Related Chapter Laws (1973-1995)

LIST OF SESSION LAWS RELATING TO THE JOINT COMMITTEE ON LEGISLATIVE FACILITIES

1973, 368	An Act Establishing a Legislative Facilities Committee; and Making an Appropriation Therefor
1974, 38:23	Legislative Facilities Committee
38:24	Legislative Parking Facility
38:25	Appropriation
1975, 4	An Act Increasing the Appropriation for the Planning and Construction of the Legislative Parking Facility and to Provide the Joint Committee on Legislative Facilities with Condemnation Powers Relative to Such Facility
1975, 308	An Act Directing the Joint Committee on Legislative Facilities to Study and Report on Legislative Printing
1975, 430	An Act Relative to the Joint Committee on Legislative Facilities
1975, 464	An Act Relative to the Publication of Statutes and Making Appropriations for the Republication of Volumes 2, 2-A and 2-B of the Revised Statutes Annotated and for the 1977 Supplements to the RSA
1975, 465	An Act Relative to the Powers and Duties of the Joint Committee on Legislative Facilities and Requiring the Senate and House of Representatives to Fill a Vacancy in the Office of its Presiding Officer within Thirty Days After the Vacancy Occurs
1975, 472	An Act Relative to Legislative Proceedings and the Duties and Expenses of the Clerks of Both Houses
1975, 479	An Act Relative to Legislative Control of State Office Space and Parking Facilities and Providing the Director of Legislative Services Shall Maintain a Permanent Office in the State House or Legislative Office Building
1975, 491	An Act Authorizing the Legislative Facilities Committee to Renovate the State House Hall of Flags and Room 100 and Provide for the Transfer of the Visitors Center Thereto and Revising the Appropriation for Such Renovation
1977, 325	An Act Relative to the Publication of the Revised Statutes Annotated
1977, 600:80	House Clerk's Compensation
600:81	Assistant Clerk's Compensation
600:106	Senate Clerk's Compensation
1979, 380	An Act Relative to the Distribution of the Revised Statutes Annotated and the Session Laws
1981, 568:73	Visitor's Center Employees
568:79	Legislative Branch Employees
568:80	Legislative Branch Appropriation
1983, 469:110	Legislative Accounting Transfer
1986, 109	An Act Relative to the Governor's Staff and the Senate Staff
1988, 224:23	Appropriations; Joint Committee on Legislative Facilities
1991, 4:16	Appropriation Bonded; Joint Committee on Legislative Facilities
1991, 355:115	Department of Administrative Services; Capitol Area Government Center; Appropriation
1992, 289:31	Health Services Change from Department of Health and Human Services to Legislative Facilities Committee
1992, 256:55	Position Transfer
256:56	Health Services Position Deleted
256:57	Health Services Position Inserted
1994, 329:4	Ethics Committee; Procedures
1995, 9:10	House Finance Committee

acquisition, including but not limited to appraisals, surveys and title examinations which, under current regulations, are not eligible for federal participation.

367:3 **Bonds Authorized.** To provide funds for the appropriation made in section 2 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of seven hundred eighty thousand dollars and for said purpose may issue bonds and notes in the name and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A. Provided, however, that the bonds issued for the purpose herein shall have a maturity date of twenty years from the date of issue.

367:4 **Effective Date.** This act shall take effect sixty days after its passage.

[Approved June 27, 1973.]
[Effective date August 26, 1973.]

1973 Laws

CHAPTER 368

AN ACT ESTABLISHING A LEGISLATIVE FACILITIES COMMITTEE; AND MAKING AN APPROPRIATION THEREFOR.

Be it Enacted by the Senate and House of Representatives in General Court convened:

368:1 **Committee Established.** A joint committee on legislative facilities is hereby established for the purposes of conducting, supervising and coordinating the renovating, rebuilding, remodeling or construction of the state-owned building known as the Old Post Office located in Concord, New Hampshire, in its sole discretion as it deems necessary, for hearing rooms, meeting rooms and other facilities for the use and control of the legislature and their supporting activities. The committee shall consist of the president of the senate and the speaker of the house, the majority and minority leaders of each body and one member of the senate appointed by the president of the senate and one member of the house appointed by the speaker of the house who shall be members from the office space study committee; and an additional member of the senate appointed by the president and an additional member of the house appointed by the speaker. The committee shall meet as required and shall serve without compensation; however, the committee members shall receive legislative mileage.

1975 Amend. HB 787 1975 - Amend. HB 995

368:2 **Powers and Duties.** The committee shall have the following powers and duties:

I. To hire an architect, to hire or appoint a clerk of the works and any other personnel or staff as deemed necessary.

II. The committee may request, for an indefinite period, the temporary assignment of any classified or unclassified employee of the state, to assist the committee in its work and such employee shall be assigned to such temporary duty and be under the direction and supervision of the committee but shall continue to be paid by the department of which he is an employee.

III. In carrying out its duties hereunder, the committee is exempted from the provisions of RSA 228 and RSA 8; provided, however, that if it so requests

the department of public works and highways and the director of the division of purchase and property shall provide the services of their departments and follow the procedures provided for in RSA 228 and RSA 8, except that in no case shall the approval of the governor and council be required but instead the approval of the committee shall be sufficient.

IV. The committee shall have the authority to negotiate and contract for the redesign, remodeling, tearing down, rebuilding, adding to, and replacing any portion of the old post office deemed in their opinion necessary and to make required changes to the landscape, grounds and parking facilities associated with the building.

V. The committee shall be authorized to have an underground connecting tunnel constructed between the old post office building and the state house.

VI. The committee shall endeavor to have the building ready and available for legislative use by January 1, 1975. Prior to completion the committee shall make periodic progress reports at least four times a year to the legislature of the committee activities. Said reports shall be mailed to individual legislators when the legislature is not in session.

VII. The committee may utilize the legal services of the office of the attorney general and/or the office of legislative services.

VIII. Notwithstanding any other provisions of law to the contrary, all rooms and office space in the old post office shall be assigned for use by the president of the senate and speaker of the house.

IX. Notwithstanding any other provisions of law to the contrary, all rooms and office space in the basement and on the first and third floors of the state house shall be assigned for use by the president of the senate and speaker of the house with the exception of rooms 100, 122, 123, 124 and the hall of flags located on the first floor of the state house.

368:3 Transfer to the Legislature. All real property and appurtenances connected with the old post office building and building site shall be transferred for the use of, and under the control and authority of, the state legislature. Any use of the stated premises for other than legislative use shall be granted only on the approval of the president of the senate and the speaker of the house.

368:4 Transfer of Balance of Appropriations for Old Post Office Building. The entire balances unexpended and unencumbered of the appropriations made by 1967, 394:1, IX, as amended by 1970, 29:5; and by 1969, 505:1, II, (a), as amended by 1970, 29:6, and 1971, 559:4 are hereby allocated to, and appropriated for, the use of the legislative facilities committee pursuant to the provisions of this act.

368:5 Appropriation. The sum of four million dollars is hereby appropriated for the renovation, rebuilding, construction and equipping of the old post office building, and the construction of an underground connecting tunnel between said building and the state house. Said sums shall be expended by the legislative facilities committee. The committee is authorized to apply for, accept and expend federal or private funds that may be made available for the purposes of this act and the amount of state funds available for said purposes shall be reduced by the amount thereof.

368:6 Bonds Authorized. To provide funds for the appropriation made in section 5 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of four million dollars, 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 the provisions of RSA 6-A.

368:7 Effective Date. This act shall take effect upon its passage.

[Passed over Governor's veto, June 27, 1973.]
[Effective date June 27, 1973.]

1975 368:6-a - Amend. HB5
" 368:6-b - " HB5

CHAPTER 369.

AN ACT ESTABLISHING A NEW HAMPSHIRE HOUSING COMMISSION; AND MAKING AN APPROPRIATION THEREFOR.

Be it Enacted by the Senate and House of Representatives in General Court convened:

369:1 New Chapter. Amend RSA by inserting after RSA 204 the following new chapter:

Chapter 204-A

New Hampshire Housing Commission

204-A:1 Declaration of Findings and Purpose. It is hereby declared:

I. That there continues to exist within the state a serious shortage of safe and sanitary dwelling accommodations at rents which elderly and low income persons can afford and that such persons are forced to occupy sub-standard dwelling accommodations; that the resulting conditions of insecurity, overcrowding, use of unsound and unsanitary buildings and dislocation of family life are injurious to health and safety and detrimental to morale and constitute a dangerous threat to the well-being of the entire state;

II. That the shortage of safe and sanitary dwellings for elderly and low income persons cannot be relieved solely through the operation of private enterprise;

III. That the development of safe and sanitary dwelling for elderly persons and for persons of low income will have a beneficial effect upon the health, safety and welfare of the citizens of the state and will encourage the redevelopment of those areas of the state which contain unsafe and unsanitary dwellings, and providing of safe and sanitary accommodation for elderly persons and persons of low income are public uses for which public money may be spent and private property acquired and are governmental functions of state concern;

IV. That it is in the public interest that work on projects for such purposes be commenced as soon as possible in order to relieve the acute housing shortage which now constitutes an emergency; and the necessity in the public interest for the provisions hereinafter enacted, is a matter of legislative determination.

204-A:2 Definitions. As used in this chapter:

38:17 **Appropriation for Hooksett Liquor Store Extended.** Amend 1972, 42 by inserting after section 4 the following new section:

42:4-a **Appropriation Extended.** Notwithstanding any other statute to the contrary the appropriation made by this act shall be available for expenditure up to July 1, 1977.

38:18 **Aeronautics Commission.** Amend the footnote in Laws of 1969, 505:1, III, as amended by Laws of 1972, 62:3, by adding to the footnote the following new paragraph (The provisions within this footnote which appear prior to this insertion shall not apply to paragraphs III, (b) and (d), but said appropriations shall be matched with any applicable federal funds and shall, notwithstanding the provisions of RSA 9:18, not lapse until June 30, 1977.)

38:19 **Angle Pond Appropriation Increased.** Amend Laws of 1969, 489:3, by striking out said section and inserting in place thereof the following:

489:3 **Expenditure Authorized.** The water resources board is hereby authorized to expend a sum of money not to exceed thirty thousand dollars for use in acquiring, repairing and maintaining the dam on North River Pond in the town of Nottingham and the dam at the outlet of Angle Pond in the town of Sandown which shall be a charge against the fund established in RSA 270:5, VII.

38:20 **Pisgah Road Appropriation Reduced and Extended.** Amend Laws of 1971, 559:1, VII, (1), (e), by striking out the same and inserting in place thereof the following:

(e) Pisgah Road Improvements	$ 102,500	
Less federal funds	40,000	
Total		$ 62,500*

* Within this appropriation the sum of $22,500 provides for nonfederal BOR participation projects. This appropriation shall not lapse until June 30, 1977.

38:21 **Reducing the Appropriation for the Soldiers' Home.** Amend Laws of 1971, 559:1, VIII, by striking out said paragraph and inserting in place thereof the following:

VIII. Soldiers' Home	
Engineering Services—renovations	2,000

38:22 **Reducing the 1971 Capital Budget Bonding.** Amend Laws of 1971, 559:8, as amended, by striking out said section and inserting in place thereof the following:

559:8 **Bonds Authorized.** To provide funds for the appropriations made in sections 1, 2, 3 and 16 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of eleven million four hundred one thousand one hundred sixty-five dollars and for said purposes may issue bonds and notes in the name and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A; provided, however, that the bonds issued for the purposes of section 3 of this act shall have a maturity date of thirty years from the date of issue.

38:23 **Legislative Facilities Committee.** Amend 1973, 368:1 by striking out said section and inserting in place thereof the following:

368:1 Committee Established. A joint committee on legislative facilities is hereby established for the purposes of conducting, supervising and coordinating the renovating, rebuilding, remodeling or construction of the state-owned building known as the Old Post Office located in Concord, New Hampshire, in its sole discretion as it deems necessary, for hearing rooms, meeting rooms and other facilities for the use and control of the legislature and their supporting activities. Such committee shall also conduct, supervise and coordinate the planning and construction of a legislative parking facility to be located in Concord, New Hampshire for the use and control of the legislature and their supporting activities. The committee shall consist of the president of the senate and the speaker of the house, or their designees, the majority and minority leaders of each body and one member of the senate appointed by the president of the senate and one member of the house appointed by the speaker of the house who shall be members from the office space study committee; and an additional member of the senate appointed by the president and an additional member of the house appointed by the speaker. The committee shall meet as required and shall serve without compensation; however, the committee members shall receive legislative mileage.

38:24 Legislative Parking Facility. Amend 1973, 368:2 by inserting after paragraph IX the following new paragraphs:

X. The committee shall have the authority to negotiate and contract with the city of Concord for the acquisition of land or air rights for the purpose of constructing a parking facility for the use of the legislature, and such land or air rights may be acquired without the consent of the governor and council.

XI. Notwithstanding any other provisions of law to the contrary, all space in and utilization of the legislative parking facility shall be determined by the president of the senate and the speaker of the house.

XII. The division of buildings and grounds within the department of administration and control shall be responsible for the maintenance of said parking facility. The superintendent of state buildings and grounds in consultation with the comptroller and approval of the legislative facilities committee as established by 1973, 368:1, as amended, shall set reasonable user fees. Said user fees collected shall be deposited with the state treasurer as restricted revenue to be used by the division of buildings and grounds to offset the cost of maintenance.

38:25 Appropriation. Amend 1973, 368 by inserting after section 6 the following new sections:

368:6-a Appropriation. The sum of seven hundred seventy thousand dollars is hereby appropriated for the planning and construction of a legislative parking facility. Said sums shall be expended by the legislative facilities committee. The committee is authorized to apply for, accept and expend federal and private funds that may be made available for the purposes of this act and the amount of state funds available for said purposes shall be reduced by the amount thereof.

368:6-b Bonds Authorized. To provide funds for the appropriation made in section 6-a of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of seven hundred seventy thousand dollars, and for said purpose may issue bonds and notes in the name and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A.

CHAPTER 4.

AN ACT INCREASING THE APPROPRIATION FOR THE PLANNING AND CONSTRUCTION OF THE LEGISLATIVE PARKING FACILITY AND TO PROVIDE THE JOINT COMMITTEE ON LEGISLATIVE FACILITIES WITH CONDEMNATION POWERS RELATIVE TO SUCH FACILITY.

Be it Enacted by the Senate and House of Representatives in General Court convened:

4:1 **Appropriation Increased.** Amend 1973, 368:6-a, as inserted by 1974, 38:25, by striking out in line one the words "seven hundred seventy thousand" and inserting in place thereof the following (one million two hundred eighteen thousand three hundred fifty) so that said section as amended shall read as follows:

368:6-a **Appropriation.** The sum of one million two hundred eighteen thousand three hundred fifty dollars is hereby appropriated for the planning and construction of a legislative parking facility. Said sums shall be expended by the legislative facilities committee. The committee is authorized to apply for, accept and expend federal and private funds that may be made available for the purposes of this act and the amount of state funds available for said purposes shall be reduced by the amount thereof.

4:2 **Bond Authorization Increased.** Amend 1973, 368:6-b, as inserted by 1974, 38:25, by striking out in lines three and four the words "seven hundred seventy thousand" and inserting in place thereof the following (one million two hundred eighteen thousand three hundred fifty) so that said section as amended shall read as follows:

368:6-b **Bonds Authorized.** To provide funds for the appropriation made in section 6-a of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of one million two hundred eighteen thousand three hundred fifty dollars, and for said purpose may issue bonds and notes in the name and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A.

4:3 **Condemnation Powers.** Amend 1973, 368:2, as amended, by inserting after paragraph XII, the following new paragraph:

XIII. The committee shall have the power of condemnation to take and acquire such real property as it deems necessary in carrying out its duties relative to the legislative parking facility.

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

[Approved January 30, 1975.]

[Effective date January 30, 1975.]

CHAPTER 5.

AN ACT RELATIVE TO THE LOCATION OF ANY RECOUNT THAT MAY BE REQUIRED UNDER THE ELECTION LAWS OF THE STATE.

Be it Enacted by the Senate and House of Representatives in General Court convened:

5:1 **Recount, Location of.** Amend RSA 59:95 by striking out said section and inserting in place thereof the following:

307:2 **Referendum.** This act shall not take effect unless it is adopted by a majority vote at the regular municipal election held in the city of Portsmouth on November 4, 1975, as hereinafter provided. The city clerk then in office shall cause to be placed on the regular election ballot for city officers the following question: "Shall the provisions of an act entitled 'An Act relative to compensation for the board of registrars of the city of Portsmouth' passed at the 1975 session of the legislature be adopted?" Beneath the question shall be printed the word "Yes" and the word "No" with a square immediately opposite each word in which the voter may indicate his choice. The referendum relative to the adoption of this act shall be conducted in every way, except as otherwise provided, in the same manner as the election of officers. If a majority of those voting at said election vote in the affirmative on this question, this act shall be declared to have been adopted. Within ten days after said election the city clerk shall certify to the secretary of state the result of such vote.

307:3 **Effective Date.** Section 2 of this act shall take effect upon its passage, and section 1 of this act shall, if adopted by the voters as herein provided, take effect on December 1, 1975.

[Approved June 7, 1975.]

[Effective date. Section 2 effective June 7, 1975. Section 1, if adopted by voters, will take effect December 1, 1975.]

1975 Laws

CHAPTER 308.

AN ACT DIRECTING THE JOINT COMMITTEE ON LEGISLATIVE FACILITIES TO STUDY AND REPORT ON LEGISLATIVE PRINTING.

Be it Enacted by the Senate and House of Representatives in General Court convened:

308:1 **Study Authorized.** Amend 1973, 368:2, as amended by 1974, 38:24 and 1975, 4:3, by inserting after paragraph XIII the following new paragraph:

XIV. The committee shall study the overall problem of the printing requirements of the legislature in consultation with the house and senate clerks and shall report its findings and recommendations to improve and handle this problem to the legislature not later than December 1, 1975 and thereafter not later than December first in the even-numbered years.

308:2 **Effective Date.** This act shall take effect upon its passage.

[Approved June 7, 1975.]

[Effective date June 7, 1975.]

CHAPTER 309.

AN ACT RELATIVE TO THE ADMINISTRATIVE PROCEDURES ACT.

Be it Enacted by the Senate and House of Representatives in General Court convened:

309:1 **Definition.** Amend RSA 541-A:1, IV, as inserted by 1973, 507:1, by inserting in line three after the word "agency" the following (or

428:5 **Effective Date.** This act shall take effect sixty days after its passage.

[Approved June 18, 1975.]
[Effective date August 17, 1975.]

CHAPTER 429.

AN ACT INCREASING THE TIME PERIOD IN WHICH A PERSON CHARGED WITH DRIVING WHILE INTOXICATED MUST FILE NOTICE TO REQUIRE THE BLOOD TEST ADMINISTRATOR TO ATTEND THE TRIAL AND AUTHORIZING THE DIRECTOR OF MOTOR VEHICLES TO RESTORE A LICENSE REVOKED PURSUANT TO THE IMPLIED CONSENT LAW WHERE THE PERSON IS NOT FOUND GUILTY.

Be it Enacted by the Senate and House of Representatives in General Court convened:

429:1 **Time Period for Filing Notice to Attend.** Amend RSA 262-A:69-k (supp), as inserted by 1971, 109:1, by striking out in line three the word "five" and inserting in place thereof the following (ten) so that said section as amended shall read as follows:

262-A:69-k Official Record of Test. Any person, who is arraigned on a charge arising under RSA 262-A:69-a, shall file notice in said court, within ten days immediately following the receipt by said person of the results of any blood alcohol test administered to him, requiring the attendance of the person who took the sample for said test or of the person who conducted said test, or both. Failure to file notice shall be deemed a waiver to require their attendance at the trial, and the official report of said test issued pursuant to RSA 262-A:69-a shall be deemed conclusive evidence of the conduct and results of said test.

429:2 **Restoration of License.** Amend RSA 262-A by inserting after section 69-*l* the following new section:

262-A:69-m Restoration of License. Notwithstanding any other provision of law to the contrary, the director of motor vehicles may in his discretion reissue a license to a resident, or restore operating privileges to a nonresident, whose license or privilege to operate has been revoked for failure to submit to a test pursuant to the implied consent law prior to the expiration of ninety days when such person is not found guilty of a violation of RSA 262-A:62.

429:3 **Effective Date.** This act shall take effect sixty days after its passage.

[Approved June 18, 1975.]
[Effective date August 17, 1975.]

1975 Laws

CHAPTER 430. (HB 878)

AN ACT RELATIVE TO THE JOINT COMMITTEE ON LEGISLATIVE FACILITIES.

Be it Enacted by the Senate and House of Representatives in General Court convened:

430:1 Joint Committee on Legislative Facilities. Amend RSA by inserting after chapter 17-D the following new chapter:

CHAPTER 17-E

JOINT COMMITTEE ON LEGISLATIVE FACILITIES

17-E:1 Committee Established. A joint committee on legislative facilities is hereby established.

17-E:2 Membership. The committee shall consist of:

I. The president of the senate or his designee;
II. The speaker of the house or his designee;
III. The majority leaders of each house;
IV. The minority leaders of each house;
V. The chairman of the senate finance committee;
VI. The chairman of the house appropriations committee;
VII. Two members of the house appointed by the speaker of the house; and
VIII. Two members of the senate appointed by the president of the senate.

17-E:3 Chairman. The chairmanship of the committee shall rotate biennially between the president of the senate or his designee and the speaker of the house or his designee, provided that the speaker shall serve as the first chairman. In the event that the presiding officer or his designee serving as chairman resigns or for any reason is unable to serve, the other presiding officer or his designee shall become chairman, provided that such substitution shall not change the rotation hereinabove provided for.

17-E:4 Meetings. The committee shall meet on a regular stated date monthly and at such other times at the call of the chair or upon written request of four members and any such special meeting shall be held within five days of such call or request.

17-E:5 House and Senate Subcommittees. The house members, with the speaker as chairman, shall be a subcommittee for legislative management for the house; and the senate members, with the president as chairman, shall be a subcommittee for legislative management of the senate. All transfers within the house or senate appropriations and all salaries of legislative attaches and other employees unless otherwise specifically provided by statute shall require the approval of the respective subcommittee. The salaries as determined hereunder shall be a charge upon the appropriation made for the legislature.

430:2 Committee, Duties. Amend 1973, 368:1, as amended by 1974, 38:23, by striking out said section and inserting in place thereof the following:

368:1 Committee Established. The joint committee on legislative facilities as established by RSA 17-E:1 shall conduct, supervise and coordinate the renovating, rebuilding, remodeling or construction of the state-owned building known as the Old Post Office located in Concord, New Hampshire, in its sole discretion as it deems necessary, for hearing rooms, meeting rooms and other facilities for the use and control of the legislature and their supporting activities.

430:3 Repeal. RSA 14:24 relative to salaries of legislative attaches and employees is hereby repealed.

430:4 Effective Date. This act shall take effect upon its passage.

[Approved June 18, 1975.]
[Effective date June 18, 1975.]

CHAPTER 431.

AN ACT RELATIVE TO THE POWER OF CERTAIN COLLEGES TO GRANT DEGREES AND THE RATIFICATION OF THE INCORPORATION OF THE CONGREGATIONAL SOCIETY IN PETERBOROUGH.

Be it Enacted by the Senate and House of Representatives in General Court convened:

431:1 Castle Junior College. Amend 1973, 28:1 by striking out said section and inserting in place thereof the following:

28:1 Castle Junior College. Castle Junior College, formerly Castle School for Secretarial Science, of the town of Windham is hereby authorized to confer upon graduates thereof the degree of associate in business science for the period July 1, 1975 to June 30, 1977, subject to continuing approval of the postsecondary education commission.

431:2 Hesser College. Amend 1967, 508:1, as amended by 1969, 551:1, 1971, 197:2 and 1973, 73:1, by striking out said section and inserting in place thereof the following:

508:1 Authority Granted. The Hesser College, formerly Hesser Business College, conducted by Hesser, Inc., an educational institution is hereby authorized to confer upon the graduates thereof the degrees of associate in business science and associate in computer science for the period July 1, 1975 to June 30, 1977, subject to continuing approval of the postsecondary education commission.

431:3 McIntosh College, Inc. Amend 1965, 472:1, as amended by 1969, 573:1 and 1971, 197:3, by striking out said section and inserting in place thereof the following:

472:1 Authority Granted. The college conducted by the McIntosh College, Inc., an educational institution, is hereby authorized to confer upon the graduates thereof the degree of associate in business science for the period from July 1, 1975 to June 30, 1977, subject to continuing approval of the postsecondary education commission.

431:4 White Pines College. Amend 1969, 556:1, as amended by 1971, 197:4, by striking out said section and inserting in place thereof the following:

556:1 Authority Granted. White Pines College, a voluntary corporation formed under the provisions of RSA 292 is hereby authorized and empowered to establish and maintain in the town of Chester an institute of learning, to prescribe the rules for the government of said college and the courses of studies therein and to confer upon the graduates thereof the degree of associate of arts for the period from July 1, 1975 to June 30, 1977, subject to continuing approval of the postsecondary education commission.

431:5 Ratification of the Congregational Society in Peterborough. I. The incorporation of the Congregational Society (Unitarian) in Peter-

(as introduced)

HOUSE BILL No. 878

1975 Session
(as introduced)

INTRODUCED BY: Rep. Duprey of Carroll Dist. 2
Rep. Tucker of Sullivan Dist. 4

REFERRED TO: Legislative Administration

AN ACT relative to the legislative facilities committee.

ANALYSIS

This bill establishes a legislative facilities committee and provides that it shall be the same committee as the joint committee on legislative facilities.

The bill specifies the chairmanship of the committee shall rotate biennially between the president of the senate and the speaker of the house or their designees and it provides the speaker of the house shall serve as the first chairman.

The house members of the committee shall serve as a subcommittee for legislative management of the house and the senate members shall serve as a subcommittee for legislative management of the senate.

STATE OF NEW HAMPSHIRE

In the year of Our Lord one thousand nine hundred and seventy- five

AN ACT

relative to the legislative facilities committee.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 Legislative Facilities Committee. Amend RSA by inserting after chapter 17-D the following new chapter:

CHAPTER 17-E

Legislative Facilities Committee

17-E:1 Committee Established. A legislative facilities committee is hereby established.

17-E:2 Membership. The committee shall consist of:

I. The president of the senate or his designee;

II. The speaker of the house or his designee;

III. The majority leaders of each house;

IV. The minority leaders of each house;

V. The chairman of the senate finance committee;

VI. The chairman of the house appropriations committee;

VII. Two members of the house appointed by the speaker of the house; and

VIII. Two members of the senate appointed by the president of the senate.

17-E:3 Chairman. The chairmanship of the committee shall rotate biennially between the president of the senate or his designee and the speaker of the

house or his designee, provided that the speaker shall serve as the first chairman. In the event that the presiding officer or his designee serving as chairman resigns or for any reason is unable to serve, the other presiding officer or his designee shall become chairman, provided that such substitution shall not change the rotation hereinabove provided for.

17-E:4 Meetings. The committee shall meet on a regular stated date monthly and at such other times at the call of the chair or upon written request of four members and any such special meeting shall be held within five days of such call or request.

17-E:5 House and Senate subcommittees. The house members, with the speaker as chairman, shall be a subcommittee for legislative management for the house; and the senate members, with the president as chairman, shall be a subcommittee for legislative management of the senate, and all transfers within the house or senate appropriations shall require the approval of the respective subcommittee.

2 Committee, Duties. Amend 1973, 368:1, as amended by 1974, 38:23, by striking out said section and inserting in place thereof the following:

368:1 Committee Established. The legislative facilities committee as established by RSA 17-E:1 shall conduct, supervise and coordinate the renovating, rebuilding, remodeling or construction of the state-owned building known as the Old Post Office located in Concord, New Hampshire, in its sole discretion as it deems necessary, for hearing rooms, meeting rooms and other facilities for the use and control of the legislature and their supporting activities.

Such committee shall also conduct, supervise and coordinate the planning and construction of a legislative parking facility to be located in Concord, New Hampshire for the use and control of the legislature and their supporting activities.

3 Effective Date. This act shall take effect July 1, 1975.

LEGISLATIVE ADMINISTRATION

1975 SESSION

House BILL # 878, Legislative Facilities Comm.

Rm 105

PUBLIC HEARINGS: April 24

EXECUTIVE SESSIONS: April 24, 1975

Appeared in favor	Appeared in opposition
Steve Duprey	

	YEAS	NAYS	OTHER	ABSENT
Duprey, Stephen	✓			
Milne, Norman F., Jr.	✓			
Gemmill, John K.				✓
Shea, Barbara F.				✓
Brouillard, Richard P.				✓
Close, Elmer H.				✓
Currier, Philip R.				✓
Healy, Daniel J.				✓
Cressy, Ellen M.				✓
Richardson, Mabel L.	✓			
Read, Maurice W.	✓			
Scranton, Andrea				✓
Harriman, Katherine J.				✓
DeCesare, Grace L.				✓
Conley, Raymond K.				✓
Lyons, Elaine T.				✓
O'Connor, Roderick H.				✓
Benton, Richardson D.	✓			
Hess, Judith Ann	✓			
Lamy, Catherine G.				✓
Casassa, Herbert A.				✓
Tropea, Robert D.				✓
Ryan, Paul J.	✓			
Joncas, Grace L.				✓
Chambers, Mary P.	✓			

COMMITTEE REPORT: Col. Benton moved ought to pass, seconded by Paul Ryan. Unanimously adopted

the courage and determination of men, women and youth and awaken new leadership to the front lines of decision making.

We are taught in Your Word, about the lifestyle for good leadership: "He would be greatest among the people, let him be a true servant to all." Bless our President, Gerald Ford, all leaders and peoples, here and everywhere, with the grace and greatness of servanthood. God Bless us and lead us. In Jesus' name. Amen!

Rep. Parr led the Pledge of Allegiance.

LEAVES OF ABSENCE

Reps. Nardi, Kimball and Gemmill, the day, important business.

Rep. Cobleigh, indefinite, illness.

Rep. French offered the following:

Resolved, that in accordance with the list in the possession of the clerk, House Bills numbered 866 through 880 shall be by this resolution read a first and second time by the therein listed titles, laid on the table for printing and referred to the therein designated committees.

Adopted.

INTRODUCTION OF HOUSE BILLS

First, second reading and referral

HB 866, relative to straight ticket voting in all biennial elections, all other elections of national or state officers, and primaries. (Spirou of Hillsborough Dist. 27; Krasker of Hillsborough Dist. 22; Day of Hillsborough Dist. 26—To Statutory Revision)

HB 867, providing for the test of education voucher programs. (French of Belknap Dist. 1; Nardi of Hillsborough Dist. 27; Wilson of Rockingham Dist. 2; Chase of Merrimack Dist. 7; Gamache of Merrimack Dist. 7; Plourde of Merrimack Dist. 7; Benton of Rockingham Dist. 2; Davis of Rockingham Dist. 2; King of Rockingham Dist. 1; Stimmell of Rockingham Dist. 1; Colson of Hillsborough Dist. 12; Boucher of Merrimack Dist. 6; Hess of Merrimack Dist. 6; Goff of Rockingham Dist. 5—To Education)

HB 868, prohibiting oil producers and refiners from operating retail gasoline stations and requiring oil suppliers to treat gasoline dealers uniformly. (MacDonald of Hillsborough Dist. 32; Coutermarsh of Hillsborough Dist. 24—To Transportation)

HB 869, requiring annual reporting and publishing of gross revenues and expenditures of charitable corporations incorporated in the state. (Joos of Strafford Dist. 1—To Statutory Revision)

HB 870, permitting tenants of residential dwellings to pay rent into a trust if unsafe or unhealthy conditions exist in the dwellings. (Cressy of Rockingham Dist. 11; Holland of Hillsborough Dist. 24—To Judiciary)

HB 871, permitting the creation of public greyhound racing kennels and limiting those owned by a track. (Rules Committee for Spirou of Hillsborough Dist. 27; J. Winn of Hillsborough Dist. 19—To Ways and Means)

HB 872, establishing criteria for determining residence of candidates for elective office. (Rules Committee for Altman of Grafton Dist. 8—To Statutory Revision)

HB 873, relative to procedures in adoption and termination of parental rights. (Nighswander of Belknap Dist. 2—To Judiciary)

HB 874, relative to appeals from probate courts. (Currier of Hillsborough Dist. 15—To Judiciary)

HB 875, relative to the support of children as a charge against a decedent's estate. (Clark of Grafton Dist. 11—To Judiciary)

HB 876, relative to compensation for the board of registrars of voters of the city of Portsmouth. (Griffin of Rockingham Dist. 19—To Portsmouth Delegation)

HB 877, exempting chiropractors who have practiced in this state for twenty-five years or who have reached the age of sixty-two, whichever occurs first, from the annual seminar requirement for license renewal. (Sing of Hillsborough Dist. 23—To Health and Welfare)

HB 878, relative to the legislative facilities committee. (Duprey of Carroll Dist. 2; Tucker of Sullivan Dist. 4—To Legislative Administration)

HB 879, directing the joint committee on legislative facilities to study and report on legislative printing. (Rules Committee for French of Belknap Dist. 1; Spirou of

weighing very heavily all courses of action and primarily that which would best serve the voters of Cheshire, District 12, my constituency.

It is difficult for me to express my deep appreciation, concern and affection for my fellow legislators. I was but a freshman and therefore like a child in the forest. You, however, spoke to me without pressure, only enthusiasm, and you allowed me to make decisions on my own. When I spoke, you listened and gave credence to what I said. For all of this I thank you.

To you women and men of the New Hampshire Legislature is left the future of our citizens and our State. In your trust they have placed their faith. I am sure you are worthy of the task.

It has been truly a privilege and a pleasure to have served with you, if only briefly.

Sincerely,
David L. Gagne
Cheshire, Dist. 12

COMMITTEE REPORTS
(Consent Calendar)

Rep. French moved that the House adopt the committee recommendations of Inexpedient to legislate on HB's 624, 691, and 869, and further adopt the committee recommendations of Ought to pass on HB's 840, 878, and 640.

Adopted.

HB 624, prohibiting the sale of soft drinks and alcoholic malt beverages in nonreturnable glass containers. Inexpedient to legislate. Rep. Rogers for Environment and Agriculture.

Subject matter covered by HB 623.

HB 691, extending the deadline for compliance with the air pollution control commission regulation pertaining to burning dumps. Inexpedient to legislate. Rep. Greene for Environment and Agriculture.

Covered by HB 566.

HB 869, requiring annual reporting and publishing of gross revenues and expenditures of charitable corporations incorporated in the state. Inexpedient to legislate. Rep. Morgan for Statutory Revision.

Sponsor does not wish legislation to pass as not accomplishing the desired objective.

HB 840, permitting public schools to be registered to teach cosmetology. Ought to pass. Rep. Grassie for Education.

This bill received unanimous support from those testifying and from the committee. It corrects a problem which has existed for thirty years.

HB 878, relative to the legislative facilities committee. Ought to pass. Rep. Benton for Legislative Administration.

This bill establishes in statute a legislative facilities committee to supervise and coordinate the renovation of the old Post Office and the building of the parking garage.

HB 640, legalizing appointments to the New Hampton village precinct zoning board of adjustment. Ought to pass. Rep. Towle for Municipal and County Government.

This is to clarify any question of the legality of the appointed board of adjustment in New Hampton.

Rep. French moved that the House adopt the committee recommendations of Refer to interim study to the appropriate standing committee on HBs 910, CACR 18, HB's 798, 914, 843, 551, 781, 683, 74, 486, 610, 731, 772, 992, 800, 813 and the committee recommendation of Refer to the Judicial Council on HB 889.

Rep. Record requested a quorum count.

The Speaker declared a quorum present.

Rep. Eugene Daniell spoke against the motion.

Rep. French explained his motion.

224:47 Penalty. Any person who pushes over, cuts, saws or operates or who causes to be pushed over, cut, sawed or operated any such timber, brush, lumber or wood, or any owner of land where cutting is done, shall be guilty of a violation for each two hundred linear feet or fraction thereof from which the slash and mill waste is not properly removed or disposed of under RSA 224:44-b within thirty days after such cutting, or, in the case of material adjudged by the department of resources and economic development to be an unusual hazard under RSA 224:46 within such reasonable time as the department of resources and economic development may determine not exceeding thirty days from the date of service of the removal notice. If the person refuses or neglects to properly remove or dispose of the slash, mill waste or hazardous material within the time prescribed, the person shall be guilty of a violation as provided in this section for each subsequent thirty-day period of refusal or neglect to so remove or dispose of such slash, mill waste or hazardous material.

Amendment adopted.
Ordered to third reading.

SUSPENSION OR RULES

Rep. French moved that the rules be so far suspended as to permit HB's 840, 878, 640, 921, 571, 642, 863, 575, 630, 643, 651, 662, 669, 672, 692, 744, 762, 793, 807, 782, 814, 852, 859, 677, 682, 693, 736, 810, 818, 377 and SB 74 to be placed on third reading and final passage at the present time.

Adopted by the necessary two-thirds.

Third reading and final passage

HB 840, permitting public schools to be registered to teach cosmetology.

HB 878, relative to the legislative facilities committee.

HB 640, legalizing appointments to the New Hampton village precinct zoning board of adjustment.

HB 921, relative to the power of certain colleges to grant degrees.

HB 571, revising laws regulating the practice of architecture.

HB 642, providing a maximum fine for a number of violations committed by a person resulting from the illegal taking of fish on any single complaint and prescribing a minimum on the length of certain fish to be taken.

HB 863, increasing license fees for hunting and fishing guides.

HB 575, clarifying the status of inmates of homes and institutions relative to a settlement.

HB 630, increasing the time period in which a person charged with driving while intoxicated must file notice to require the blood test administrator to attend the trial.

HB 643, relative to the reporting of abused and neglected children.

HB 651, permitting public service as an alternative sentence for a misdemeanor or a violation.

HB 662, relative to transfers of probate property subject to public assistance liens.

HB 669, increasing the compensation of jurors.

HB 672, relative to limited estates.

HB 692, protecting the right of privacy of persons holding pistol permits or licenses.

HB 744, excluding records and proceedings that are confidential under federal law from the state right to know law.

HB 762, repealing the law relative to additions to sentences and concurrent sentences.

HB 793, relative to sexual assault and related offenses.

HB 807, requiring a lessor to execute and deliver a copy of the lease within thirty days after execution and delivery of the lease by the lessee.

HB 782, requiring supervisors of the checklist to notify the town or city clerk of additions or corrections to the checklist.

HB 814, imposing restrictions on political advertising and providing penalties therefor.

HB 852, allowing municipalities using voting machines to accept absentee ballots up to the time of closing of the polls.

HB 859, relative to ballot voting at town meetings.

HB 677, increasing application fees for certification as a carrier of household goods, property for hire or as a carrier of passengers and requiring the public utilities

commission to pay a portion of the stenographic costs incurred in application proceedings.

HB 682, requiring an annual renewal of certificates and permits of certain carriers for hire.

HB 693, requiring an annual certificate for a regular route common carrier.

HB 736, relative to defective equipment tags for motor vehicles.

HB 810, prohibiting truck-tractors from drawing more than one trailer or semitrailer or any combination of a trailer and semitrailer.

HB 818, modifying the public convenience and necessity requirement for issuing certificates to operate trucks.

HB 377, authorizing the city of Dover to borrow for hospital construction.

SB 74, relative to changes in timber harvesting laws.

RECONSIDERATION

Rep. George Gordon moved reconsideration on HB's 840, 878, 640, 921, 571, 642, 863, 575, 630, 643, 651, 662, 669, 672, 692, 744, 762, 793, 807, 782, 814, 852, 859, 677, 682, 693, 736, 810, 818, 377 and SB 74.

Reconsideration lost.

COMMITTEE REPORTS CONTINUED

HB 806, relative to the provisions of the fair credit reporting act requiring supplying to the consumer investigated a copy of the report and disclosure of all sources of information. Majority: Ought to pass with amendment; Rep. A. C. Jones for Banks and Insurance. Minority: Inexpedient to legislate. (Reps. Baker, Gelinas, Robillard, Hess, Gravelle and Carter)

Majority: Extends law to all credit reporting agencies but adds limited confidentiality. Now only investigative reports are covered—amendment adds credit reports.

Under present law individual being investigated is entitled to receive a copy of his report which includes the names of persons giving information about him. Since people are reluctant to have it known that they gave information, sources of information are drying up. Sources of information remain available through the Attorney General's Office.

Majority of the committee feels that it is a hardship for some individuals now to have to wait for insurance, a loan, etc. until a report can be gotten together.

Minority feels that HB 806 would take away the consumer's right to know the sources of information that could be damaging to his character and/or livelihood. These rights were granted by the General Court in 1973 under the Fair Credit Reporting Act. Why take away these rights now?

Rep. French moved that debate be limited to one-half hour equally divided.

Adopted.

Rep. Robillard moved that the Minority report, inexpedient to legislate, be substituted for the Majority report, ought to pass with amendment.

Reps. Sayer, William Boucher, Baker and Gelinas spoke in favor of the motion.

Reps. Burns and George Wiggins spoke against the motion.

Rep. Marsh requested a quorum count.

The Speaker declared a proper quorum.

Reps. Elmer Wiggin and A. C. Jones spoke against the motion.

Reps. Gravelle, Hess and Spirou spoke in favor of the motion.

Rep. P. Robert Thibeault moved the previous question.

Sufficiently seconded.

Adopted.

Question being on the Robillard motion.

A division was requested.

241 members having voted in the affirmative and 41 in the negative, the motion passed.

Rep. Spirou moved HB 806 be indefinitely postponed.

Adopted.

HB 671, relative to a general revision of probation laws. Ought to pass. Rep. McManus for Judiciary.

and inserting in place thereof the following: ing, fire prevention and suppression, and any others he deems necessary.

Amend RSA 154:2, II as inserted by section 2 of the bill by striking out line one and inserting in place thereof the following: II. The fire chief shall have the authority to enforce any local

Amend RSA 154:7, X as inserted by section 6 of the bill by striking out line one and inserting in place thereof the following: X. To direct industrial management or other personnel and equipment within

Amend RSA 154:11 as inserted by section 9 of the bill by striking out line three and inserting in place thereof the following: wards, engineers, or fire officer-in-charge and may assess a tax for the payment

Amend RSA 154:17 as inserted by section 13 of the bill by striking out line six and inserting in place thereof the following: or fire chiefs, shall remain in force, subject to being repealed or superseded

Amend the bill by striking out paragraph II of section 17 and inserting in place thereof the following: II. Sections 1-12 and 14-16 of this act shall take effect upon passage of this act.

This amendment makes grammatical corrections and clarifies the effective date of the act.

Adopted.

SENATE MESSAGE
REQUESTS CONCURRENCE TO AMENDMENTS

HB 878, relative to the legislative facilities committee. (Amendment printed SJ of May 28)

Rep. Close moved that the House concur.

Adopted.

Rep. Lyons requested a quorum count.

The Speaker declared a quorum present.

The Speaker called for the special orders:

HB 274, relative to providing a hearing and appeals procedures in the division of welfare.

Rep. Nighswander moved that consideration of the Governor's veto message be moved to the end of the calendar and spoke to her motion.

Adopted.

(Speaker in chair)

The subcommittee on Resolutions and Screening having approved its admittance, Reps. Conley, Lyons and Roderick O'Connor offered the following resolution and moved its adoption at the present time.

HR 10, establishing an interim committee on bill handling.

Whereas, the people of the State of New Hampshire have adopted an amendment to their Constitution which will permit the General Court to assemble for organizational purposes on the first Wednesday in December, and

Whereas, early organization will permit additional time for consideration of bills in the house, and

Whereas, the 1975 General Court has had available for the first time a computerized Bill Status System, therefore

Be it resolved by the House of Representatives that

1. There is hereby established an interim committee to be known as the Committee on Bill Handling.

2. The members of this committee shall be the members of the sub-committee on Resolutions and Screening plus four additional members to be appointed by the Speaker.

3. This committee shall study and report to the House on the following:

(a) expansion of the Bill Status system to include drafting requests as well as bills, and development of a system to computerize drafting requests by subject matter as well as by number

Thursday, 12June75

(Rep. French in the Chair)

The House met at 10:00 o'clock.

Prayer was offered by House Chaplain Milton L. Smith, Sr. ("Good ol' Charlie Brown" by Shultz: New Hampshire Sunday News, Sunday, January 21, 1973)
- - - - - Scene between Schroeder and Lucy
Lucy: "Do you want to take me to the Senior Prom?"
Schroeder: "That won't be for another ten years!"
Lucy: I just wanted to give you a break . . . in ten years I plan to be the most sought after girl in school!"
Schroeder: "I have no intention to seek after you."
Lucy: "WELL, IF YOU DO I'LL BE STANDING BY THE DRINKING FOUNTAIN AT THE NORTH END OF THE BUILDING!!"
Lucy: "there's no sense to being sought after if you can't be found!"

I thank You God for the high privilege of being Chaplain of this great House and for the opportunity of serving and being served by so many beautiful people who have located themselves here and have made themselves known and vulnerable to both boos and cheers. Bless the good folks—past, present and future—who have the courage to be "found" here. O God, let Your will reign in our lives and give us strength and wisdom sufficient for the day. Amen!

Rep. Morgan led the Pledge of Allegiance.

LEAVES OF ABSENCE

Reps. Benton, Lemire, H. Gwendolyn Jones and Underwood, the day, important business.

Reps. Lawrence, A. C. Jones and Read, the day, illness.

ENROLLED BILLS REPORT

CACR 4, Relating to: Natural Rights. Providing that: All Persons have the right to bear arms in defense of themselves, their families, their property and the state.

HB 281, providing that in a divorce or annulment proceeding the court in awarding custody of a child shall not give a preference to either parent because of the parent's sex and may take into consideration the preference of the child.

HB 329, authorizing cooperative fire protection with other states and the federal government.

HB 532, relative to the filing of pre-judgment orders of attachment and the execution and recording of real estate conveyances.

HB 619, prohibiting unfair, deceptive or unreasonable practices in collection of debts.

HB 630, increasing the time period in which a person charged with driving while intoxicated must file notice to require the blood test administrator to attend the trial and authorizing the director of motor vehicles to restore a license revoked pursuant to the implied consent law where the person is not found guilty.

HB 679, relative to legislative mileage.

HB 788, relative to the appointment of guardians for incompetent persons and protective services to adults.

HB 878, relative to the joint committee on legislative facilities

HB 921, relative to the power of certain colleges to grant degrees and the ratification of the incorporation of the Congregational Society in Peterborough.

HB 1007, to repeal charters of certain corporations.

SB 2, establishing a state student incentive grant program and making an appropriation therefor.

SB 73, relative to public jurisdiction over Mt. Monadnock and Gap mountain, providing for necessary land acquisition and improvements and making an appropriation therefor.

SB 176, relative to eligibility for federal funds under the federal Housing and Community Development Act of 1974.

HB 379, relative to education of handicapped children.

First and Second Reading and Referral

HB 652, relative to the form and use of walking disability identification on motor vehicles. Transportation.

HB 493, requiring the metering of certain gasoline sales. Ways and Means.

HB 152, providing for an increase in the maximum amount of group credit life insurance permitted. Banks and Insurance.

HB 435, authorizing savings banks to invest in securities of certain real estate development corporations. Banks and Insurance.

HB 565, relative to accident and health insurance policies. Banks and Insurance.

HB 619, prohibiting unfair, deceptive or unreasonable practices in collection of debts. Energy and Conservation.

HB 702, relative to the length and expenses of a quarantine of domestic animals and allowing the state veterinarian to determine at what age bovine animals are vaccinated against brucellosis. Public Institutions.

HB 668, relative to state employees' group medical insurance. Banks and Insurance.

HB 719, relative to licensing requirements for alarm installers and registration requirements for senior technicians. Executive Departments.

HB 641, increasing the recording fees for discharges of real estate attachments and mortgages in certain counties. Judiciary.

HB 664, relative to the right of privacy in certain probate records. Judiciary.

HB 735, requiring notice and a hearing for any police officer who is dismissed or suspended. Ways and Means.

HB 728, defining residence for the purposes of reduced rates at state ski areas and increasing the maximum age for eligibility for junior season tickets. Recreation.

HB 768, relative to the establishment of city and town forests. Environment.

HB 694, relative to the payment of public assistance to a protective payee of an incompetent person. Public Institutions.

HB 758, adopting a New Hampshire-Vermont interstate sewage and waste disposal facilities compact. Environment.

HB 752, eliminating the requirement that the director of records management and archives submit his rules to a board for approval. Executive Departments.

HB 765, prohibiting the counting of certain write-in votes. Executive Departments.

HB 701, providing that if the estimated business profits tax is less than two hundred dollars the filing of a declaration of estimated tax is not required. Ways and Means.

HB 763, requiring employee lunch or eating periods. Ways and Means.

HB 730, repealing provisions relative to a three-year term for town tax collector. Executive Departments.

HB 755, amending the special charter of the town of Hanover to provide for the general obligation of certain special service obligations. Cities Legislation.

HB 840, permitting public schools to be registered to teach cosmetology. Education.

HB 878, relative to the legislative facilities committee. Rules.

HB 640, legalizing appointments to the New Hampton village precinct zoning board of adjustment. Executive Departments.

HB 921, relative to the power of certain colleges to grant degrees. Education.

HB 571, revising laws regulating the practice of architecture. Judiciary.

HB 642, providing a maximum fine for a number of violations committed by a person resulting from the illegal taking of fish on any single complaint and prescribing a minimum on the length of certain fish to be taken. Recreation.

HB 863, increasing license fees for hunting and fishing guides. Recreation.

HB 575, clarifying the status of inmates of homes and institutions relative to a settlement. Public Institutions.

HB 630, increasing the time period in which a person charged with driving while intoxicated must file notice to require the blood test administrator to attend the trial. Judiciary.

HB 643, relative to the reporting of abused and neglected children. Judiciary.

HB 651, permitting public service as an alternative sentence for a misdemeanor or a violation. Judiciary.

HB 662, relative to transfers of probate property subject to public assistance liens. Judiciary.

HB 77, relative to registered nurses and practical nurses, their education and registration; and making an appropriation therefor. Ought to pass.
Sen. McLaughlin for the Committees on Public Institutions and Finance.

Sen. McLAUGHLIN: HB 77 combines the registered nurses and practical nurses together. Both the units agree on it. No one opposed it. Both groups were very much in favor of it and we recommend its passage.

Adopted. Ordered to third reading.

HB 789, limiting recreational boats and motors on Indian Pond in Orford to five horsepower or less. Refer to Joint Interim Study. Sen. Preston for the Committee on Recreation and Development.

Sen. PRESTON: This actually came into the Senate with an ought to pass, refer to interim study committee recommendation. The sponsor requested this. They had several other bills they wanted to do the same with, the same problem of limiting horsepower on various bodies of water in the state. We concur and recommend that we do refer this to Joint Interim Study.

Adopted.

HB 983, relative to the custody of permanent records of each house of the general court. Ought to pass. Sen. S. Smith for the Committee on Rules and Resolutions.

Sen. S. SMITH: This bill allows the records to be kept by the clerks rather than, as presently done, by the Secretary of State's Office. That is basically what the bill does.
Sen. LAMONTAGNE: What is going to happen any time it is necessary to look over some records? Will there be someone in that office permanently?
Sen. S. SMITH: There will be, as there has been in the past, permanent staffing in these offices during the interim.
Sen. LAMONTAGNE: In other words, if there is any record that we want to look up, looking back at any of these bills the way they were passed, we can easily go into either House to look at the records?
Sen. S. SMITH: This is correct. It is hoped that there will be more uniformity in the keeping of records of the committees. All bills will continue to go to the Secretary of State, which have been acted upon. Basically reports of various types will be filed with the clerks of the respective houses.
Sen. LAMONTAGNE: What happens to all these minutes of meetings from the various committees? Will those be available?
Sen. S. SMITH: Those will be available also. It is hoped that there will be a system established whereby these will be kept in a more uniform manner than they are presently.

Adopted. Ordered to third reading.

HB 878, relative to the legislative facilities committee. Ought to pass with amendment. Sen. S. Smith for the Committee on Rules and Resolutions.

Sen. S. SMITH: What this bill does in the amendment is to add an additional member of the House and an additional member of the Senate to the Joint Committee on Legislative Facilities so that the committee would be made up of the President and the Speaker, majority and minority leaders of each house, chairman of Senate Finance and House Appropriations, two members from the House and two from the Senate. It sets up a system for the naming of a chairman. It also sets up that there will be regular meetings established, and that the House members as a subcommittee and the Senate members as a subcommittee will be responsible for the legislative management of each house. That is basically what the bill does, and gives the joint committee also the ability to supervise, coordinate, and work with the new post office building until completion.
Sen. MONIER: In the amendment I also notice the appeal relative to salaries of legislative attaches and employees, RSA 14:24. Can you tell me why this is added to the amendment and not to the bill?

Sen. S. SMITH: This was added into the amendment, and what it does is to make it so that the legislative committee will more adequately establish salaries and wages for people within the Legislature.

Sen. MONIER: Who currently does this?

Sen. S. SMITH: This is done now at the recommendation of the presiding officer of each house. I believe subject to the House Appropriation and Senate Finance Committees. It was hoped that we would get better coordination and working together for more equitable salaries between the two bodies.

Sen. MONIER: Isn't this particular portion part of another one on legislative management which is currently tabled?

Sen. S. SMITH: It may be, but not to my knowledge.

Sen. MONIER: I don't know that it was tabled. Was this part of another one of those four or five bills that we discussed in Rules?

Sen. S. SMITH: I don't believe so.

Sen. MONIER: Is this the one we discussed in Rules Committee in which we talked about the fact that this removes from the Legislative Fiscal Committee and puts to the Legislative Facilities Committee these authorities?

Sen. S. SMITH: No.

Amendment to HB 878

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

relative to the joint committee on legislative facilities.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Joint Committee on Legislative Facilities. Amend RSA by inserting after chapter 17-D the following new chapter:

CHAPTER 17-E

Joint Committee on Legislative Facilities

17-E:1 Committee Established. A joint committee on legislative facilities is hereby established.

17-E:2 Membership. The committee shall consist of:

I. The president of the senate or his designee;

II. The speaker of the house or his designee;

III. The majority leaders of each house;

IV. The minority leaders of each house;

V. The chairman of the senate finance committee;

VI. The chairman of the house appropriations committee;

VII. Two members of the house appointed by the speaker of the house; and

VIII. Two members of the senate appointed by the president of the senate.

17-E:3 Chairman. The chairmanship of the committee shall rotate biennially between the president of the senate or his designee and the speaker of the house or his designee, provided that the speaker shall serve as the first chairman. In the event that the presiding officer of his designee serving as chairman resigns or for any reason is unable to serve, the other presiding officer or his designee shall become chairman, provided that such substitution shall not change the rotation hereinabove provided for.

17-E:4 Meetings. The committee shall meet on a regular stated date monthly and at such other times at the call of the chair or upon written request of four members and any such special meeting shall be held within five days of such call or request.

17-E:5 House and Senate Subcommittees. The house members, with the speaker as chairman, shall be a subcommittee for legislative management for the house; and the senate members, with the president as chairman, shall be a subcommittee for legislative management of the senate. All transfers within the house or senate appropriations and all salaries of legislative attaches and other employees unless otherwise specifically provided by statute shall require the approval of the respective subcommittee. The salaries as determined hereunder shall be a charge upon the appropriation made for the legislature.

2 Committee, Duties. Amend 1973, 368:1, as amended by 1974, 38:23, by striking out said section and inserting in place thereof the following:

368:1 Committee Established. The joint committee on legislative facilities as established by RSA 17-E:1 shall conduct, supervise and coordinate the renovating,

rebuilding, remodeling or construction of the state-owned building known as the Old Post Office located in Concord, New Hampshire, in its sole discretion as it deems necessary, for hearing rooms, meeting rooms and other facilities for the use and control of the legislature and their supporting activities.

3 Repeal. RSA 14:24 relative to salaries of legislative attaches and employees is hereby repealed.

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

Amendment adopted. Ordered to third reading.

Sen. Monier moved HB 643 be placed on second reading at the present time. (recalled from the Governor's office) Adopted.

HB 643, relative to the reporting of abused and neglected children.

Sen. Monier moved an amendment.

Sen. MONIER: HB 643 is the one that this afternoon I recalled from the Governor with regard to the abused and neglected children. The amendment now is in front of everyone. The amendment, I believe, Sen. Bradley would agree to. At least it has his name on it. This is in keeping with the letter that the President read with regard to recalling of bills on this, and this is why this was done today.

Sen. BRADLEY: This amendment was worked out between the original proponents of the bill, Mr. Barry, and myself, and the Governor has approved the language and will allow the bill to pass.

Amendment to HB 643

Amend RSA 169:38, I as inserted by section 2 of the bill by striking out same and inserting in place thereof the following:

I. "Abused child" means any child under the age of eighteen who has:

(a) been sexually molested;

(b) been intentionally physically injured;

(c) been mentally injured such that said child exhibits symptoms of emotional problems generally recognized to result from consistent mistreatment or neglect; or

(d) had other physical injuries inflicted upon him by other than accidental means.

Amendment adopted. Ordered to third reading.

Sen. Preston moved HB 329 be placed on second reading.

Adopted.

HB 329, authorizing cooperative fire protection with other states and the federal government.

Sen. Preston moved the bill be laid on the table.

Adopted.

SPECIAL ORDER 12:01

HB 391, providing that an unemployed person who prevails in a court action to obtain benefit shall receive costs and attorney's fees.

Sen. Bradley moved the bill be laid on the table.

Adopted.

ENROLLED BILLS REPORT

HB 73, relative to shifting the date of the presidential primary as circumstances may dictate. Sen. Lamontagne for the Committee.

ANNOUNCEMENTS

The Senate will meet at 11 a.m. Thursday.

Sen. Fennelly moved that the Senate adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills ordered to third reading be read a third time by this resolution, and that all titles be the same as adopted, and that they be passed at the present time; and that when we adjourn, we adjourn until Thursday at 11 a.m.

Adopted.

HB 807, requiring a lessor to execute and deliver a copy of the lease within thirty days after execution and delivery of the lease by the lessee.

HB 204, providing for partial distributions from estates pending final settlement.

HB 864, relative to the licensing of persons to carry loaded pistols and revolvers.

HB 548, requiring all police officers to wear a name tag when in uniform on active duty.

HB 311, to provide recognition of the war service of residents of this state who served in the armed forces of the United States during the Vietnam conflict and making an appropriation therefor.

HB 510, establishing an interim study committee to study the feasibility of developing a gerontology center at the university of New Hampshire.

HB 283, making an additional appropriation for fiscal 1975 for the medical education loan program.

HB 937, relative to the publication of statutes.

HB 787, relative to the New Hampshire retirement system and merging the employees retirement system of the state of New Hampshire into the New Hampshire retirement system.

HB 699, relative to the commissioner of safety and the field representative of police standards and training council participating in the New Hampshire retirement system; transferring the director of fish and game from group I to group II of the New Hampshire retirement system and making an appropriation therefor; and allowing certain employees to withdraw from the New Hampshire retirement system.

HB 252, relative to expenditures for engineering and right of way acquisition for an extension of the Spaulding turnpike.

HB 250, relative to the New Hampshire turnpike system.

HB 459, relative to certifying public institutions as intermediate care facilities.

HB 102, providing for the care and treatment of children with asthma and related lung disease and making an appropriation therefor.

HB 77, relative to registered nurses and practical nurses, their education and registration; and making an appropriation therefor.

HB 983, relative to the custody of permanent records of each house of the general court.

HB 878, an act relative to the joint committee on legislative facilities.

HB 643, relative to the reporting of abused and neglected children.

Adopted.

(Third Reading and Final Passage)

CACR 4, all persons have the right to bear arms in defense of themself, their family, their property, and the state.

Division vote: 21 yeas; 0 nays. Adopted.

Sen. Lamontagne moved the Senate adjourn at 7:15 p.m.

Adopted.

Thursday, 29May75

The Senate met at 11:00 a.m.

Prayer was offered by the President of the Senate.

Pledge of Allegiance was led by former Senate President, David Nixon.

ENROLLED BILLS AMENDMENTS

HB 485, providing the selectmen in the town of Salem with the authority to make plans for industrial development. Ought to pass with amendment. Sen. R. Smith for the Committee.

House Bill 1007
AN ACT
to repeal the charters
of certain corporations.

AMENDMENT

Amend section 1 by striking out the following named corporations:
Granite State Stamps, Inc. (Hopkinton, 1972)
Morse's Bus Service, Inc. (Plymouth, 1957)

Amend section 1 by inserting in the proper alphabetical sequence the following:
Lague's Engranving Service, Inc. (Manchester, 1971)
Amendment adopted. Ordered to third reading.

HOUSE MESSAGES
HOUSE CONCURRENCE IN AMENDMENTS

HB 878, relative to the legislative facilities committee
HB 857, relative to discrimination based upon physical or mental handicap.

HOUSE ACCEDES TO REQUEST FOR COMMITTEES OF CONFERENCE

SB 325, relative to assaults by prisoners and the offense of escape.
The Speaker appointed Representatives M. Frizzell, D. Reese, K. Hanna, and E. Habel.

SB 4, regulating the liability of governmental units in actions to recover for bodily injury.
The Speaker appointed Representatives A. McManus, J. Martin, D. Reese, and G. Morrissette.

ENROLLED BILLS REPORT

HB 85, establishing a municipal motor vehicle permit fee study committee.
HB 758, adopting a New Hampshire-Vermont interstate sewage and waste disposal facilities compact.
Sen. Lamontagne for the Committee.

ENROLLED BILLS AMENDMENTS

SB 2, establishing a state student incentive grant program and making an appropriation therefor. Sen. Lamontagne for the Committee.

Enrolled Bills Amendment to SB 2

Amend RSA 200-I:1, II as inserted by section 2 of the bill by striking out line two and inserting in place thereof the following:

fifty to sixty minute class, lecture or recitation, or a fifty to sixty minute

Amend RSA 200-I:1, V as inserted by section 2 of the bill by striking out line two and inserting in place thereof the following:

in the boundaries of the state of New Hampshire and which (a) is approved or

Amend RSA 200-I:3 as inserted by section 2 of the bill by striking out lines 14 and 15 and inserting in place thereof the following:

appointments shall be made as follows: the governor and council shall appoint one member for a three-year term and one for a two-year term; the president of the senate and speaker of the house shall appoint members for three-year terms; the postsecondary education commission shall appoint two members for two-year terms and three members for one-year terms.

Thursday, 12June75

The Senate opened at 10 a.m.
Sen. Sanborn in the Chair.

Prayer was offered by the Rev. Dr. Vincent Fischer, Senate Chaplain.

Senate Prayer in honor of Flag Day

Give to us, Oh God, open minds. Forgive our boasting and our pride. Impress us with a sense of responsibility and remind us that one day a reckoning will be required of us. Sanctify our love of country into a ministry to all men everywhere. Make this State and our country Thy servants so we can become the chosen channel of blessing to all lands, lest wj be cast out and our place be given to another nation. Make this America God's own country. We ask this, in Thy holy name. Amen.

Senate Sergeant-at-Arms Mita Chaney led the Pledge of Allegiance.

ENROLLED BILLS REPORT

HB 878, relative to the joint committee on legislative facilities.

HB 921, relative to the power of certain colleges to grant degrees and the ratification of the incorporation of the Congregational Society in Peterborough.

HB 1007, to repeal charters of certain corporations.

SB 2, establishing a state student incentive grant program and making an appropriation therefor.

SB 73, relative to public jurisdiction over Mt. Monadnock and Gap mountain, providing for necessary land acquisition and improvements and making an appropriation therefor.

SB 176, relative to eligibility for federal funds under the federal Housing and Community Development Act of 1974.

CA-CR 4, Relating to: Natural Rights. Providing that: All Persons have the right to bear arms in defense of themselves, their families, their property and the state.

HB 281, providing that in a divorce or annulment proceeding the court in awarding custody of a child shall not give a preference to either parent because of the parent's sex and may take into consideration the preference of the child.

HB 329, authorizing cooperative fire protection with other states and the federal government.

HB 532, relative to the filing of pre-judgment orders of attachment and the execution and recording of real estate conveyances.

HB 619, prohibiting unfair, deceptive or unreasonable practices in collection of debts.

HB 630, increasing the time period in which a person charged with driving while intoxicated must file notice to require the blood test administrator to attend the trial and authorizing the director of motor vehicles to restore a license revoked pursuant to the implied consent law where the person is not found guilty.

HB 679, relative to legislative mileage.

HB 788, relative to the appointment of guardians for incompetent persons and protective services to adults.

Sen. Lamontagne for the Committee.

ANNOUNCEMENTS

Appointments to Committee of Conference on SB 80: Senators Preston, Rock and Sanborn.

RECESS

OUT OF RECESS

license shall also contain a space for a suitable notice stating the licensee has made an anatomical gift.

II. Each applicant for an operator's license or renewal of said license may request that his license contain the notice specified in paragraph I.

III. Upon request in writing from the applicant the director shall, within sixty days, remove such notice from the operator's license and upon payment of the fee specified in RSA 262: 11, V, the director shall issue a duplicate copy without such notice.

IV. This notice on the operator's license constitutes legal authority for the attending physician or hospital having possession of the dead body to arrange for the preservation of the dead body until such time as proof of such gift as specified in RSA 291-A: 4 is obtained.

463: 2 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 20, 1975.]

[Effective date August 19, 1975.]

1975 Laws

CHAPTER 464.

AN ACT RELATIVE TO THE PUBLICATION OF STATUTES AND MAKING APPROPRIATIONS FOR THE REPUBLICATION OF VOLUMES 2, 2-A AND 2-B OF THE REVISED STATUTES ANNOTATED AND FOR THE 1977 SUPPLEMENTS TO THE RSA.

Be it Enacted by the Senate and House of Representatives in General Court convened:

464: 1 Session Laws. Amend RSA 20: 1, as amended, by striking out said section and inserting in place thereof the following:

20: 1 Laws.

I. At the close of a legislative session, the director of legislative services shall cause such number of copies of all the acts and resolves thereof, with an appropriate index, to be printed as the joint committee on legislative facilities shall determine.

II. Such acts and resolves shall be numbered consecutively as chapters, beginning with number one, in the order in which they were enacted and shall be uniform in style with the Revised Statutes Annotated.

III. The director of legislative services shall cause such number thereof to be bound as said committee shall determine:

(a) In paper, and

(b) In hard cover.

IV. All the printed copies of said acts and resolves shall be delivered to the state librarian for distribution, sale and storage.

V. The state librarian shall distribute free to public libraries, judges, attorneys and to citizens requesting the same copies of said paper bound acts and resolves.

VI. The joint committee on legislative facilities shall determine and fix the price for the sale of hard bound copies of said acts and resolves.

464: 2 Advance Sheets. Amend RSA 20: 1-a, as inserted by 1955, 23: 1, by striking out said section and inserting in place thereof the following:

20:1-a —Advance Sheets, Printing and Distribution. During each legislative session the director of legislative services shall provide for the printing and distribution of advance sheets of all acts and resolves, together with an index thereof, of such session. Such advance sheets shall be distributed and sold by the director at a price approved by the joint committee on legislative facilities. Each justice of the supreme, superior, probate, district and municipal courts shall be furnished a set of the advance sheets without charge. The senate shall receive two such sets and the house of representatives three such sets. The state library shall be furnished a set for its own use and upon request, sufficient sets to exchange with other states.

464:3 Index. Amend RSA 20:1-b, as inserted by 1969, 300:6, by striking out said section and inserting in place thereof the following:

20:1-b —Index. As soon as possible after every final adjournment of a session of the general court and in any case consistently with the schedule of performance set forth in contracts for printing and binding of session laws and journals of the general court, the law librarian of the state library shall prepare and furnish the director of legislative services with a complete index of the acts and resolves passed by the general court during the session.

464:4 Repeal. RSA 20:2, as amended, relative to printing and binding of session laws, is hereby repealed.

464:5 Corrections. Amend RSA 20:2-a, as inserted by 1969, 26:1, by striking out said section and inserting in place thereof the following:

20:2-a Examination Before Printing. After any bill or joint resolution has been enacted by the general court, but prior to the printing of the acts and resolves of any session, the director of legislative services shall reexamine the same. If such reexamination shows any error or omission in the references to statutes, or other technical or clerical errors, the director is authorized to make the necessary corrections and the bill as thus corrected shall be printed.

464:6 Distribution of Session Laws. Amend RSA 20:11 (supp), as amended, by striking out said section and inserting in place thereof the following:

20:11 Distribution of Acts, Resolves, etc. One copy of each publication provided for in RSA 20:1, III, (b); 5; 6; and 7 shall be sent by the agency responsible for its issue, free of charge except as hereinafter provided, to each of the following officers and bodies: governor, each member of the council, each agency and institution of the state, state house press room, the justices and clerks of the supreme and superior courts, each free public library established under the laws of the state, the town clerk of each town, the library of Congress, and the state or territorial library of each state and territory in the United States. Provided, that in case any state or territory makes a charge to the New Hampshire state library for copies of its laws, the state librarian is hereby authorized to make the proper charge for copies of the laws of New Hampshire when forwarded to the state or territorial library of such state or territory. The agencies may make such further free distribution of such publications as they may deem wise, or as the governor and council may direct. Each member of the legislature shall be furnished one copy of the manual and of the paper bound session laws and one copy of each departmental and institutional report on application. However, each free public library and the town clerk

of each town shall not be furnished a copy of the annual or biennial report of each state agency or institution.

464:7 **RSA Publication.** Amend RSA 20 by inserting after section 2-a the following new section:

20:2-b **Revised Statutes Annotated.** The director of legislative services is hereby authorized to contract, with the approval of the joint committee on legislative facilities, for the editorial preparation, publication, distribution and sale of original, replacement or revised volumes of the Revised Statutes Annotated and periodic supplements thereto, and to establish the sale price thereof as he, with the approval of said committee, deems necessary in order to provide that said publications are kept current and that a sufficient supply thereof is available to the state and the public. The costs of the publication herein provided for shall be a charge against the appropriation for joint legislative printing.

464:8 **Publications of 1975 General Court.** Notwithstanding any provisions of or statutes repealed or amended by this act, the secretary of state and the judicial council shall have the duties, authority and responsibilities for the printing, binding, distribution and sale of legislative publications of the 1975 general court which they had prior to the enactment of this act.

464:9 **Transfer of Appropriations.** Any and all appropriations made to the secretary of state for the printing of the advance sheets and session or pamphlet laws of the 1977 general court are hereby transferred to the office of legislative services.

464:10 **Appropriation for Supplements.** There is hereby appropriated to the director of legislative services the sum of sixteen thousand dollars for the publication of supplements to the RSA incorporating the acts of the 1977 session of the general court. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

464:11 **Appropriation for Recompilation of Certain RSAs.** There is hereby appropriated to the director of legislative services the sum of thirty thousand dollars for the recompilation of volumes 2, 2-A and 2-B of the Revised Statutes Annotated. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

464:12 **Effective Date.** This act shall take effect upon its passage.

[Approved June 20, 1975.]

[Effective date June 20, 1975.]

CHAPTER 465.

AN ACT RELATIVE TO THE POWERS AND DUTIES OF THE JOINT COMMITTEE ON LEGISLATIVE FACILITIES AND REQUIRING THE SENATE AND HOUSE OF REPRESENTATIVES TO FILL A VACANCY IN THE OFFICE OF ITS PRESIDING OFFICER WITHIN THIRTY DAYS AFTER THE VACANCY OCCURS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

of each town shall not be furnished a copy of the annual or biennial report of each state agency or institution.

464:7 RSA Publication. Amend RSA 20 by inserting after section 2-a the following new section:

20:2-b Revised Statutes Annotated. The director of legislative services is hereby authorized to contract, with the approval of the joint committee on legislative facilities, for the editorial preparation, publication, distribution and sale of original, replacement or revised volumes of the Revised Statutes Annotated and periodic supplements thereto, and to establish the sale price thereof as he, with the approval of said committee, deems necessary in order to provide that said publications are kept current and that a sufficient supply thereof is available to the state and the public. The costs of the publication herein provided for shall be a charge against the appropriation for joint legislative printing.

464:8 Publications of 1975 General Court. Notwithstanding any provisions of or statutes repealed or amended by this act, the secretary of state and the judicial council shall have the duties, authority and responsibilities for the printing, binding, distribution and sale of legislative publications of the 1975 general court which they had prior to the enactment of this act.

464:9 Transfer of Appropriations. Any and all appropriations made to the secretary of state for the printing of the advance sheets and session or pamphlet laws of the 1977 general court are hereby transferred to the office of legislative services.

464:10 Appropriation for Supplements. There is hereby appropriated to the director of legislative services the sum of sixteen thousand dollars for the publication of supplements to the RSA incorporating the acts of the 1977 session of the general court. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

464:11 Appropriation for Recompilation of Certain RSAs. There is hereby appropriated to the director of legislative services the sum of thirty thousand dollars for the recompilation of volumes 2, 2-A and 2-B of the Revised Statutes Annotated. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

464:12 Effective Date. This act shall take effect upon its passage.

[Approved June 20, 1975.]
[Effective date June 20, 1975.]

1975 Laws (gives power over personnel)

CHAPTER 465. (HB 929)

AN ACT RELATIVE TO THE POWERS AND DUTIES OF THE JOINT COMMITTEE ON LEGISLATIVE FACILITIES AND REQUIRING THE SENATE AND HOUSE OF REPRESENTATIVES TO FILL A VACANCY IN THE OFFICE OF ITS PRESIDING OFFICER WITHIN THIRTY DAYS AFTER THE VACANCY OCCURS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

465:1 Duties and Authority Expanded. Amend 1973, 368:2, as amended by 1974, 38:24; 1975, 4:3 and 1975, 308:1, by inserting after paragraph XIV the following new paragraphs:

XV. To review and approve all joint legislative budgets;

XVI. To establish salary schedules for all employees of joint legislative service agencies, departments and agencies, except the legislative budget assistant and employees of his office, and to assist and advise the presiding officers of the two houses in developing relatively uniform salary schedules for house and senate employees and officers;

XVII. To study ways and means to improve the legislative operation, organization, procedures, facilities and working conditions, and to make quarterly reports to the regular session of the general court concerning its findings;

XVIII. To appoint the director of legislative services, and to establish the salary for this position and for the director or head of any other joint legislative agency, department or office, except as otherwise provided;

XIX. To coordinate the activities of the office of the legislative budget assistant and the office of legislative services, and such other joint legislative agencies and offices as may be created by the general court, and to establish operating policies for these agencies and offices;

XX. To coordinate and oversee intergovernmental relations programs on behalf of the general court, and to recommend to the general court participation in specific intergovernmental programs and activities including participation by the general court and its members in interstate and interlegislative organizations; and to apply for, receive and administer all joint grants and appropriations for these purposes;

XXI. To provide necessary furniture, stationery and other supplies and equipment for the use of the committees, agencies and offices of the general court with the exception of those offices and other spaces provided in 1974, 38:1, II(a);

XXII. To establish published rules of procedure for the conduct of the business of the committee;

XXIII. To perform such other duties and responsibilities as may be assigned to the committee from time to time by the two houses; and

XXIV. To receive from the several agencies, departments and offices of the general court who shall report to the committee their budget requests, personnel and supply requirements and such other information as the committee may require, and to assist in the orderly disposition of these requests.

465:2 Appointment of Director of Legislative Services. Amend RSA 17-A:2, as inserted by 1963, 297:1, by striking out said section and inserting in place thereof the following:

17-A:2 Appointment. The joint committee on legislative facilities shall appoint the director of legislative services and fix his salary. He shall hold office for a term of two years coterminous with the biennial legislative term. The first of said appointments shall be made for a term commencing on July 1, 1975 and ending at 12:01 a.m. on the first Wednesday in December, 1976. He shall be chosen without reference to party affiliation and solely on the ground of his fitness, qualifications and experience to perform the duties of his office. In the performance of its duties under this chapter, said joint committee may act whether or not the general court is then in session; and seven members thereof shall constitute a quorum.

465:3 Assistants. Amend RSA 17-A:4, as inserted by 1963, 297:1, by striking out in line two the words "special committee hereinbefore referred to" and inserting in place thereof the following (joint committee on legislative facilities) so that said section as amended shall read as follows:

17-A:4 Assistants. The director may, subject to the approval of the joint committee on legislative facilities, appoint and fix the compensation of such additional professional, technical, clerical or other employees necessary to perform his functions and duties under this chapter. He may, subject to like approval, designate one of said employees to be his deputy to act in his absence.

465:4 Presiding Officer Vacancy to be Filled. Amend RSA 14 by inserting after section 2 the following new section:

14:2-a Presiding Officer; Vacancy. Within thirty days after a vacancy occurs in the office of president of the senate or speaker of the house of representatives, the senate or house of representatives, as the case may be, shall select a successor from among its members. If the senate or house is not in session when such a vacancy occurs, the branch concerned shall assemble at the state house not sooner than seven days nor later than thirty days after the vacancy occurs on a date determined by the second ranking officer of the branch concerned. The clerk of that branch shall notify the members of the branch of the vacancy and the date on which selection of a successor is to take place.

465:5 Statutory Revision. Amend RSA 17-A:1, III, as inserted by 1975, 278:1, by striking out said paragraph and inserting in place thereof the following:

III. Pursuant to the direction of a special committee consisting of the members of the joint committee on legislative facilities and the chairmen of the standing house and senate judiciary committees, the director shall perform a continuing review, revision and codification of the Revised Statutes Annotated, as amended, and all statutes of a public and general nature which are enacted at any session of the general court. The special committee established by this paragraph shall establish priorities for carrying out such revision and codification duties, and they shall consult with the director on a continuing review and revision of the Revised Statutes Annotated and all other statutes of a public and general nature to arrange such statutes in a systematic, annotated and condensed form. The director shall prepare legislation providing for the revision and recodification of such statutes, and any revisions and recodifications contained in such legislation shall take effect only after they have been enacted into law.

465:6 Effective Date. This act shall take effect upon its passage.

[Enacted in accordance with Article 44, Pt. II of N.H. Constitution, without signature of governor, June 22, 1975.]

[Effective date June 22, 1975.]

HOUSE BILL No. 929

INTRODUCED BY: Rep. French of Belknap Dist. 1; Rep. Spirou of Hillsborough Dist. 27, Rep. Griffin of Rockingham Dist. 19; Rep. Chambers of Grafton Dist. 13, Rep. Tucker of Sullivan Dist. 4

REFERRED TO: Legislative Administration

AN ACT relative to the powers and duties of the joint committee on legislative facilities.

ANALYSIS

This bill expands the duties of the joint committee on legislative facilities and provides that the committee shall appoint an executive secretary to provide the committee with research and technical support; implement committee policy decisions and act as a liaison between the committee and legislative agencies and departments.

STATE OF NEW HAMPSHIRE

In the year of Our Lord one thousand nine hundred and seventy- five

AN ACT

relative to the powers and duties of the joint committee on legislative facilities.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 Duties and Authority Expanded. Amend 1973, 368:2, as amended by 1974, 38:24, by inserting after paragraph XII the following new paragraphs:

XIII. To review and approve all legislative budgets;

XIV. To establish salary schedules for all employees of joint legislative service agencies, departments and agencies and to assist and advise the presiding officers of the two houses in developing relatively uniform salary schedules for house and senate employees and officers;

XV. To assist the presiding offfcers in coordinating the work of the standing and interim committees, and special committees of the general court, and other agencies, departments and offices of the general court;

XVI. To assess ways and means to improve the legislative operation and to make improvements in the legislative organization, procedures, facilities and working conditions, and to make periodic reports to the regular session of the general court concerning its findings;

XVII. To appoint the legislative budget assistant and the director of legislative services, and to establish salaries for these positions and for the director or head of any other joint legislative agency, department or office

XVIII. Within the pertinent appropriations for the general court, to assist the presiding officers in the employment of such other personnel as are necessary to provide for the orderly conduct and efficient operation of the general court;

XIX. To coordinate the activities of the office of the legislative budget assistant and the office of legislative services, the office of senate clerk, the office of senate sergeant-at-arms, the office of house clerk, the office of the house sergeant-at-arms, and such other legislative agencies and offices as may be created by the general court, and to establish operating policies for these agencies and offices;

XX. To oversee the appropriations and other financial accounts of the general court, all legislative agencies, departments and offices, and to report at least quarterly to the members of the general court the status of these several accounts;

XXI. To see that an independent biennial post-audit of all appropriations to the general court is prepared and distributed to each member of the general court, such document to become a matter of public record;

XXII. To coordinate and oversee intergovernmental relations programs on behalf of the general court, and to recommend to the general court participation in specific intergovernmental programs and activities including participation by the general court and its members in interstate and inter-legislative organizations; and to apply for, receive and administer all grants and appropriations for these purposes;

XXIII. To provide necessary furniture, stationery and other supplies and equipment for the use of the members, committees, agencies and offices of the general court;

XXIV. To establish published rules of procedure for the conduct of the business of the committee;

XXV. To appoint an executive secretary and such other personnel as are necessary to assist the committee in the fulfillment of its duties and to set salaries for these positions; and

XXVI. To perform such other duties and responsibilities as may be assigned to the committee from time to time by the two houses.

2 Executive Secretary, Position Established. Amend 1973, 368, as amended by 1974, 38, by inserting after section 2 the following new sections:

368:2-a Executive Secretary. The committee shall appoint an executive secretary by vote of no less than two-thirds of all the members. He shall serve at the pleasure of the committee, but it shall require a like vote for his dismissal. The committee shall, by majority vote, establish his salary.

368:2-b Duties of Executive Secretary. The executive secretary shall act as coordinator and information gatherer as directed by and on behalf of the committee to:

I. Provide the committee with the research, background information and technical support to develop policy positions regarding management;

II. Provide the committee with assistance in the executive and administrative management of the general court;

III. Provide direction to the legislative accountant in the administration of legislative accounts on behalf of the committee;

IV. Coordinate the activities of the various agencies and offices within the general court to insure maximum efficiency in the utilization of legislative resources;

V. Act as a vehicle through which the several agencies, departments and offices of the general court may report to the committee their budget requests, personnel and supply requirements, etc., and to assist it in the orderly disposition of these requests;

VI. Be responsible for implementing policy, resulting from decisions of the committee;

VII. Act as a general liaison between the committee and all legislative agencies, departments and offices;

VIII. Prepare such reports as are required of the committee and maintain minutes of the regular meetings of the committee; and

IX. Undertake such other duties as are assigned by the committee.

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

HB 927, relative to fringe benefits for full-time legislative employees. (French of Belknap Dist. 1; Tucker of Sullivan Dist. 4; Spirou of Hillsborough Dist. 27—To Legislative Administration)

HB 928, relative to authority for aid to the general court. (French of Belknap Dist. 1; Spirou of Hillsborough Dist. 27; Daniels of Hillsborough Dist. 25; Hanson of Merrimack Dist. 5—To Legislative Administration)

Indefinitely

HB 929, relative to the powers and duties of the joint committee on legislative facilities. (French of Belknap Dist. 1; Spirou of Hillsborough Dist. 27; Griffin of Rockingham Dist. 19; Chambers of Grafton Dist. 13; Tucker of Sullivan Dist. 4—To Legislative Administration)

HB 930, continuing the committee to study the financing of New Hampshire airports. (Rules Committee for Roberts of Belknap Dist. 4—To Transportation)

HB 931, to permit and facilitate temporary assignments of employees between and among governmental agencies at the same or different levels of government and institutions of higher education. (French of Belknap Dist. 1; Spirou of Hillsborough Dist. 27; Griffin of Rockingham Dist. 19; Chambers of Grafton Dist. 13; Duprey of Carroll Dist. 2—To Legislative Administration)

HB 932, establishing a joint legislative committee on science and technology. (Ambrose of Belknap Dist. 1—To Legislative Administration)

HB 933, prohibiting a member of the Strafford county convention from being an employee or agent of Strafford County. (O'Connor of Strafford Dist. 18—To Municipal and County Government)

HB 934, relative to the organizational convening of the general court. (Bradley of Grafton Dist. 13; Eaton of Hillsborough Dist. 1; Benton of Rockingham Dist. 2—To Legislative Administration)

HB 935, providing criminal penalties for a lessor who fails to furnish essential services to a lessee. (Dudley of Strafford Dist. 4—To Judiciary)

HB 936, relative to the Plymouth area school district. (Rules Committee for Bradley of Grafton Dist. 5—To Education)

HB 937, relative to the publication of statutes. (McManus of Strafford Dist. 20—To Legislative Administration)

HB 938, correcting errors, omissions and inconsistencies in the RSA and session laws and conforming existing law to the criminal code. (Frizzell of Sullivan Dist. 7—To Judiciary)

HB 939, relative to the creation of public greyhound racing kennels. (Rules Committee for French of Belknap Dist. 1; Brown of Dist. 19; Monier of Dist. 9; Rock of Dist. 12—To Ways and Means)

HB 940, relative to the requirement of a building permit for certain new construction. (Conley of Carroll Dist. 3—To Public Works)

HB 941, relative to procedures for licensing and regulating postsecondary educational institutions authorized to grant degrees. (Roberts of Belknap Dist. 4—To Education)

HB 942, relative to the approval of building plans. (Conley of Carroll Dist. 3; Hoar of Rockingham Dist. 8; Sanborn of Dist. 17; McLaughlin of Dist. 13—To Municipal and County Government)

HB 943, amending the RSA chapter on fireworks, firemen and fire hazards. (Conley of Carroll Dist. 3—To Municipal and County Government)

HB 944, relative to services for the developmentally disabled. (Brouillard of Belknap Dist. 7; Copenhaver of Grafton Dist. 13—To Health and Welfare)

HB 945, requiring the study of economics in public schools. (Gramling of Hillsborough Dist. 16—To Education)

HB 946, relative to amending the charter of the city of Portsmouth. (Peterson of Rockingham Dist. 22, McEachern of Rockingham Dist. 20; O'Keefe of Rockingham Dist. 21; Splaine of Rockingham Dist. 19; Connors of Rockingham Dist. 21—To Portsmouth Delegation)

HB 947, amending the charter of the city of Manchester to provide for the election of three aldermen-at-large. (Gardner of Hillsborough Dist. 30—To Manchester City Delegation)

HB 948, prohibiting certain expenditures and advertising by public utilities. (O'Keefe of Rockingham Dist. 21; Maynard of Rockingham Dist. 18; Gramling of Hillsborough Dist. 16—To Statutory Revision)

HB 949, revising the right to know law. (Lucas of Sullivan Dist. 6; Splaine of Rockingham Dist. 19; Spirou of Hillsborough Dist. 27; Currier of Hillsborough Dist.

1 Study Authorized. Amend 1973, 368:2 as amended by 1974, 38:24 and 1975, 4:3 by inserting after paragraph XIII the following new paragraph:

XIV. The committee shall study the overall problem of the printing requirements of the legislature in consultation with the House and Senate clerks and shall report its findings and recommendations to improve and handle this problem to the legislature not later than December 1, 1975 and thereafter not later than December first in the even-numbered years.

Amendment adopted.
Ordered to third reading.

HB 929, relative to the powers and duties of the joint committee on legislative facilities. Ought to pass. Rep. Lyons for Legislative Administation.

This bill makes the legislative facilities committee responsible for the coordination and management of many legislative services that are now presently in the hands of only the speaker or that aren't clearly assigned to any particular agency. It will improve the efficiency of delivery of services to legislators while clearly defining who is responsible.

Ordered to third reading.

HB 950, relative to the legislative budget assistant. Ought to pass with amendment. Rep. Chambers for Legislative Administration.

The appointment of the legislative budget assistant becomes the responsibility of the legislative facilities committee instead of the fiscal committee. The amendment adds the chairman of the Appropriations Committee to the legislative facilities committee.

AMENDMENT

Amend section 7 of the bill by striking out said section and inserting in place thereof the following:

7 Committee Membership Increased. Amend 1973, 368:1, as amended by 1974, 38:23, by striking out said section and inserting in place thereof the following:

368:1 Committee Established. A joint committee on legislative facilities is hereby established for the purposes of conducting, supervising and coordinating the renovating, rebuilding, remodeling or construction of the state-owned building known as the Old Post Office located in Concord, New Hampshire, in its sole discretion as it deems necessary, for hearing rooms, meeting rooms and other facilities for the use and control of the legislature and their supporting activities. Such committee shall also conduct, supervise and coordinate the planning and construction of a legislative parking facility to be located in Concord, New Hampshire for the use and control of the legislature and their supporting activities. The committee shall consist of the president of the senate and the speaker of the house, the majority and minority leaders of each body and one member of the senate appointed by the president of the senate and one member of the house appointed by the speaker of the house, who shall be members from the office space study committee; and an additional member of the senate appointed by the president of the senate, and an additional member of the house appointed by the speaker, and the chairman of the house appropriations committee. The committee shall meet as required and shall serve without compensation; however, the committee members shall receive legislative mileage.

8 Effective Date. This act shall take effect July 1, 1975.

Amendment Adopted.
Ordered to third reading.

HB 987, increasing the membership of the legislative services committee. Ought to pass with amendment. Rep. Shea for Legislative Administration.

This bill adds the majority leader of each house of the Legislature to the special committee established to oversee the operations of the office of Legislative Services.

Rep. Benton moved a floor amendment be substituted for the committee amendment.

HB 746, dealing with unemployment compensation.

HB 801, relative to the definitions of employee and salaries employee and to the payment of wages.

HB 833, to prohibit certain hiring and employment practices.

HB 679, relative to legislative mileage.

HB 879, directing the joint committee on legislative facilities to study and report on legislative printing.

Third Reading Final Passage

HB 929, relative to the powers and duties of the joint committee on legislative facilities.

HB 950, relative to the legislative budget assistant.

HB 987, increasing the membership of the legislative services committee.

HB 402, repealing the statutes requiring quarterly audits of the accounts of county commissioners, county farms, and county treasurers and requiring annual audits of the records of county officers and clerks of the superior court.

HB 550, relative to procedures for changing zoning ordinances.

HB 709, defining taxes to include special assessments and agreements in lieu of or in the nature of special assessments for tax collection and lien purposes.

A quorum count was requested.

SUPREME COURT OPINION ON HB 537

The clerk read the advisory opinion in full.

To the House of Representatives:

The undersigned justices of the supreme court return the following reply to the inquiries contained in your resolution dated April 16, 1975, and filed with this court on April 17, 1975.

Under the New Hampshire constitution the supreme court cannot render advisory opinions on the constitutionality of existing laws as the resolution asks it to do with regard to RSA 214:9-a. N.H. CONST. pt. II, art. 74; Opinion of the Justices, 109 N.H.578, 583, 258 A.2d 343, 347 (1969); Opinion of the Justices, 99 N.H. 524, 525, 113 A.2d 542, 543 (1955); Opinion of the Court, 62 N.H. 704, 705 (1816). Since the second question assumes that the court finds RSA 214:9-a - to be unconstitutional, an answer to that question cannot be rendered under art. 74.

Nevertheless, the primary focus of the resolution, whether the proposed amendment to RSA 214:9-a violates either the State or the Federal constitutions, may be examined briefly. Equal protection of the laws is guaranteed by both the New Hampshire and the United States constitutions. N.H. CONST. pt. I, art. 1; U.S. CONST., amend. XIV, s. 1. While equal protection does not require complete equality in the face of factual differences, it does mandate that those who are similarly situated be similarly treated. Belkner v. Preston, 115 N.H. , , 332 A.2d 168, 170 (1975).

"Resident aliens, like citizens, pay taxes, support the economy . . . and contribute in myriad other ways to our society." In Re Griffiths, 413 U.S. 717, 722 (1973). Elimination of the requirement that aliens must have an honorable discharge from the United States armed forces in order to obtain a residential hunting or fishing license, conforms with the applicable constitutional standards guaranteeing equal protection of the laws to resident aliens. Sugarman v. Dougall, 413 U.S. 634, 641 (1973); Graham v. Richardson, 403 U.S. 365, 371 (1971); Takahashi v. Fish and Game Comm'n, 334 U.S. 410, 420 (1948); Yick Wo v. Hopkins, 118 U.S. 356, 369-70 (1886); see 42 U.S.C. § 1981; Annot., 53 A.L.R.3d 1163, 1167 (1973).

Frank R. Kenison
Laurence I. Duncan
Edward J. Lamprey
William A. Grimes
Robert F. Griffith

SENATE MESSAGE
NONCONCURRENCE

HB 251, establishing speed limits on open inland waterways of the state where not otherwise limited and limiting operation of motor boats by certain minors.

QUALIFIED

Rep. Fayne E. Anderson, District No. 7, Grafton County, took and subscribed the oath of office of Representative to the General Court before the Governor and Council on April 30, 1975.

HB 943, amending the RSA chapter on firewards, firemen and fire hazards.

HB 826, to prohibit certain motor boats and motors on Lougee Pond in Barnstead.

HB 919, relative to the real and personal property tax exemptions for veterans' widows and veterans who are totally and permanently disabled.

HB 757, relative to exceeding appropriations by elected and appointed county officers.

HB 821, establishing a joint committee to study the creation of a public beach in the Dover point area.

HB 842, relative to the metropolitan water supply for the seacoast area.

HB 848, requiring customer approval for repair work done on a motor vehicle over and above ten percent in excess of the estimate.

HB 912, relative to the operation of vending facilities by blind persons on state property.

RECONSIDERATIONS

Rep. Skinner moved reconsideration on HB 516, relative to collective bargaining rights of public employees of political subdivisions and making an appropriation therefor.

Reconsideration lost.

Rep. Burns moved reconsideration on HB 698, authorizing state-wide branch banking subject to certain limitation.

Reconsideration lost.

Rep. Mabel Richardson moved reconsideration on HB 779, requiring town clerks to register voters.

Reconsideration lost.

Rep. Duprey moved reconsideration on HB 929, relative to authority for aid to the general court.

Reconsideration lost.

Rep. MacDonald moved reconsideration on HB 971, relative to the regulation of business practices between motor vehicles manufactureres distributors and dealers.

Reconsideration lost.

350 members were recorded as present.

On the motion of Rep. Wilfrid Boisvert the House adjourned at 7:00 o'clock.

Thursday, 1May75

The House met at 9:30 o'clock.

Prayer was offered by House Chaplain Milton L. Smith, Sr.

Good Morning Lord. Remind us once again that You are not much impressed with our panic-ridden activities nor excited by our maneuvering for position. You take great delight in all honest labor for the betterment of persons and give strength of body, mind, soul and spirit to all those whose desire is to seek You out in Praise and Thanksgiving through unselfish but seeking prayer. Help us in our earnest search to do what is right by getting our priorities in order by first loving You, others and then self. In the name of the One who has taught us to love one another. We ask your blessing for Omer Rousseau and the family of Loring Tirrell, former member from Durham.

Rep. Hobbs led the Pledge of Allegiance.

LEAVES OF ABSENCE

Reps. Fullam, Danforth, Grace DeCesare and Chris Andersen, the day, important business.

Reps. Nims, Margaret Cote and McGlynn, the day, illness.

HB 596, relative to computing grants under the school building aid program.
The President appointed Sens. S. Smith, Blaisdell and Sanborn.

HB 671, relative to a general revision of probation laws.
The President appointed Sens. Bradley, Claveau and Foley.

HB 770, providing certain standards for individual accident and health insurance policies.
The President appointed Sens. Bergeron, Rock and Ferdinando.

HB 787, relative to the New Hampshire retirement system and merging the employees retirement system of the state of New Hampshire into the New Hampshire retirement system.
The President appointed Sens. R. Smith, Blaisdell and Trowbridge.

HB 885, to reorganize the department of revenue administration.
The President appointed Sens. Rock, McLaughlin and Monier.

HB 937, relative to the publication of statutes.
The President appointed Sens. Brown, Downing and Jacobson.

HB 961, legalizing various town meetings.
The President appointed Sens. Poulsen, Bergeron and Preston.

HB 975, relative to legislative control of state office space and parking facilities and providing the director of legislative services shall maintain a permanent office in the state house or legislative office building.
The President appointed Sens. Brown, Downing and Jacobson.

HB REFERRED TO INTERIM STUDY

The Senate has voted to rescind its action whereby HB 430, providing a special liquor and beverage license for race tracks was indefinitely postponed and has voted to send HB 430 to interim study by the Ways and Means Committee.

APPOINTMENT OF CONFEREES

The Speaker appointed Reps. Drake, Scamman, Ferguson, McGinness and Gillis as conferees on HB 777, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 1976 to June 30, 1977.

COMMITTEE OF CONFERENCE REPORT

HB 758, adopting a New Hampshire-Vermont interstate sewage and waste disposal facilities compact. (Report printed SJ June 4)
Adopted.

SENATE MESSAGES
REQUEST CONCURRENCE
TO AMENDMENTS

HB 652, relative to the form and use of walking disability identification on motor vehicles. (Amendment printed SJ May 29)
Rep. James Murray moved that the House non-concur and request a committee of conference.
Adopted.
The Speaker appointed Reps. Marsh, James Murray, Ryan and MacDonald.

HB 928, relative to the powers and duties of the joint committee on legislative facilities. (Amendment printed Permanent SJ May 29)
Rep. French moved that the House concur.
Adopted.
Rep. French requested a quorum count.
The Speaker declared a quorum present.

HB 479, permitting a local option to adopt tax exemptions for realty equipped with solar energy heating or cooling systems.

HB 531, relative to registration requirements for professional engineers.

HB 746, dealing with unemployment compensation.

HB 821, establishing a joint committee to study the creation of a public beach in the Dover point area.

HB 874, relative to appeals from probate courts.

HB 909, transferring the supervision and operation of the Jaffrey water works to the town of Jaffrey.

HB 976, providing opportunity in public education without discrimination.

SB 30, establishing a full time maintenance crew for the Piscataqua river bridge, sharing maintenance expenses with the state of Maine and making an appropriation therefor.

SB 91, increasing the appropriation for the construction of a fishing pier and docking facilities in Portsmouth and eliminating the separate appropriation for marine science facilities at the university of New Hampshire.

SB 111, providing for the regulation of electricians by an electricians' board and for the administration of occupational and professional tests by the department of education.

SB 222, relative to the position of grips on motorcycles.

HB 80, changing requirements for city and town tax maps.

HB 102, providing for the care and treatment of children with asthma and related lung disease and making an appropriation therefor.

HB 228, redefining small claims by raising the maximum amount and extending the return date for executions to ninety days.

HB 263, relative to appeals from zoning boards of adjustment and planning boards.

HB 267, relative to the making of false statements, misrepresentations or fraudulently obtaining food stamps; defrauding division of welfare and providing penalties therefor.

HB 401, relative to recognizances of witnesses after arrest.

HB 407, establishing an electrical energy review committee.

HB 435, authorizing savings banks to invest in securities of certain real estate development corporations.

HB 497, providing mileage for the parole board members and increasing the per diem allowance for school building authority members.

HB 545, granting the director and conservation officers of the fish and game department powers of a constable.

HB 643, relative to the reporting of abused and neglected children.

HB 726, establishing a police commission for the town of Hooksett.

Rep. Mabel L. Richardson for the Committee

CONFEREE SUBSTITUTIONS

HB 459, Rep. Hough replaces Rep. Ferguson.

HB 887, Rep. Hough replaces Rep. Ferguson.

HB 777, Rep. Roberts replaces Rep. Ferguson.

ENROLLED BILLS AMENDMENTS

HB 929, relative to the powers and duties of the joint committee on legislative facilities and requiring the senate and house of representatives to fill a vacancy in the office of its presiding officer within thirty days after the vacancy occurs.

AMENDMENT

Amend the bill by striking out section 5 and inserting in place thereof the following:

5 Statutory Revision. Amend RSA 17-A:1, III, as inserted by 1975, 278:1, by striking out said paragraph and inserting in place thereof the following:

III. Pursuant to the direction of a special committee consisting of the members of the joint committee on legislative facilities and the chairmen of the standing house and senate judiciary committees, the director shall perform a continuing review, revision and codification of the Revised Statutes Annotated, as amended, and all

statutes of a public and general nature which are enacted at any session of the general court. The special committee established by this paragraph shall establish priorities for carrying out such revision and codification duties, and they shall consult with the director on a continuing review and revision of the Revised Statutes Annotated and all other statutes of a public and general nature to arrange such statutes in a systematic, annotated and condensed form. The director shall prepare legislation providing for the revision and recodification of such statutes, and any revisions and recodifications contained in such legislation shall take effect only after they have been enacted into law.

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

This amendment transfers supervision over the statutory revision functions of the office of legislative services (provided for in chapter 278, laws of 1975) from a special committee which includes the legislative services committee to one which includes the legislative facilities committee to conform to the other changes made by HB 929.

Adopted.

(Rep. French in chair)

SB 73, relative to public jurisdiction over Mt. Monadnock and Gap mountain, providing for necessary land acquisition and improvements and making an appropriation therefor. (Amendment printed in SJ June 10)

The first amendment makes proper reference to the division of forests and lands which was formerly named the division of resources development. The second amendment corrects an error which resulted when the appropriation total was changed but not the bonding amount.

Adopted.

HB 281, providing that a divorce or annulment proceeding the court in awarding custody of a child shall not give a preference to either parent because of the parent's sex and may take into consideration the preference of the child.

AMENDMENT

Amend section 2 of the bill by striking out lines three through five and inserting in place thereof the following: tive to such custody, the court shall not give any preference to either of the parents of the children because of the parent's sex and the court may take into consideration any preference shown by said children.), so that said section as amended shall read as follows:

This amendment corrects an error in the amending language so that it conforms to the amended RSA section.

Adopted.

HB 329, authorizing cooperative fire protection with other states and the federal government.

AMENDMENT

Amend RSA 224:1-a, I as inserted by section 1 of the bill by striking out line one and inserting in place thereof the following: I. The director of forests and lands with the approval of the com-

This amendment changes the title of the director of resources development to the director of forests and lands because of the passage of another bill in this session.

Adopted.

HB 679, relative to legislative mileage.

AMENDMENT

Amend RSA 14:15-a, II as inserted by section 1 of the bill by striking out line one and inserting in place thereof the following: II. A member of the general court shall be allowed mileage per mile of the

This amendment makes a grammatical correction.

Adopted.

HB 411, providing for reduced service retirement benefits for group I members under the New Hampshire retirement system who have satisfied the requirement for a vested deferred retirement benefit, who have attained the age of fifty-five, but not the age of sixty, and who elect to receive a retirement allowance at such age.

HB 491, establishing a special study committee to study the effects of the equal rights amendment upon the revised statutes annotated.

Mabel L. Richardson For the Committee.

SENATE MESSAGE
CONCURRENCE

HCR 16, memorializing Congress to repeal the Occupational Safety and Health Act.

ENROLLED BILLS AMENDMENT

HB 929, relative to the powers and duties of the joint committee on legislative facilities and requiring the senate and house of representatives to fill a vacancy in the office of its presiding officer within thirty days after the vacancy occurs.

AMENDMENT

Amend section 1 of the bill by striking out lines 2 and 3 and inserting in place thereof the following: 38:24, 1975, 4:3 and 1975, 308:1 by inserting after paragraph XIV the following new paragraphs:

Amend 1973, 368:2, XIV through XXIII as inserted by section 1 of the bill by renumbering said paragraphs to read as XV, XVI, XVII, XVIII, XIX, XX, XXI, XXII, XXIII and XXIV, respectively.

This amendment renumbers paragraphs XIV to XXXIII as inserted by section 1 of the bill to reflect the insertion of paragraph XIV by chapter 308, laws of 1975, (HB 879).

Adopted.

SB 256, relative to the merger of the New Hampshire policemen's retirement system into the New Hampshire retirement system. (Amendment in SJ of June 11)

This amendment clarifies a reference in the bill to group II of the N.H. retirement system.

Adopted.

REJECTION COMMITTEE OF CONFERENCE REPORT
REQUESTS NEW COMMITTEE

SB 149, relative to increasing the maximum age of neglected or abused children until completion of high school.

The President appointed Sens. Stephen Smith, Sanborn and Blaisdell.

Rep. Hager moved that the House accede to the request for a new committee of conference.

Adopted.

The Speaker appointed Reps. Hager, Krasker, Edmund Keefe and Torrey.

CONFEREE SUBSTITUTIONS

HB 523, Reps. Brouillard and Russell replaced Reps. Ramsey and Noble.

SB 182, Rep. Ames replaced Rep. Robert Callahan.

COMMITTEE OF CONFERENCE REPORTS

HB 55, requiring carnival-equipment operators to register with the insurance commissioner the number of pieces of equipment to be operated and certifying a minimum liability insurance coverage. (Report printed in SJ June 11)

Adopted.

HB 56, relating to a general revision of laws regulating land surveyors. (Report printed in SJ June 11)

Adopted.

HB 596, relative to computing grants under the school building aid program. (Report printed in SJ June 11)

Adopted.

HB 937, relative to the publication of statutes and making appropriations for the republication of volumes 2, 2-A and 2-B of the Revised Statutes Annotated and for the 1977 supplements to the RSA. (Report printed SJ June 12)

Adopted.

ENROLLED BILLS REPORT

HB 961, legalizing various town meetings.

HB 997, requiring the auditing of town, school district, village district or precinct records within one year after the end of the fiscal year and providing for private audits when necessary.

SB 66, providing additional cost of living increases for retired members of the N.H. Teachers' Retirement system, the N.H. Policemen's Retirement system, the N.H. Firemen's Retirement system, the N.H. Retirement system and the State Employees' Retirement system and making appropriations therefor, and providing for the funding of actuarial studies out of an interest assumption change.

SB 105, providing additional retirement allowances for teachers who retired prior to July 1, 1957 and making an appropriation therefor.

SB 221, exempting carriers under contract with governmental units from regulations under RSA 375-B.

SB 298, providing for the transition of executive power to the governor-elect.

HB 699, relative to the commissioner of safety and the field representative of the police standards and training council participating in the N.H. retirement system; transferring the director of fish and game from group I to group II of the N.H. retirement system and making an appropriation therefor; and allowing certain employees to withdraw from the state retirement system of which they are a member.

HB 929, relative to the powers and duties of the joint committee on legislative facilities and requiring the senate and house of representatives to fill a vacancy in the office of its presiding officer within thirty days after the vacancy occurs.

SB 293, establishing a committee to study the creation and operation of a new forensic unit for the New Hampshire hospital and making an appropriation therefor.

HB 534, relative to the taking and stocking of pheasants, establishing a separate account for all monies collected from the sale of pheasant stamps and appropriating the same for the purchase or propagation of pheasants.

HB 841, relative to inspection reports and certificates relating to boilers and unfired pressure vessels; the disposition of certificate fees; and authorizing the labor commissioner to issue general regulations under RSA 157-A.

HB 887, prohibiting a decrease in the amount of public assistance to certain persons due to increase in social security or other federal assistance to those persons.

HB 922, amending in general the RSA chapter relative to the state board of fire control.

HB 943, amending the RSA chapter on firewards, firemen and fire hazards.

SB 256, relative to the merger of the New Hampshire policemen's retirement system into the New Hampshire retirement system.

HB 56, relating to a general revision of laws regulating land surveyors.

HB 459, relative to certifying public institutions as intermediate care facilities.

HB 508, establishing a housing finance agency.

HB 562, relative to procedures for consolidation of banks.

HB 596, relative to computing grants under the school building aid program, and allowing temporary loans made by municipalities and counties to mature within two years from their dates of issue.

HB 814, imposing restrictions on political advertising and providing penalties therefor.

Mabel L. Richardson For The Committee.

SUSPENSION OF RULES

Rep. Gardner moved that the rules and joint rules be so far suspended as to allow consideration of a committee report not previously advertised in the calendar and permit passage of the bill and transmission to the senate at the present time.

Adopted by the necessary two-thirds.

HB 838, relative to security deposits of tenants of residential premises. Banks and Insurance.

HB 888, establishing procedures for class actions in state courts. Judiciary.

HB 902, establishing a committee to study certain aspects of the divorce laws and the creation of a family review board for proceedings in which custody of a child is contested. Judiciary.

HB 951, establishing a committee to study and report on the cause and prevention of sex crimes. Judiciary.

HB 966, relative to a plea of insanity. Judiciary.

HB 972, relative to the habitual offender law in the operation of motor vehicles. Judiciary.

HB 746, dealing with unemployment compensation. Executive Departments.

HB 801, relative to the definitions of employee and salaries employee and to the payment of wages. Executive Departments.

HB 833, to prohibit certain hiring and employment practices. Executive Departments.

HB 679, relative to legislative mileage. Rules.

HB 879, directing the joint committee on legislative facilities to study and report on legislative printing. Rules.

HB 929, relative to the powers and duties of the joint committee on legislative facilities. Rules.

HB 950, relative to the legislative budget assistant. Rules.

HB 987, increasing the membership of the legislative services committee. Rules.

HB 402, repealing the statutes requiring quarterly audits of the accounts of county commissioners, county farms, and county treasurers and requiring annual audits of the records of county officers and clerks of the superior court. Executive Departments.

HB 550, relative to procedures for changing zoning ordinances. Executive Departments.

HB 789, limiting recreational boats and motors on Indian Pond in Orford to five horsepower or less. Recreation.

HB 867, providing for the test of education voucher programs. Education.

HB 926, relative to the restoration and refurbishing of the house and senate chambers. Facilities.

HB 309, relative to the term of office for members of the Laconia board of education. Cities

HB 831, amending the city charter of Laconia relative to absentee voting. Cities.

HB 916, amending the city charter of Lebanon. Cities.

HB 894, increasing the retirement benefits for certain retired employees of Manchester. Cities.

HB 947, amending the charter of the city of Manchester to provide for the election of three aldermen-at-large. Cities.

HB 645, prohibiting elected or appointed municipal, county or state officials from suing the municipality, county or state at public expense. Executive Departments.

HB 700, to authorize review and approval of site plans for parking facilities by planning boards. Executive Departments.

HB 904, providing for the dissolution of insurance companies under certain circumstances. Banks and Insurance.

HB 905, permitting the commissioner of insurance to levy administrative fines for certain violations by claims adjusters. Banks and Insurance.

HB 906, permitting the commissioner of insurance to require certain information from insurance companies. Banks and Insurance.

HB 913, requiring the licensing of public insurance adjusters. Banks and Insurance.

HB 834, relative to the requirements for becoming an instructor of cosmetology. Public Institutions.

HB 472, relative to management of solid waste and establishing a bureau of waste matter management. Environment.

HB 566, to extend the time limit for eliminating burning dumps for certain towns. Environment.

HB 799, relative to regulation of emergency medical services and renaming the ambulance service coordinating board. Public Institutions.

AN ACT

relative to the taking and stocking of pheasants, establishing a separate account for all monies collected from the sale of pheasant stamps and appropriating the same for the purchase or propagation of pheasants.

Amend the bill by striking out section 4 and inserting in place thereof the following:

4 Taking of Pheasants. Amend RSA 209:2 (supp), as amended, by striking out said section and inserting in place thereof the following:

209:2 Pheasants. Pheasants may be taken from October first to November ninth inclusive. A person shall not take more than two pheasants in one day, one of which may be female. A person shall not take more than ten pheasants in any one calendar open season, or have in his possession at one time more than two days' bag limit of pheasants.

5 Stocking of Pheasants on Certain Land Prohibited. Amend RSA 212 by inserting after section 20 the following new section:

212:20-a Stocking of Pheasants on Certain Land Prohibited. No person may stock pheasants on land which is more than nine hundred feet above sea level.

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

Amendment adopted. Ordered to third reading.

HB 929, relative to the powers and duties of the joint committee on legislative facilities. Ought to pass with amendment. Sen. S. Smith for the Committee on Rules and Resolutions.

Sen. S. SMITH: This bill basically outlines the duties and powers of the Joint Committee on Legislative Facilities, establishing salary schedules for employees, studying ways of improving the legislative operation and organization, appointment of the Legislative Budget Assistant, Director of Legislative Services, coordinate activities of the office of Legislative Budget Assistant. It is basically the housekeeping functions of the Legislature, which this bill establishes within the Legislative Facilities Committee. It makes it mandatory to issue reports, sets up a means of dismissal of the Legislative Budget Assistant, appointment of assistants, how to fill vacancies of the Legislative Budget Assistant, and the final section deals with filling the vacancy of the presiding officers of both houses. I think this bill is long overdue and hope the Senate will vote for it.

Sen. MONIER: Is this the one that, when I had it in front of the Rules Committee I raised several questions about the changes of the Legislative Budget Assistant from the Fiscal Committee to the Legislative Facilities Committee, in which the chairman of the Finance and the chairman of the chairman of Appropriations is now appointed to the Legislative Facilities Committee and therefore we no longer have the Legislative Fiscal Committee?

Sen. S. SMITH: We still have the legislative Fiscal Committee which the chairmen of the Senate Finance and House Appropriations Committee are members. But they are also members of this committee, and would have a loud voice in choosing the Director of the Budget Office.

Sen. MONIER: Is this the whole reorganization internally by which the legislative fiscal matters now come under the Legislative Facility Committee?

Sen. S. SMITH: No, this does not do that. There is still a Fiscal Committee which deals with the fiscal problems of the state which arise during the interim. What it does do is place within the Legislative Facilities Committee the general managerial function of the head of that office and of other offices within the legislative branch.

Sen. MONIER: Let me put it another way. I think I asked the question in the Rules Committee meeting at which I said I appeared neither in support or opposition, but merely to ask questions. When I look at the amendment would you just tell me what the amendment has done some of the questions that were asked at that committee hearing?

Sen. S. SMITH: I don't think I was at that hearing. I think what the amendment does is to make a rather firm and sound system and a unified system of management of all legislative offices.

Sen. MONIER: I see, to review and approve all joint legislative budgets, that they review and approve all joint legislative budgets, that they establish salary schedules for all employees of joint legislative service agencies and departments. I see that they study the ways and means to improve the legislative operation. I see that they appoint the Legislative Budget Assistant and Director of Legislative Services and establish the salaries for these. They coordinate the activities of the Office of Legislative Budget Assistant and the Office of Legislative Services and such other joint legislative offices. They coordinate and oversee the intergovernmental relations program on behalf of the General Court, etc. My question is simply this. How many committees now do this, that we are going to concentrate into one committee now?

Sen. S. SMITH: That would be difficult to answer. There are some new functions there. For instance in the intergovernmental relations area I don't think any one committee in the House kind of oversees. There are kinds of intergovernmental groups and so on, to which a state can belong. I think it is important in that area, for instance, that there be some planning, thought as to which ones the state of New Hampshire can most greatly benefit from and which ones they should belong to. I think it is important that these functions which you have mentioned be coordinated through one group rather than have different groups within the legislative process. We have Legislative Facilities, we have had legislative this, that and the other thing, attempting to run various parts of the Legislature. I think this coordinates the efforts of legislative management, and the bill we passed earlier broadens the representation of the Legislative Facilities Committee.

Sen. MONIER: Would you mind explaining to me what would be the normal procedure now under a Legislative Budget Assistant's audit of a state agency or any other aspect. For example, at the current time they are under the direct supervision of the Legislative Fiscal Committee who may or may not direct their activities to a particular function.

Sen. S. SMITH: They may. I don't think that this committee involves itself in that area. What it does do is involve itself only in general hiring or replacement of the Director of Legislative Services or the Director of the Legislative Budget Office.

Sen. MONIER: To whom does the function of the Legislative Budget Assistant, which is a very important audit concern in the state of New Hampshire, to whom does he now report, to whom do the reports go for final analysis?

Sen. S. SMITH: Under this he would still report to the Fiscal Committee. His appointment or removal is subject only to the Legislative Facilities Committee.

Sen. TROWBRIDGE: Right now the Legislative Fiscal Committee does and would appoint the LBA. I think the Legislative Services Committee, which is another one, appoints Arthur Marx. These are two different groups, two different compositions. What this bill does is, the appointment power of those two offices, which are two sort of major branches of our staff, the Budget Assistant and Legislative Services, would be appointed by this Legislative Facilities Committee which has the responsibility for providing services to the membership. However the Fiscal Committee would still go along as it is, this was agreed, to do the audits, to be independent of that as the post-audit function of the state. That will still be done by the Fiscal Committee and the LBA will report to the Fiscal Committee for that purpose. So that this is not changing the rules on that side one bit.

Sen. MONIER: At the present time we are currently in our legislative activities spending twice what we did two years ago, which was in turn about one-third that we were doing two years before that.

Sen. TROWBRIDGE: That is not quite true because into the legislative budget has come a great many things which we did not have before. Just like we have taken over this compilation of statutes, we have taken over the administrative procedure act which is in the legislative budget which wasn't there before. Lots of things have come into the legislative budget which used to be done by the Secretary of State and other people. So you can't compare.

Sen. MONIER: Would you agree with me that that is exactly what my point is. Under the legislative management act of putting things together, which I might admit is very efficient, we have accummulated a lot of activities from other agencies which used to be doing it. We have them under separate committees, and now we are going to put them under one. Would you agree with me that that may be efficient but it also creates one heck of a good power?

Sen. TROWBRIDGE: One thing that is interesting in broadening the committee, which they have done, they have broadened it substantially, whereas before the only

people who served on all the committees, who were common, turned out to be Arthur Drake and myself. All the other ones changed, and no one knew what the other one was doing. So it became very difficult when all of a sudden I have my Legislative Services hat on and you are talking to one group of people who didn't know what you had done over in the Fiscal Committee and didn't know what you had done in the Facilities Committee, and it was total confusion. So you can call it power if you want, but it's a matter of one hand knowing what the other hand is doing, which right now isn't true.

Sen. MONIER: We have now accumulated within the Legislature and within the particular leadership under this new management under one committee many functions that the Legislature previously did not have control of which has cost us more money and which now puts it into the hands of the elected leadership and/or a few of the elected leaders of the party. Am I wrong or right?

Sen. TROWBRIDGE: No that is not correct.

Sen. MONIER: Then how do these people get selected for this committee?

Sen. TROWBRIDGE: They are elected President of the Senate, elected Speaker, elected Majority Leader, elected Minority Leader, we are elected by our own people. The point is that all of the functions that I see here except for the appointment of the LBA which used to be under the Fiscal Committee, which the Fiscal Committee could care less about appointing, all the rest of this is material that we have all tried to do. When we come into session we say, where are the desks, where is the paper, where are the secretaries, where is the staffing? We have our own committee on staffing in the Senate because there is no other way to do it. What we are trying to do is recognize that all of these functions we now do, every single one of them, we just never put them into a bill.

Sen. MONIER: Would you believe that now we all understand what the bill is about.

Sen. TROWBRIDGE: Yes.

Division on committee report. 8 yeas, 14 nays.
Amendment failed.

Sen. Downing moved HB 929 be laid on the table.
Adopted.

Sen. Foley moved HB 832 be taken from the table.
Division vote: 13 yeas, 9 nays.
Adopted.

HB 832, to the termination of tenancies. Refer to interim study by Judiciary.

Sen. BRADLEY: I would like to ask the Senate to vote down the pending motion and this would allow Sen. Foley to make her amendment and allow HB 832 to be debated. The amendment has been reworked very substantially, and has the agreement I feel of a number of various factions, and is not a pro-tenant or a pro-landlord bill, but is a very reasonable compromise and takes care of some situations that need to be taken care of. I would like to ask at this point that you would allow the amendment to be brought out so it can be explained, and then you can decide whether you want to vote it up or down.

Sen. ROCK: As the chairman of the committee that heard these bills, I just happen to have to say that we were looking here at a very confusing issue. The sponsor of these bills when they were to be heard brought them before the committee with the recommendation that the three pieces of legislation that passed the House be set aside and that instead a completely new piece of legislation be considered at a very late date in the Legislature. The committee hearing these bills felt that while there were many worthwhile parts to them that there was a need, a very strong need to send them to interim study to find out exactly what the good parts were and not to try to rush them through in what might be a very disruptive bill at the last stages of the session. If there are amendments, I am sure the committee on the Judiciary to whom this is hopefully being referred, would consider those as well as any other parts of the bill. But to open up this bill at this time, to add further amendments, and to go against this committee report I think would be a very dangerous precedent.

part of the real estate of a decedent, in such manner and upon such notice as the judge shall order. Before such license is granted the petitioner shall file an affidavit of the names and addresses of all persons known to him as having or claiming any interest in said real estate and whether or not there is a lien for aid to the permanently and totally disabled or for old age assistance upon the property to be sold. RSA 559:10, 11 14 and 15 shall apply to licenses and sales herein authorized. If there are heirs or legatees under disability, or whose whereabouts are unknown, or unknown heirs, the judge may appoint a guardian ad litem to represent their interests; said guardian ad litem to have authority to consent to a sale if, in his opinion, the best interests of his ward would be served thereby.

5 Title to Purchaser. Amend RSA 559:19 by striking out in line four the words "will, but the claims of all such persons" and inserting in place thereof the following (will, including the state for liens for aid to the permanently and totally disabled and for old age assistance but the claims of all such persons including the state) and by inserting in line seven after the word "debts" the following (liens for aid to the permanently and totally disabled and for old age assistance,) so that said section as amended shall read as follows:

559:19 Title; Accounting. Any sale made upon such license shall convey title to said real estate free from all claims of creditors of the decedent and of all other persons claiming under the decedent or under his will, including the state for liens for aid to the permanently and totally disabled and for old age assistance, but the claims of all such persons including the state shall be a charge upon the proceeds of the sale. The proceeds of such sale shall be accounted for to the probate court and, except for such deductions as the court may make for the payment of debts liens for aid to the permanently and totally disabled and for old age assistance, legacies, inheritance taxes, and expenses of administration, shall be paid over on distrubtion of the estate to the person or persons who would have been entitled to such real estate and in the proportions to which they would have been entitled had it not been sold.

6 Effective Date. This act shall take effect sixty days after its passage.

Amendment adopted. Ordered to third reading.

Sen. Jacobson moved to take HB 929 from the table.

Adopted.

HB 929, relative to the powers and duties of the joint committee on legislative facilities.

Sen. Jacobson offered an amendment.

Sen. JACOBSON: If the members of the Senate would like to turn in their books to the original HB 929, I will try to explain it. The bill begins with XIII. We passed another bill two days ago with XIII in it. It had to do with the Legislative Facilities Committee reviewing printing costs. The Legislative Facilities Committee does not make improvements. It simply studies, it becomes recommendatory to each body, rather than to make the decisions as it did in the original bill. Then we go on to number XVII. There has been considerable concern about number XVII about the Legislative Budget Assistant. If you will trust me and the Clerk of the Senate and the Assistant Clerk, that will come out and the Legislative Budget Assistant will remain with the Fiscal Committee as it is now. There seems to be a tremendous concern about that. Rather than to lose the good points of this bill on the horns of that question we are removing that so that the amendment, if we adopt the amendment, will remove the references to the Legislative Budget Assistant. Then we go on the old XVIII is crossed out of the amendment. XIX is the new XVIII. That one there is changed considerably. The old one said that the Legislative Facilities Committee was going to coordinate the activities of the Senate Clerk, Senate Sergeant-at-Arms, the House Clerk and House Sergeant-at-Arms and all such other things. The amendment simply has to do with, having the Legislative Budget Assistant out of there, the office of Legislative Services and such other joint legislative agencies and offices as may be created by the General Court. So what it does is gives supervisory power over the agencies, with the exception of the Legislative Budget Assistant. It gives supervisory power to the Legislative Facilities Committee for those agencies which are the service agencies for the Legislature. Now the old XX is out, the old XXI is out, and XIX is

the old XXII. That is as it was in the original bill. Again, it is a general supervisory one. Now the amendment in XX is the old XXIII. This has to do with providing such things as furniture, stationery and other supplies and equipment, and the amendment takes out one word, "members", so that the Senate members will have control over their own furniture and stationery, etc. and the House members will continue to have their own control over and will not be subject to the Legislative Facilities Committee. That is exactly as it is now. XXI is exactly the same, and that is to establish published rules of procedure for the conduct of the business of the committees, which is a reasonable part of it. XXII is a general category, to perform such duties and responsibilities as may be assigned to the committee from time to time by the two houses. XXIII is one which receives the various reports that may come to the committee. When you come to section 2, all of the section on the Legislative Budget Assistant is to be taken out and remain back in the Fiscal Committee. So we then drop over to the middle of page 37 where it says the appointment of the Director of Legislative Services. Now he presently is appointed by the Legislative Services Committee. That is eliminated and put together in one committee. It is really a very small change. What it does is makes the Legislative Facilities Committee responsible for the appointment and all the relationship with Legislative Services whereas now it is a separate committee from the Legislative Facilities Committee. So we make it into one committee, and Legislative Services will be responsible to that. Then the last amendment is the old SB 27 which passed this House unanimously and was sent to committee to study. All it does is provide for the appointment of a Speaker or a President of the Senate, in the event of a vacancy, within thirty days. Now that is what the amendment to HB 929 is. I would be glad to answer any questions.

Sen. MONIER: I think we would have had less problems if we had had this done to us quite some time ago. In XIV it says that it allows the House and Senate to control their own budget. Would you speak to me just briefly as to who does now.

Sen. JACOBSON: The budget is controlled by the President in conjunction and approval with the Finance Committee.

Sen. MONIER: Then is there any real change in it?

Sen. JACOBSON: There is no significant change except we have passed HB 878 which establishes the Senate members of the Legislative Facilities Committee as the supervisor of the budget with respect to approving the budget for the Senate.

Sen. MONIER: Then in truth without the package of which HB 878, had that not been passed or if we did not add this, this would remain the same, so that it really changes nothing?

Sen. JACOBSON: Except that it establishes in the section that they can do it. It gives them that authority. This establishes the various things that the Legislative Facilities Committee can do. Under present statute there are twelve things that they can do. We passed the thirteenth one, and we now begin with the fourteenth one.

Sen. MONIER: So in a sense then XIV here is simply because we passed the other bill which was an assent to establish the committee that we are now going to deal with on this.

Sen. JACOBSON: The committee is already established. What that bill did was to add two new members, one from the House and one from the Senate in the hopes that we would appoint a member from the minority.

Sen. MONIER: On XV, make certain that salaries are common, etc. Are they uncommon now? Does the House set its and the Senate sets its, and they are not compatible or what?

Sen. JACOBSON: They are not compatible at the moment. The range in the House is upwards to $70.00 There is no one in the Senate that gets $70.00 or anywhere near that except the clerks which is established by statute. There is no one that gets more than $40.00. In the House there are several that are $45.00, $47.00, and $70.00 is the top.

Sen. MONIER: The basic thing that I am asking though is if we wanted to in the Senate under the authority we now have we could be paying similar salaries?

Sen. JACOBSON: We could be paying similar salaries if that is the way you want to spend the money.

Sen. MONIER: That is right. But I am still saying that what we are adding here is not a new authority that we don't already have?

Sen. JACOBSON: We are changing the authority to a conjoint authority of this subcommittee. At the present time the President of the Senate has the authority with the approval of the Finance Committee.

Sen. MONIER: At the present time the Speaker of the House has that authority with the consent of the fiscal committee?

Sen. JACOBSON: I presume that is correct.

Sen. MONIER: I suppose I could ask, are the salaries for the Senate assistants going up or are the House's coming down?

Sen. JACOBSON: That is something I can't predict. This is not a question of economic forecast.

Sen. MONIER: On XX, isn't this the way it is now?

Sen. JACOBSON: At the present time under XX, the President of the Senate and the Speaker of the House are generally in control of that, without reference to anybody else.

Sen. MONIER: Now on the control is going to be through a committee which the Speaker of the House and the Majority Leaders and the Minority Leaders are all on?

Sen. JACOBSON: Plus two members of the House and two members of the Senate.

Sen. MONIER: Once again, we now have almost a similar situation. We really haven't added that much in XX?

Sen. JACOBSON: That is a matter of point of view.

Sen. MONIER: Under XVIII, if we strike this out, then once again we have a situation that is as it is now because we aren't going to change it?

Sen. JACOBSON: No, it is not going to be as it is now because at the present time there are two committees that handle the legislative agencies. In fact, there are three committees that handle legislative agencies—the Fiscal Committee, the Legislative Services Committee, and the Legislative Facilities Committee. As it stood, it put it all under one committee. Now it reduces one committee, so there will still be two committees—the Fiscal Committee functioning in the Legislative Budget Assistant and the Legislative Facilities Committee functioning in the other areas.

Sen. MONIER: On XIX, coordinate and oversee intergovernmental relations, etc. Who does this now?

Sen. JACOBSON: To tell you the truth, there is no authority for anyone to do it. It has been an ad hoc thing done by the President of the Senate who says, Senator A, why don't you go to that committee over in Washington. The Council of State Governments says, why don't you appoint someone to this committee. This really is a way of coordinating the activities so that we get the proper input without the waste of funds that has gone on in previous years where we sent six or seven people to a meeting instead of sending one person to the meeting, attend all the meetings, make a report back.

Sen. MONIER: What you are saying in this one, as I understand it, is that we are going to save some money here?

Sen. JACOBSON: I believe we are going to save some money on that one.

Sen. MONIER: One other part in XIX, to recommend to the General Court participation in specific intergovernmental programs, etc. Is this recommendation going to be to the full Senate, the full House, or is it going to be once again to this special committee?

Sen. JACOBSON: It says specifically, to recommend to the General Court.

Sen. MONIER: There would be a report or something, which then would they act upon in a sense of a resolution or something of this nature?

Sen. JACOBSON: They may well, or they may say, that's great; we accept it.

Sen. MONIER: Is it possible that the committee will make the decision without the full General Court having an access to it in the sense of voting on it?

Sen. Preston moved the previous question.

Adopted.

Division vote: 17 yeas, 4 nays.

Amendment to HB 929

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

relative to the powers and duties of the joint committee on legislative facilities and requiring the senate and house of representatives to fill a vacancy in the office of its presiding officer within thirty days after the vacancy occurs.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Duties and Authority Expanded. Amend 1973, 388:2, as amended by 1974, 38:24 and 1975, 4:3 by inserting after paragraph XIII the following new paragraphs:

XIV. To review and approve all joint legislative budgets;

XV. To establish salary schedules for all employees of joint legislative service agencies, departments and agencies, except the legislative budget assistant and employees of his office, and to assist and advise the presiding officer of the two houses in developing relatively uniform salary schedules for house and senate employees and officers;

XVI. To study ways and means to improve the legislative operation, organization, procedures, facilities and working conditions, and to make quarterly reports to the regular session of the general court concerning its findings.

XVII. To appoint the director of legislative services, and to establish the salary for this position and for the director or head of any other joint legislative agency, department or office, except as otherwise provided;

XVIII. To coordinate the activities of the office of the legislative budget assistant and the office of legislative services, and such other joint legislative agencies and offices as may be created by the general court, and to establish operating policies for these agencies and offices;

XIX. To coordinate and oversee intergovernmental relations programs on behalf of the general court, and to recommend to the general court participation in specific intergovernmental programs and activities including participation by the general court and its members in interstate and interlegislative organizations; and to apply for, receive and administer all joint grants and appropriations for these purposes;

XX. To provide necessary furniture, stationery and other supplies and equipment for the use of the committees, agencies and offices of the general court with the exception of those offices and other spaces provided in 1974, 38:1, II. (a);

XXI. To establish published rules of procedure for the conduct of the business of the committee;

XXII. To perform such other duties and responsibilities as may be assigned to the committee from time to time by the two houses; and

XXIII. To receive from the several agencies, departments and offices of the general court who shall report to the committee their budget requests, personnel and supply requirements and such other information as the committee may require, and to assist in the orderly disposition of these requests.

2 Appointment of Director of Legislative Services. Amend RSA 17-A:2, as inserted by 1963, 297:1, by striking out said section and inserting in place thereof the following:

17-A:2 Appointment. The joint committee on legislative facilities shall appoint the director of legislative services and fix his salary. He shall hold office for a term of two years coterminous with the biennial legislative term. The first of said appointments shall be made for a term commencing on July 1, 1975 and ending at 12:01 a.m. on th efirst Wednesday in December 1976. He shall be chosen without reference to party affiliation and solely on the ground of his fitness, qualifications and experience to perform the duties of his office. In the performance of its duties under this chapter, said joint committee may act whether or not the general court is then in session; and seven members thereof shall constitute a quorum.

3 Assistants. Amend RSA 17-A:4, as inserted by 1963, 297:1, by striking out in line two the words "special committee hereinbefore referred to" and inserting in place thereof the following (joint committee on legislative facilities) so that said section as amended shall read as follows:

17-A:4 Assistants. The director may, subject to the approval of the joint committee on legislative facilities, appoint and fix the compensation of such additional professional, technical, clerical or other employees necessary to perform his functions and duties under this chapter. He may, subject to like approval, designate one of said employees to be his deputy to act in his absence.

4 Presiding Officer Vacancy to be Filled. Amend RSA 14 by inserting after section 2 the following new section:

14:2-a Presiding Officer; Vacancy. Within thirty days after a vacancy occurs in the office of president of the senate or speaker of the house of representatives, the senate or house of representatives, as the case may be, shall select a successor from among its members. If the senate or house is not in session when such a vacancy occurs, the branch concerned shall assemble at the state house not sooner than seven days nor

later than thirty days after the vacancy occurs on a date determined by the second ranking officer of the branch concerned. The clerk of that branch shall notify the mbers of the branch of the vacancy and the date on which selection of a successor is to take place.

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

Amendment adopted. Ordered to third reading.

Sen. Jacobson moved reconsideration of HB 828.

Sen. JACOBSON: I am asking reconsideration of HB 828 so that I may add an amendment to the Capital Budget Bill relating to the Gardner-Gile Forest.

Adopted.

HB 828 making appropriations for Capital improvements.

Sen. Jacobson offered an amendment.

Sen. JACOBSON: This is SB 143 put as a note to the end of the Capital Budget. It renames the John F. Gile Forest, the Gardner-Gile Forest.

Amendment to HB 828

Amend the bill by striking out section 26 and inserting in place thereof the following:

26 Chapter Title Change. Amend the chapter title of RSA 216-E by striking out the words "Gile Forest" and inserting in place thereof the following (Gardner-Gile Forest) so that said chapter title as amended, shall read as follows:

CHAPTER 216-E

Gardner-Gile Forest

27 Name Changed. Amend RSA 216-E:3 (supp) as inserted in place thereof the following (Gardner-Gile) so that said section as amended shall read as follows:

216-E:3 Name, Administration. Upon acquisition by the state said tract shall be known as the Gardner-Gile Forest. Said forest shall be administered as provided in RSA 219 and in accordance with a comprehensive plan of management to be established by the commissioner in cooperation with the director of fish and game and with other appropriate state agencies.

28 Effective Date.

I. Sections 1 through 17 and sections 20 through 27 of this act shall take effect July 1, 1975.

II. Sections 18 and 19 of this act shall take effect upon its passage.

Amendment adopted. Ordered to third reading.

Senator Bossie moved to suspend the rules of the Senate to allow introduction of a committee report not previously advertised in the calendar regarding SR 15.

Sen. BOSSIE: This is in regard to HB 868 which was in our committee. The committee felt that before we could act on it we really should have a ruling from the Supreme Court. Needless to say, this will effectively kill the legislation for this session. But rather than act on something we consider highly probable as being unconstitutional, we prefer to do it this way. Basically the bill would prohibit oil producers and refiners from operating retail gasoline stations and requiring oil suppliers to treat gasoline dealers uniformly. Basically it would give them a year or so in order to sell out their interests to individual owners here in New Hampshire. While the bill has great merit, and I personally think so, we really cannot be permitted to discriminate against large oil companies just because they are large oil companies and just because they are wreaking excessive profits probably from us. So the idea is to send it to the Supreme Court and to get their interpretation. Certainly if it is found Constitutional, I am going to back the bill.

Division: 19 yeas; 0 nays. Motion adopted.

HB 75, prohibiting persons from seeking or holding office as a member of the general court and county commissioner at the same time and providing for the election of county committees in state primary elections and requiring clarification of state primary ballots regarding election of state party convention delegates and eliminating the category of "favorable to" a presidential candidate in elections of delegates to national nominating conventions of political paparties.

HB 726, establishing a police commission for the town of Hooksett.

HB 841, relative to inspection reports and certificates relating to boilers and unfired pressure vessels; the disposition of certificate fees; and authorizing the labor commissioner to issue general regulations under RSA 157-A.

HB 888, establishing procedures for class actions in state courts.

HB 496, to protect a person's right to privacy and confidentiality and to prohibit the unreasonable acquisition, use and retention of personal information by state and local governments.

HB 469, requiring the discharge of a real estate mortgage must be by a written document.

HB 532, relative to the filing of pre-judgment orders of attachment.

HB 630, increasing the time period in which a person charged with driving while intoxicated must file notice to require the blood test administrator to attend the trial and authorizing the director of motor vehicles to restore a license revoked pursuant to the implied consent law where the person is not found guilty.

HB 281, providing that in a divorce or annulment proceeding the court in awarding custody of a child shall not give preference to either parent because of the parent's sex and may take into consideration the preference of the child.

HB 401, relative to recognizances of witnesses after arrest.

HB 857, relative to discrimination based upon physical or mental handicap.

HB 947, amending the charter of the city of Manchester to provide for the election of three aldermen-at-large.

HB 534, relative to the taking and stocking of pheasants, establishing a separate account for all monies collected from the sale of pheasant stamps and appropriating the same for the purchase or propagation of pheasants.

HB 85, establishing a municipal motor vehicle permit fee study committee.

HB 48, relative to license fees for unneutered male dogs and providing funds for the veterinary diagnostic laboratory.

HB 961, legalizing various town meetings.

HB 177, establishing districts for the election of county commissioners in Carroll County if adopted by local referendum.

HB 402, repealing the statutes requiring quarterly audits of the accounts of county commissioners, county farms and county treasurers and requiring annual audits of the records of county officers and clerks of the superior court.

HB 652, relative to the form and use of walking disability identification on motor vehicles, and providing for certain special motor vehicle license plates.

HB 516, relative to collective bargaining rights for public employees.

HB 527, relative to the powers of foreign electric utilities.

HB 696, relative to the operation of motorboats on Big Pea Porridge Pond in the town of Madison.

HB 871, permitting the state racing commission to employ public school teachers as assistants, establishing a director of greyhound racing and a director of horse racing and permitting the creation of public greyhound racing kennels and limiting those owned by a track.

HB 491, establishing a special study committee to study the effects of the equal rights amendment upon the revised statutes annotated.

HB 379, relative to education of handicapped children.

HB 376, providing for the acquisition of the Shell Camp Pond Dam in the town of Gilmanton and making appropriation for the purchase, repair or reconstruction of same.

HB 499, requiring a permit or license for those engaged in the business of designing or installing subsurface sewage or waste disposal systems under RSA 149-E and making an appropriation therefor.

Third reading and final passage

HB 662, relative to transfers of probate property subject to public assistance liens.

HB 929, relative to the powers and duties of the joint committee on legislative facilities and requiring the senate and house of representatives to fill a vacancy in the office of its presiding officer within thirty days after the vacancy occurs.

HB 921, relative to the power of certain colleges to grant degrees and the ratification of the incorporation of the Congregational Society in Peterborough.

HB 977, authorizing local units of government to enter into contracts for automated data processing for certain records.

HB 943, amending the RSA chapter of firewards, firemen and fire hazards.

HB 401, relative to recognizances of witnesses after arrest.

HB 788, relative to the appointment of guardians for incompetent persons and protective services to adults.

HB 630, increasing the time period in which a person charged with driving while intoxicated must file notice to require the blood test administrator to attend the trial and authorizing the director of motor vehicles to restore a license revoked pursuant to the implied consent law where the person is not found guilty.

HB 643, relative to the reporting of abused and neglected children.

HB 532, relative to the filing of pre-judgment orders of attachment.

HB 102, providing for the care and treatment of children with asthma and related lung disease and making an appropriation therefor.

HB 917, relative to various amendments to the consumer protection laws.

HB 726, establishing a police commission for the town of Hooksett.

HB 928, relative to the powers and duties of the joint committee on legislative facilities.

HB 679, relative to legislative mileage.

HB 976, providing opportunity in public education without discrimination.

HOUSE NONCONCURRENCE IN AMENDMENTS

HB 48, relative to the age requirements for dog licenses.

HB 595, permitting a court to require a delinquent child to make restitution.

HB 358, providing for verification and investigation of eligibility of applicants for aid to families with dependent children and making an appropriation therefor.

HOUSE CONCURRENCE IN AMENDMENT TO CONCURRENT RESOLUTION

CACR 4, all persons have the right to bear arms in defense of themself, their family, their property, and the State.

HOUSE ADOPTS COMMITTEE OF CONFERENCE RECOMMENDATION

HB 758, adopting a New Hampshire-Vermont interstate sewage and waste disposal facilities compact.

HOUSE ACCEDES TO COMMITTEE OF CONFERENCE

SCR 9, establishing a special legislative committee to conduct a study of food and souvenir concessions operations in the state parks.

The Speaker appointed Representatives Claflin, Flanagan, Horton and Doris Lynch.

SB 182, relative to municipal development of industrial facilities.

The Speaker appointed Representatives Hanson, A. Therriault, Robert Callahan and Gage.

SB 68, providing additional cost of living increases for retired members of the N.H. Teacher's Retirement system, the N.H. Policemen's Retirement system, the N.H. Firemen's Retirement system, the N.H. Retirement system and the State Employees' Retirement system and making appropriations therefor, and providing for the funding of actuarial studies out of an interest assumption change.

The Speaker appointed Representatives Drake, William Kidder, McLane and Roderick O'Connor.

Amend RSA 358-C:3 IV (d) (2) as inserted by section 1 of the bill by striking out line 2 and inserting in place thereof the following:

ing the debt. (For the purposes of RSA 358-C:3, IV, the use of language on
Amendment adopted.

HB 630, increasing the time period in which a person charged with driving while intoxicated must file notice to require the blood test administrator to attend the trial and authorizing the director of motor vehicles to restore a license revoked pursuant to the implied consent law where the person is not found guilty. Sen. Lamontagne for the Committee.

Enrolled Bills Amendment to HB 630

Amend RSA 267-A:69-m as inserted by section 2 of the bill by striking out line 6 and inserting in place thereof the following:

tion of ninety days when such person is not found guilty of a violation of
Amendment adopted.

HB 929, relative to the powers and duties of the joint committee on legislative facilities and requiring the senate and house of representatives to fill a vacancy in the office of its presiding officer within thirty days after the vacancy occurs. Sen. Lamontagne for the Committee.

Enrolled Bills Amendment to HB 929

Amend the bill by striking out section 5 and inserting in place thereof the following:

5 Statutory Revision. Amend RSA 17-A:1, III, as inserted by 1975, 278:1, by striking out said paragraph and inserting in place thereof the following:

III. Pursuant to the direction of a special committee consisting of the members of the joint committee on legislative facilities and the chairmen of the standing house and senate judiciary committees, the director shall perform a continuing review, revision and codification of the Revised Statutes Annotated, as amended, and all statutes of a public and general nature which are enacted at any session of the general court. The special committee established by this paragraph shall establish priorities for carrying out such revision and codification duties, and they shall consult with the director on a continuing review and revision of the Revised Statutes Annotated and all other statutes of a public and general nature to arrange such statutes in a systematic, annotated and condensed form. The director shall prepare legislation providing for the revision and recodification of such statutes, and any revisions and recodifications contained in such legislation shall take effect only after they have been enacted into law.

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

Amendment adopted.

HB 922, amending in general the RSA chapter relative to the state board of fire control. Sen. Lamontagne for the Committee.

Enrolled Bills Amendment to HB 922

Amend RSA 153:11 as inserted by section 8 of the bill by striking out line four and inserting four and inserting in place thereof the following:

shall be in the form prescribed by the board and shall contain a statement

Amend RSA 153:11 as inserted by section 8 of the bill by striking out line sixteen and inserting in place thereof the following:

and authority to submit his findings of facts in the case to the state police,
Amendment adopted.

HB 788, relative to the appointment of guardians for incompetent persons and protective services to adults. Sen. Lamontagne for the Committee.

ENROLLED BILLS AMENDMENTS

SB 256, relative to the merger of the New Hampshire policemen's retirement system into the New Hampshire retirement system. Sen. Lamontagne for the committee.

Enrolled Bills Amendment to SB 256

Amend paragraph IV of section 1 of the bill by striking out lines twelve through fourteen and inserting in place thereof the following:

of group II of the New Hampshire retirement system for the entire periods of their creditable service under either system and may be eligible for all benefits provided under RSA 100-A for police members of group II.

Amendment adopted.

HB 929 relative to the powers and duties of the joint committee on legislative facilities and requiring the senate and house of representatives to fill a vacancy in the office of its presiding officer within thirty days after the vacancy occurs. Sen. Lamontagne for the committee.

Enrolled Bills Amendment to HB 929

Amend section 1 of the bill by striking out lines 2 and 3 and inserting in place thereof the following:

38:24, 1975 4:3 and 1975 308:1 by inserting after paragraph XIV the following new paragraphs:

Amend 1973, 368:2, XIV through XXIII as inserted by section 1 of the bill by renumbering said paragraphs to read as XV, XVI, XVII, XVIII, XIX, XX, XXI, XXII, XXIII and XXIV, respectively.

Amendment adopted

FURTHER COMMITTEE OF CONFERENCE REPORTS

SB 204, relative to water resources board expenditure of fees on repair and maintenance of dams.

See HOUSE JOURNAL.

Sen. Trowbridge moved adoption of the report.

Sen. TROWBRIDGE: SB 204 was the bill that had Water Resources Board fees and expenditures. I was the one who nonconcurred because I thought too many people were dipping into the boat fund and there wouldn't be anything there or they would over-expend it. Since then I have been convinced that there is plenty of money in the boat fund to do the Pine River Dam. In fact there is still an excess left in the balance of the boat fund. The boat fund will build up again for the next biennium. So we added the Pine River Dam in this bill. That is the committee amendment.

Adopted.

SB 108, providing additional retirement allowances for teachers who retired prior to July 1, 1957 and making an appropriation therefor.

See HOUSE JOURNAL.

Sen. Trowbridge moved adoption of the report.

Sen. TROWBRIDGE: We put all the retirement bills in one committee of conference. The House has accepted the Senate version. This is the same thing you voted on for the old teachers, giving them their increase.

Adopted.

SB 66, providing additional cost of living increases for retired members of the N.H. Teacher's Retirement system, the N.H. Policemen's Retirement system, the N.H. Firemen's Retirement system, the N. H. Retirement system and the State Employees' Retirement system and making appropriations therefor, and providing for the funding of actuarial studies out of an interest assumption change.

See HOUSE JOURNAL.

Committee of Conference Report on HB 937

The committee of conference to which was referred House Bill 937, An Act relative to the publication of statutes and making appropriations for the republication of volumes 2, 2-A and 2-B of the Revised Statutes Annotated and for the 1977 supplements to the RSA, having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House each pass the bill as passed by the Senate.

Conferees on the Part of the Senate
Sen. W. Brown, Dist. 19
Sen. A. Jacobson, Dist. 7
Sen. D. Downing, Dist. 22
Conferees on the Part of the House
Rep. S. Duprey, Carr. 2
Rep. M. French, Belk. 1
Rep. J. Tucker, Sull. 4
Rep. R. O'Connor, Straf. 18

Sen. Jacobson moved adoption of the report.

Sen. JACOBSON: This is the bill which late in the evening on pass-over night I asked reconsideration on the amendment regarding the technical details of establishing the Legislative Facilities Committee with regard to supervising the printing and publishing of the RSA's. Sen. Brown, you looked it over, and it is exactly as it passed the Senate. There is no change from what it was when it passed the Senate.

Adopted.

ENROLLED BILLS COMMITTEE REPORT

HB 699, relative to the commissioner of safety and the field representative of the police standards and training council participating in the N. H. retirement system; transferring the director of fish and game from group I to group II of the N. H. retirement system and making an appropriation therefor; and allowing certain employees to withdraw from the state retirement system of which they are a member.

HB 929, relative to the powers and duties of the joint committee on legislative facilities and requiring the senate and house of representatives to fill a vacancy in the office of its presiding officer within thirty days after the vacancy occurs.

SB 293, establishing a committee to study the creation and operation of a new forensic unit for the New Hampshire hospital and making an appropriation therefor.

HB 534, relative to the taking and stocking of pheasants, establishing a separate account for all monies collected from the sale of pheasant stamps and appropriating the same for the purchase or propagation of pheasants.

HB 841, relative to inspection reports and certificates relating to boilers and unfired pressure vessels; the disposition of certificate fees; and authorizing the labor commissioner to issue general regulations under RSA 157-A.

HB 887, prohibiting a decrease in the amount of public assistance to certain persons due to increase in social security or other federal assistance to those persons.

HB 922, amending in general the RSA chapter relative to the state board of fire control.

HB 943, amending the RSA chapter on firewards, firemen and fire hazards.

CHAPTER 472.

AN ACT RELATIVE TO LEGISLATIVE PROCEEDINGS AND THE DUTIES AND EXPENSES OF THE CLERKS OF BOTH HOUSES.

Be it Enacted by the Senate and House of Representatives in General Court convened:

472:1 **Printing of Journals of the Proceedings.** Amend RSA 14:7, as amended, by striking out said section and inserting in place thereof the following:

14:7 **Journals of Proceedings.** As soon as possible after every final adjournment of a session of the general court, and in any case consistently with the schedule of performance set forth in contracts for printing and binding of the journals of the general court, the clerks of each house shall file with the printers of the permanent journals a copy of the proceedings of the respective houses in proper form for printing and corrected page proofs of each. The clerks, with the approval of the respective house or senate subcommittee of the joint committee on legislative facilities, may correct clerical errors or formal imperfections in the printed and bound permanent journals.

472:2 **Clerks to Preserve Certain Records.** Amend RSA 14:11 by striking out said section and inserting in place thereof the following:

14:11 **Preservation of Papers of General Court.** The clerks of each house at the close of each session shall properly classify, arrange, file and preserve all papers in their possession, except that all bills and joint resolutions having final action shall be deposited by them with the secretary of state, who shall preserve them.

472:3 **Repeal.**

I. RSA 14:6-a, relative to notice of private acts, is hereby repealed.

II. RSA 14:23, relative to incidental expenses of the clerks, is hereby repealed.

472:4 **Effective Date.** This act shall take effect upon its passage.

[Approved June 23, 1975.]

[Effective date June 23, 1975.]



CHAPTER 473.

AN ACT REQUIRING CARNIVAL-AMUSEMENT OPERATORS TO REGISTER WITH THE INSURANCE COMMISSIONER THE NUMBER OF PIECES OF EQUIPMENT TO BE OPERATED AND CERTIFYING A MINIMUM LIABILITY INSURANCE COVERAGE.

Be it Enacted by the Senate and House of Representatives in General Court convened:

473:1 **New Chapter.** Amend RSA by inserting after chapter 321 the following new chapter:

Vietnam bonus account for the purpose of repayment of the bonds authorized in section 9 of this act.

IV. The commissioner of revenue administration shall segregate all funds under paragraph I and the state treasurer shall use all funds in the Vietnam bonus account only until such time as all principal and interest charges of such bonds shall be paid. Any excess in the Vietnam bonus account at the close of a fiscal year shall lapse to the general fund.

478:11 **Effective Date.** This act shall take effect sixty days after its passage.

[Approved June 23, 1975.]

[Effective date August 22, 1975.]

1975 Laws

CHAPTER 479.

AN ACT RELATIVE TO LEGISLATIVE CONTROL OF STATE OFFICE SPACE AND PARKING FACILITIES AND PROVIDING THE DIRECTOR OF LEGISLATIVE SERVICES SHALL MAINTAIN A PERMANENT OFFICE IN THE STATE HOUSE OR LEGISLATIVE OFFICE BUILDING.

Be it Enacted by the Senate and House of Representatives in General Court convened:

479:1 **Assignment of Rooms by Governor and Council.** Amend RSA 4:6 by striking out said section and inserting in place thereof the following:

4:6 **Assignment of Rooms to Departments.** The governor and council shall assign rooms to different departments with the exception of the rooms and office space over which the legislature has control under the provisions of RSA 14:14-b.

479:2 **Legislative Control over Office Space and Parking Facilities.** Amend RSA 14 by inserting after section 14-a the following new section:

14:14-b **Office Space and Parking Facilities.** Notwithstanding any other provision of law to the contrary the following shall be assigned for use by the speaker of the house and the president of the senate:

I. The legislative parking facility;

II. The legislative office building; and

III. All rooms and other spaces in the basement and on the first and third floors of the state house, with the exception of rooms numbered 122, 123 and 124 and the passageway immediately adjacent thereto and rooms numbered 113, 114 and 115.

479:3 **Director of Legislative Services.** Amend RSA 17-A:3, as inserted by 1963, 297:1 by inserting in line two after the word "house" the following (or legislative office building) so that said section as amended shall read as follows:

17-A:3 **Office.** The director of legislative services shall maintain a permanent office in the state house or legislative office building where he shall be provided with suitable and sufficient offices convenient to the chambers of the house and senate and shall be in attendance upon all sessions of the general court. Said office shall be kept open during the time provided for other state offices, and when the general court is in session at

such hours, day and night, as are most convenient for members of the general court.

479: 4 **Joint Committee on Legislative Facilities.** Amend 1973, 368: 1, as amended by 1974, 38: 23, by striking out said section and inserting in place thereof the following:

368: 1 **Joint Committee Established.** The joint committee on legislative facilities as established by RSA 17-E: 1 shall conduct, supervise and coordinate the renovating, rebuilding, remodeling or construction of the state-owned building known as the Old Post Office located in Concord, New Hampshire in its sole discretion as it deems necessary, for hearing rooms, meeting rooms and other facilities for the use and control of the legislature and their supporting activities. Such committee shall also conduct, supervise and coordinate the planning and construction of a legislative parking facility to be located in Concord, New Hampshire for the use and control of the legislature and their supporting activities.

479: 5 **Effective Date.** This act shall take effect July 1, 1975.

[Approved June 23, 1975.]

[Effective date July 1, 1975.]

CHAPTER 480.

AN ACT RELATIVE TO THE DAILY AND PERMANENT JOURNALS OF LEGISLATIVE PROCEEDINGS AND THE INDEX TO THE SESSION LAWS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

480: 1 **Clerks Print and Distribute Daily Journals.** Amend RSA 20: 3 (supp), as amended, by striking out said section and inserting in place thereof the following:

20: 3 **Daily Journals.** The clerks of the senate and house of representatives shall:

I. Cause to be printed in pamphlet form at the close of each legislative day twelve hundred copies of the daily journals of their respective body, and

II. Cause one copy of each to be distributed to each member of the general court before the beginning of the session on the next legislative day, and

III. Cause twenty-five copies of each to be delivered to the state library each day.

480: 2 **Permanent Journals and Indexes.** Amend RSA 20 by inserting after section 3 the following new sections:

20: 3-a **Permanent Journals.** The clerks of the senate and house of representatives shall, at the close of each legislative session:

I. Cause such number of copies of the permanent journals, with indexes, of their respective house, as the president of the senate and the speaker of the house shall respectively direct, to be printed and bound.

II. Distribute without charge as many copies of said permanent journals as are requested to the state library, the attorney general, the president of

490:6 **Effective Date.** RSA 273-A:2 as inserted by section 2 of this act shall take effect sixty days after its passage and the remaining provisions of this act shall take effect one hundred eighty days after passage of this act.

[Approved June 24, 1975.]

[Effective date. Section 2 effective August 23, 1975 and remainder of act effective, December 21, 1975.]

1975 Laws

CHAPTER 491.

AN ACT AUTHORIZING THE LEGISLATIVE FACILITIES COMMITTEE TO RENOVATE THE STATE HOUSE HALL OF FLAGS AND ROOM 100 AND PROVIDE FOR THE TRANSFER OF THE VISITORS CENTER THERETO AND REVISING THE APPROPRIATION FOR SUCH RENOVATION.

Be it Enacted by the Senate and House of Representatives in General Court convened:

491:1 **Legislative Facilities Committee.** Notwithstanding any other statute to the contrary, the legislative facilities committee established by 1973, 368, as amended, shall plan and implement the renovation of the hall of flags and room 100 in the state house and the transfer of the state house annex visitors center to the state house.

491:2 **Powers and Duties.** In carrying out the provisions of this act, the committee shall have all the applicable powers and duties and authority given to it by 1973, 368, as amended, including but not limited to those provided for in 1973, 368:2, III and the following powers and duties:

I. The committee may hire an architect, designer and any other personnel as deemed necessary.

II. The committee shall have the authority to negotiate and contract for the renovation, redesign and remodeling of the state house hall of flags and room 100 and for the transfer of the visitors center to the hall of flags.

III. The committee may utilize the staff services of the department of resources and economic development.

491:3 **Legislative Chambers and Third Floor Renovation.**

I. Amend 1974, 38:1, II(a) by striking out said subparagraph and inserting in place thereof the following:

(a) Restore and refurbish legislative chambers and 3rd floor of state house	$160,000*

II. Further amend 1974, 38:1, II by striking out the footnote at the end of said paragraph and inserting in place thereof the following:

* The projects for which this appropriation is made shall, notwithstanding any statutes to the contrary, be under the control of the speaker of the house and president of the senate jointly, and in the expenditure of funds hereby appropriated, RSA 8 and RSA 228 shall not apply; provided, however, that upon completion of the restoration and refurbishing of the senate chamber, the restoration and refurbishing of the house chamber shall be under the control of the speaker of the house.

491:4 Hall of Flags and Room 100 Renovation. Amend 1974, 38:1, II by inserting after subparagraph (e) the following new subparagraph:

(f) Refurbish and reconstruct hall of flags and room 100 on first floor of state house —**

** The funds to be used for these projects shall, notwithstanding any statutes to the contrary, be made available from any unexpended and unencumbered balances of the appropriations made or transferred, or bond issues authorized by 1973, 368:4, 1973, 375:1, 1974, 38:25 and 1975, 4:1 and 4:2, upon completion and acceptance of the projects for which said appropriations, transfers or bond authorizations were first made. These projects for which this appropriation is made shall, notwithstanding any statutes to the contrary, be under the complete and sole control of the legislative facilities committee, except that the expenditure of funds hereunder shall be subject to approval of the governor and council. In the expenditure of funds hereby authorized to be expended, RSA 8 and RSA 228 shall not apply.

491:5 Effective Date. This act shall take effect upon its passage.

[Approved June 24, 1975.]

[Effective date June 24, 1975.]

CHAPTER 492.

AN ACT RELATIVE TO INFORMATION PRACTICES OF STATE AGENCIES AND ESTABLISHING A LEGISLATIVE COMMITTEE TO STUDY THE ACQUISITION, USE, DISSEMINATION AND RETENTION OF PERSONAL INFORMATION BY STATE AGENCIES.

Be it Enacted by the Senate and House of Representatives in General Court convened:

492:1 Information Systems. Amend RSA by inserting after chapter 7 the following new chapter:

CHAPTER 7-A

INFORMATION PRACTICES ACT

7-A:1 Definitions. In this chapter:

I. "Agency" means each state board, commission, department, institution, officer or other state official or group other than the legislature or the courts.

II. "File" means the point of collection of personal identifiable information.

III. "Machine-accessible" means recorded on magnetic tape, magnetic disk, magnetic drum, punched card, optically scannable paper or film, punched paper tape or any other medium by means of which information can be communicated to data processing machines.

IV. "Personal information" means any information that by some specific means of identification, including but not limited to any name, number, description, and including any combination of such characters, it is possible to identify with reasonable certainty the person to whom such information pertains.

with the commissioners of the county wherein the town is situated, and it shall thereupon become the duty of such commissioners to compel compliance therewith in the same manner as by law provided in case of defective highways. If any such complaint is made against the county commissioners concerning their duties as to cemeteries, for which they are responsible to maintain, it shall become the duty of the county attorney to compel their compliance with the law.

324:4 **Private Cemeteries.** Amend RSA 289 by inserting after section 12 the following new section:

289:12-a **Restriction on Certain Cemeteries.** No private cemetery association or corporation shall sell lots for a price less than that charged by the town for lots in a public cemetery. Any funds received from such sales in excess of those required for current expenses shall be placed in trust for the future care of such cemetery.

324:5 **Prohibitions.** Amend RSA 289 by inserting after section 26 the following new subdivision:

Prohibited Conduct

289:27 **Stone Rubbings.** No person shall make gravestone rubbings in any cemetery without first obtaining the permission of the selectmen or cemetery trustees. Any person who violates the provisions of this section shall be guilty of a violation.

289:28 **Logging Debris.** Any person who leaves debris in any cemetery as a result of a logging operation shall be guilty of a violation.

324:6 **Reporting for Out-of-Town Deaths.** Amend RSA 290 by inserting after section 4 the following new section:

290:4-a **Record of Interment Date.** In any case in which the town where the death occurred and the town of residence or burial is different, the burial permit shall indicate the actual date of interment where the dead body is stored in a tomb or vault prior to burial.

324:7 **Effective Date.** This act shall take effect 60 days after its passage.

[Enacted in accordance with Article 44, Part II, of N.H. Constitution, without signature of governor, June 28, 1977.]

[Effective date August 27, 1977.]

1977 Laws

CHAPTER 325.

AN ACT RELATIVE TO THE PUBLICATION OF THE REVISED STATUTES ANNOTATED.

Be it Enacted by the Senate and House of Representatives in General Court convened:

325:1 **Recompilation of Revised Statutes Annotated.** Amend 1975, 464:11 by striking out said section and inserting in place thereof the following:

464:11 **Appropriation for Recompilation of Certain RSAs.** There is hereby appropriated to the director of legislative services the sum of $30,000 for the recompilation of volumes 2, 2-A and 2-B of the Revised Statutes Annotated and such other volumes of the Revised Statutes Annotated as shall be approved by the joint committee on legislative facilities. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

325:2 **Effective Date.** This act shall take effect upon its passage.

[Enacted in accordance with Article 44, Part II, of N.H. Constitution, without signature of governor, June 28, 1977.]

[Effective date June 28, 1977.]

CHAPTER 326.

AN ACT RELATIVE TO THE CHANGE OF USE OF LAND SUBJECT TO THE CURRENT USE TAX.

Be it Enacted by the Senate and House of Representatives in General Court convened:

326:1 **Land Use Tax.** Amend RSA 79-A:7, I (supp) as inserted by 1973, 372:1 as amended by striking out in line 10 the words "on April first next following" and inserting in place thereof the following (upon) so that said paragraph as amended shall read as follows:

I. Land which has been classified as open space land on or after April 1, 1974 pursuant to this chapter shall be subject to a land use change tax when it is changed to a use which does not qualify for open space assessment. Said tax shall be at the rate of 10 percent of the RSA 75:1 full and true value, determined without regard to the open space assessed value, of the land changed to other than open space use. Notwithstanding the provisions of RSA 76:2, such assessed value shall be determined as of the actual date of the change in land use if such date is not April first. This tax shall be in addition to the annual real estate tax imposed upon such property, and shall be due and payable upon the change in land use. Nothing in this paragraph shall be construed to require payment of an additional land use change tax when the use is changed from one nonqualifying use to another nonqualifying use.

326:2 **When Land Use Change Tax Due.** Amend RSA 79-A:7, II (supp) as inserted by 1973, 372:1 as amended by striking out said paragraph and inserting in place thereof the following:

II. The land use change tax shall be due and payable by the owner at the time of the change in use to the town or city in which the property is located according to the following procedure:

(a) The commissioner shall prescribe and issue forms to the local assessing officials which shall provide a description of the property changed from open space use, the RSA 75:1 full value assessment, and the tax payable.

(b) The prescribed form shall be prepared in quadruplicate; the original, duplicate, and triplicate copy thereof shall be given to the collector of taxes for collection of the land use change tax along with a special tax

600:78 **Calculation of Time.** Amend RSA 149-E:3, II (supp) as inserted by 1967, 147:13 as amended by striking out said paragraph and inserting in place thereof the following:

II. The commission shall give notice in writing to the person submitting the plans and specifications for subdivision of land of its approval or disapproval of such plans and specifications within 30 days of the date such plans and specifications and the required fees are received by the commission and shall give notice in writing to the person submitting plans and specifications for sewage or waste disposal systems of its approval or disapproval of such plans and specifications within 15 days of the date such plans and specifications and the required fees are received by the commission. Unless such written disapproval shall be mailed to the person submitting plans and specifications within 30 days in the case of plans and specifications for subdivision of land and 15 days in the case of plans and specifications for sewage or waste disposal systems from the date of receipt with the required fees by the commission, the plans and specifications shall be deemed to have been approved. The commission shall send a copy of the approval or disapproval of such plans and specifications to the planning board or board of selectmen of the affected municipality.

600:79 **Hooksett Liquor Stores: Appropriation: Bonds.**

I. There is hereby appropriated to the division of public works the sum of $360,000 for land acquisition and site development for the relocation of the 2 state liquor stores on the F. E. Everett Turnpike in the town of Hooksett.

II. To provide funds for the appropriation made in paragraph I of this section, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of $360,000 and for said purpose may issue bonds and notes in the name and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A. Payment of the principal and interest on bonds and notes issued hereunder shall be made when due from the general funds of the state.

III. If any federal or other funds, not anticipated, become available for the project, authorized by this section they are hereby appropriated and the net appropriation of state funds and the amount of bonding authorized herein shall be reduced by an amount equal to the federal or other funds available.

600:80 **House Clerk's Compensation.** Amend RSA 14:20 (supp) as amended by striking out said section and inserting in place thereof the following:

14:20 **House Clerk.** The compensation of the clerk of the house shall be set at a rate to be determined by the house subcommittee of the legislative facilities committee as established by RSA 17-E:5. He shall be a legislative employee under the direction of the speaker of the house who shall determine what days the clerk shall be in attendance.

600:81 **Assistant Clerk's Compensation.** Amend RSA 14:21 (supp) as amended by striking out said section and inserting in place thereof the following:

14:21 **Assistant Clerks.** The compensation of the assistant clerks of the senate and of the house shall be set at a rate to be determined by the appropriate house or senate subcommittees of the legislative facilities

committee as established by RSA 17-E: 5. The president of the senate or the speaker of the house, as the case may be, shall determine what days the assistant clerk shall be in attendance.

600: 82 **Travel Research Analyst.** Amend RSA 12-A by inserting after section 4-b the following new section:

12-A: 4-c **Travel Research Analyst; Position Established.** The director of resources and economic development shall appoint a travel research analyst who shall be qualified by education and experience. The travel research analyst shall be appointed for a term of 5 years. The salary of said travel research analyst shall be as provided in RSA 94: 1-a.

600: 83 **Exemption from Taxation, Governmental Property.** Amend RSA 72: 23, I (supp) as inserted by 1957, 202: 2 as amended by striking out said paragraph and inserting in place thereof the following:

I. Lands and the buildings and structures thereon and therein and the personal property owned by the state, cities, towns, school districts, and village districts unless said real or personal property is used or occupied by other than the state or a city, town, school district or village district under a lease or other agreement the terms of which provide for the payment of properly assessed real and personal property taxes by the party using or occupying said property. The exemption provided herein shall apply to any and all taxes against lands and the buildings and structures thereon and therein and the personal property owned by the state, cities, towns, school districts, and village districts, which have or may have accrued from March 31, 1975, to the effective date of this paragraph, and to any and all future taxes which, but for the exemption provided herein, would accrue against lands and buildings and structures thereon and therein and the personal property owned by the state, cities, towns, school districts, and village districts. All leases and other agreements, the terms of which provide for the use or occupation by others of real or personal property owned by the state or a city, town, school district, or village district, entered into after the effective date of this paragraph, shall provide for the payment of properly assessed real and personal property taxes by the party using or occupying said property.

600: 84 **Payment in Lieu of Taxes, City of Portsmouth.** Amend RSA 271-A by inserting after section 16 the following new section:

271-A: 17 **Payments in Lieu of Taxes.** The property of the authority is declared to be public property and shall be exempt from all taxes and special assessments of the state or any political subdivision thereof; provided that in lieu of such taxes the authority shall make payments to the city of Portsmouth in the amount of $30,000 annually for the tax year commencing April 1, 1975, and each subsequent tax year for highway maintenance, fire protection or other services.

600: 85 **Appropriation.** The sum of $120,000 is hereby appropriated for payments in lieu of taxes to the city of Portsmouth for the tax years April 1, 1975–March 31, 1976; April 1, 1976–March 31, 1977; April 1, 1977–March 31, 1978; April 1, 1978–March 31, 1979.

600: 86 **Appropriating Additional Funds to the Governor's Commission on Crime and Delinquency.** In addition to any other funds appropriated thereto, there is hereby appropriated $18,431 for fiscal 1978 to the gov-

600:103 **Temporary Exemption.** Notwithstanding the provisions of RSA 541-A:3 and 4 to the contrary, the director of safety services of the department of safety may adopt, amend and repeal rules establishing fees for decals issued pursuant to RSA 321-A:4 as though such rules are "emergency rules" within the meaning of RSA 541-A:3, II for one year after the effective date of section 102 of this act.

600:104 **Derry Liquor Store Appropriation.** The sum of $20,800 for equipment and the sum of $1,375 for current expense is hereby appropriated to the liquor commission revenue collection component, for the fiscal year ending June 30, 1978. These appropriations shall be additional to all other appropriations to the liquor commission. The governor is authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated.

600:105 **University of New Hampshire: Motor Vehicles.** Amend RSA 187 by inserting after section 8-a the following new section:

187:8-b **Motor Vehicle Regulations.** Other provisions of law notwithstanding, the university system of New Hampshire is hereby directed to adopt the provisions of the state manual of procedure relative to state-owned motor vehicles as promulgated by governor and council as may be amended from time to time. The annual report of motor vehicle operations shall also be filed in the same manner and in the same detail as that prescribed for all other state agencies. The university shall purchase compact cars consistent with the policy established for all state agencies.

600:106 **Senate Clerk's Compensation.** Amend RSA 14:19 (supp) as amended by striking out said section and inserting in place thereof the following:

14:19 **Senate Clerk.** The compensation of the clerk of the senate shall be set at a rate to be determined by the senate subcommittee of the legislative facilities committee as established by RSA 17-E:5. The clerk of the senate shall be deemed to be a full-time legislative employee under the direction of the president who shall determine what days the clerk shall be in attendance, and as such eligible for fringe benefits as provided for full-time legislative employees.

600:107 **Turnpike Liquor Store Operations; Hooksett and Hampton.** Other laws, statutes or restrictions notwithstanding, the liquor commission is directed to operate the turnpike stores in Hooksett and the Hampton toll plaza stores 7 days a week, excepting the following holidays: New Year's, Easter, Thanksgiving and Christmas.

600:108 **Distribution of Racing Funds.** Notwithstanding the provisions of RSA 284:2 and RSA 284:23 as amended, all revenue restricted for the purpose of making payments to the agricultural fairs shall be deposited with and by the state treasurer as unrestricted revenue. For the fiscal years ending June 30, 1978 and 1979, the distribution formula for payments to agricultural fairs provided by RSA 284:23, 284:25 and 284:25-a is hereby suspended and the sums hereby appropriated shall be the total appropriation for the promotion of agriculture as a distribution to agricultural fairs and for the physical improvements at agricultural fairs.

379:3 Present Members. The provisions of RSA 204-B:3 as amended by section 2 of this act shall not in any way affect the rights or standing of persons who are members of the agency on the effective date of this act.

379:4 Appointment of Additional Members. Notwithstanding the provisions of RSA 204-B:3 as amended by section 2 of this act, the 2 additional members of the agency authorized by this act initially appointed shall be designated to serve terms of one and 2 years, respectively, but thereafter members shall be appointed for a term of 5 years as provided by section 2 of this act.

379:5 Effective Date. This act shall take effect 60 days after its passage; provided, however, that the provisions of RSA 204-B:3 as amended by section 2 of this act relative to the number of members required for a quorum and the number of affirmative votes necessary for action to be taken by the agency shall not take effect and shall remain at 3 members for both such provisions until such time as the 2 additional members of the agency provided for in sections 2 and 4 of this act shall have been appointed and qualified.

[Approved June 23, 1979.]

[Effective Date: This act shall take effect August 22, 1979; provided, however, that the provisions of RSA 204-B:3 as amended by section 2 of this act relative to the number of members required for a quorum and the number of affirmative votes necessary for action to be taken by the agency shall not take effect and shall remain at 3 members for both such provisions until such time as the 2 additional members of the agency provided for in sections 2 and 4 of this act shall have been appointed and qualified.]

1979 Laws

CHAPTER 380 (HB 857)

AN ACT RELATIVE TO THE DISTRIBUTION OF THE REVISED STATUTES ANNOTATED AND THE SESSION LAWS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

380:1 Free Distribution of Paper Bound Laws Limited. Amend RSA 20:1, V and VI (supp) as inserted by 1975, 464:1 by striking out said paragraphs and inserting in place thereof the following:

V. The state librarian shall distribute free to public libraries and judges one copy of the paper bound session laws and shall sell copies of said paper bound laws to other persons requesting the same. The state librarian is authorized to recover the costs of mailing and distribution of those volumes which are sold and may add such costs to the sale price established under paragraph VI.

VI. The joint committee on legislative facilities shall determine and fix the price for the sale of hard and paper bound copies of said acts and resolves.

380:2 Additional Distribution of Hard Bound Laws. Amend RSA 20:11-a (supp) as inserted by 1975, 8:1 by striking out in lines 2 and 3 the words "pamphlet laws" and inserting in place thereof the following (paper bound and hard bound session laws) so that said section as amended shall read as follows:

20:11-a Additional Distribution of the Manual and Session Laws. Upon request of the speaker of the house of representatives or the president of the senate, additional copies of the manual and of the paper bound and hard bound session laws, from any which have not been otherwise distributed under this

chapter, shall be delivered to the clerks of the house and senate for distribution, as the speaker of the house of representatives or the president of the senate may direct.

380:3 **Distribution of Revised Statutes Annotated.** Amend RSA 20:16 (supp) as amended by striking out said section and inserting in place thereof the following:

20:16 Distribution of Revised Statutes Annotated.

I. Unless otherwise directed by the joint committee on legislative facilities, the director of legislative services is authorized to distribute official bound volumes of the Revised Statutes Annotated, replacement volumes thereof and periodic supplements thereto free of charge to each of the following: the clerk of the supreme court of the United States, each judge of the circuit court of the United States for this district, the district court of the United States for this district, the United States department of justice, the Library of Congress, the New Hampshire Historical Society, and a sufficient number of copies to the state library for its use and for distribution to each state or territorial library of the United States on an exchange basis. If any state or territory makes a charge to this state for copies of its laws such state or territory shall in a like manner be required to pay to the state library a price for copies of the Revised Statutes Annotated which shall be determined by the joint committee on legislative facilities.

II. The joint committee on legislative facilities shall determine the allocation of volumes of the Revised Statutes Annotated other than those provided for in paragraph I among the following:

(a) For the legislative branch, to the director of legislative services, who shall distribute a sufficient number of copies to meet the needs of the general court and all of its agencies as shall be determined by the joint committee on legislative facilities.

(b) For the executive branch, to the secretary of state, who shall distribute such copies to the officers, departments, divisions, boards, commissions and institutions of the executive branch as shall be directed by the governor and council.

(c) For the judicial branch, to the clerk of the supreme court, who shall distribute such volumes to the supreme, superior and probate courts, which shall include retired judges of the courts mentioned, as shall be directed by the chief justice of the supreme court.

III. The joint committee on legislative facilities is authorized to establish a charge for volumes allocated to the secretary of state for distribution under paragraph II (b) and to the clerk of the supreme court for distribution under paragraph II (c) to recover the actual costs incurred by the director of legislative services in having such volumes printed and distributed pursuant to RSA 20:2-b. The secretary of state and the clerk of the supreme court may each recover any charges for which he may be liable under this paragraph on a per volume basis from the persons to whom and the courts to which the volumes are distributed. If a charge is made for the printing and distribution of volumes, the secretary and the clerk shall remit the charge to the director of legislative services and the sums so received shall be credited to the legislative appropriation for joint printing and binding.

IV. This section shall not be construed to limit any branch of state government from purchasing such volumes of the Revised Statutes Annotated as it may determine it needs in excess of the number of volumes allocated to it under this section.

380:4 **Effective Date.** This act shall take effect upon its passage.

[Approved June 23, 1979.]
[Effective Date June 23, 1979.]

567:8 Conditional Authority. The director of legislative services is authorized to change cross references in RSA 147-A:1, VI(b) inserted by section 1 of this act to reflect new sections inserted by HB 456 of the 1981 regular session. "An Act relative to hazardous waste, including the creation of the New Hampshire hazardous waste cleanup fund, and making an appropriation therefor," if HB 456 becomes law. The director is also authorized to renumber RSA 149-A:1-7 as inserted by section 1 of this act to read as RSA 149-C:1-7, if HB 456 of the 1981 regular session becomes law. Such authority shall be subject to the approval of the president of the senate and the speaker of the house, shall not include the power to make any substantive changes and shall expire upon printing of the 1981 session laws.

567:9 Effective Date.
I. Sections 3, 4 and 5 of this act shall take effect 60 days after its passage.
II. Sections 1, 2, 6, 7 and 8 of this act shall take effect upon its passage.

[Approved June 30, 1981.]
[Effective Date I. Sections 3, 4 and 5 of this act shall take effect August 29, 1981. II. Sections 1, 2, 6, 7 and 8 of this act shall take effect June 30, 1981.]

CHAPTER 567A (HB 197)

AN ACT RELATIVE TO SUNSET REVIEW OF WATER SUPPLY AND POLLUTION CONTROL COMMISSION - OFFICE OF COMMISSIONER.

Be it Enacted by the Senate and House of Representatives in General Court convened:

567A:1 Sunset; Water Supply and Pollution Control Commission - Office of Commissioner Renewed. The office of the commissioner of water supply and pollution control, PAU 030501, is hereby renewed to comply with RSA 17-G. The office shall terminate on July 1, 1987, subject to RSA 17-G.

567A:2 Effect of Later Enactments. Passage of this act renewing the office of the commissioner of water supply and pollution control shall not limit any subsequent legislative action affecting this office. The general court shall retain its full power to make amendments to or to terminate the office of the commissioner, pursuant to RSA 17-G:9.

567A:3 Effective Date. This act shall take effect upon its passage.

[Approved: Enacted in accordance with Article 44, Pt. II of N.H. Constitution, June 30, 1981.]
[Effective Date June 30, 1981.]

1981 Laws

CHAPTER 568 (HB 955)

AN ACT MAKING APPROPRIATIONS FOR THE EXPENSES OF CERTAIN DEPARTMENTS OF THE STATE FOR FISCAL YEARS ENDING JUNE 30, 1982, AND JUNE 30, 1983.

Be it Enacted by the Senate and House of Representatives in General Court convened:

568:69 **Housing Commission Authority Granted.** For the biennium ending June 30, 1983, in the event that federal funds or other funds for administration become available to the housing commission, the funds in excess of the amount appropriated may be expended with governor and council approval. During said biennium excess funds from any prior years operation of the commission may be expended at any time with governor and council approval. All said funds are hereby appropriated.

568:70 **Veterans' Home Authority Granted.** Notwithstanding any other provision of law, during the biennium ending June 30, 1983, in the event that revenues to the veterans' home from members excess income exceeds the amount estimated in section 1 of this act, said revenue may be expended with prior approval of the governor and council and the same are hereby appropriated.

568:71 **Housekeeping Services.** The superintendent of the New Hampshire hospital and the superintendent of the Laconia state school and training center and the department of administration and control, superintendent of buildings and grounds are hereby authorized for the biennium ending June 30, 1983, after receiving approval of the governor and council, to contract for housekeeping services. The contract shall guarantee the rights of all classified employees to the extent that said employees shall be retained and shall not lose any of the rights afforded classified employees under the rules and regulations of the department of personnel. For the purposes of entering into a housekeeping services contract, the provisions of RSA 9:17-a, RSA 9:17-c, and RSA 99:4 shall not apply.

568:72 **Quarterly Allotments.** Notwithstanding any other provision of law no department as defined in RSA 9:1 shall expend any funds appropriated by this act until such department shall have received an allotment of its appropriations from the comptroller; provided, however, that pending receipt of its first allotment after the effective date of this act each such department may make such ordinary expenditures as may be necessary so that the functions of said department shall not be interrupted. The comptroller shall at the beginning of each quarter, after consultation with and with the cooperation of each department, issue an allotment to the department of its appropriation. Said allotment for each quarter need not be equal but shall be so calculated so that it will insure that the department will be able to fulfill its goals and objectives as set forth in section 1 of this act for the entire fiscal year. Any quarterly allotment not expended shall be considered by the comptroller in determining the allotment for the succeeding quarter.

568:73 **Visitor's Center Employees.** Notwithstanding any other provision of law, for the biennium ending June 30, 1983, the salaries of employees of the visitor's center shall be approved by the joint committee on legislative facilities.

568:74 **Senate and House Employees.**

I. Notwithstanding any other provision of law, for the biennium ending June 30, 1983, administrative assistants for the senate and house of representatives eligible as full time employees for fringe benefits shall not receive mileage as provided in RSA 14:18.

II. Notwithstanding any other provision of law, full time employees of the senate as designated by the president of the senate and full time employees of the house of representatives as designated by the speaker of the house shall be eligible for fringe benefits as provided for classified employees including membership in the retirement system, blue shield and blue cross coverage, life insurance coverage and annual and sick leave benefits.

568:75 Assignment of Office Space. Notwithstanding any other provision of law, if during the biennium ending June 30, 1983, because of program reductions, consolidations or any other reason, office space becomes available in the health and welfare complex, the Hayes building, or any other state building, except office space under the control of the legislature pursuant to RSA 14:14-b, the comptroller shall, with the prior approval of governor and council, require that any agency renting private space be required to occupy such available space in said building or buildings forthwith. Such funds as have been allotted as committed by any agency affected by this section for outside rental shall be transferred by the comptroller to the division of buildings and grounds, PAU 01,04,03 for the maintenance of state buildings.

568:76 Department of Revenue Administration, Services Billed. Notwithstanding any other provision of law, for the biennium ending June 30, 1983, cost records shall be maintained of all actual costs applicable to services performed for local communities by the deprtment of revenue administration relative to audits and appraisals. Said actual costs shall be billed to local communities on a monthly basis prior the tenth day of the succeeding month.

568:77 Distribution of Governor Councilor's Contingency Fund. Other provisions of law notwithstanding, during each year of the biennium ending June 30, 1983, the following payments shall be made in lieu of expenses for members of the executive council:

District I	3,570
District II	840
District III	2,257
District IV	1,418
District V	2,415

One-twelfth of the amounts specified herein shall be paid to the councilor who was representing the district on the last day of each month.

568:78 Real Estate Transfer Tax. Notwithstanding any other provision of law, during the biennium ending June 30, 1983, all revenue received under the provisions of RSA 78-B:8 shall be deposited with the treasurer as unrestricted revenue. Such sums as may be necessary to fully comply with RSA 78-B:8, in excess of $132,000 per year may be expended with the approval of the governor and council on the warrant of the governor out of any money in the treasury not otherwise appropriated.

568:79 Legislative Branch Employees. Notwithstanding any other provision of law employees of the legislative budget assistant's office and the director of legislative services office and the visitors center shall be eligible for fringe benefits as provided for classified employees including membership in retirement system, blue cross and blue shield coverage, life insurance coverage and annual and sick leave benefits.

568:80 Legislative Branch Appropriation. Notwithstanding any other provisions of law, the appropriations made by section 1 of this act to the legislative branch shall be governed by the following provisions:

I. The appropriations shall not lapse at June 30, 1982 or June 30, 1983.

II. Transfers may be made within the divisions of the legislative appropriation in the following manner:

(a) House appropriation — request of speaker of house, approval of subcommittee of the joint committee on legislative facilities for legislative management for the house.

(b) Senate appropriation — request of president of senate, approval of subcommittee of the joint committee on legislative facilities for legislative management for the senate.

(c) Joint expenses — request of speaker of house and president of senate, approval of joint committee on legislative facilities.

(d) Legislative services — request of director, approval of president of senate, speaker of house and joint committee on legislative facilities.

(e) Legislative budget assistant — request of legislative budget assistant, approval of fiscal committee.

(f) All other legislative accounts — request of president of senate and speaker of house, approval of joint committee on legislative facilities.

(g) Transfers may be made between divisions in the legislative appropriation on request of president of senate and speaker of house, approval of joint committee on legislative facilities.

III. Whenever any joint legislative committee is authorized to expend funds of the general court and members of either house have not been named to such committee, the presiding officers of the senate and house acting jointly shall be authorized to approve expenditures until the members of the committee are appointed.

568:81 **Limitations on Transfers Suspended.** The provisions of RSA 99:4, 9:17, 9:17-a, and 9:17-c are hereby suspended for the fiscal biennium ending June 30, 1983, with respect to appropriations made within section 1 of this act.

568:82 **Authority Limited.** Notwithstanding any other provision of law, no funds shall be expended by the department of public works and highways for the removal of directional or tourist oriented outdoor advertising devices until the study provided for in laws of 1979, 340:1 has been completed and accepted.

568:83 **Centralized Data Processing.**

I. Notwithstanding any other provision of law, the department of centralized data processing shall, prior to performing data processing services for any department, board, commission, institution or other agency enter into a written agreement specifying in detail the services to be performed and the cost to the agency. Said agreement shall be binding on the department of centralized data processing and the other agency. Any change or modification in the services to be performed shall likewise be agreed to to in writing and shall specify the change and the adjustment to the cost. Any dispute relative to such agreements shall be resolved by the attorney general. The provisions of this paragraph shall apply to operations and systems development services only. The provisions of this paragraph shall not permit any state department, board, commission, institution or other agency to contract for data processing services without the approval of the data processing commission.

II. Notwithstanding any other provision of law, the department of centralized data processing is hereby authorized to make expenditures in excess of the amounts appropriated by section 1 of this act to the extent that other agency income received by the department including but not limited to income from governmental and political subdivisions exceeds the anticipated other agency income in section 1 of this act.

568:84 **School Building Aid Limited.** Amend RSA 198:15-b, II and III (supp) as amended by striking out said paragraphs and inserting in place thereof the following:

II. For the purposes of computing grants hereunder, the amount of the annual payment of principal shall be increased by an amount equal to the amount of capital reserve or the amount raised by taxation which was actually expended for the project at any time, divided by the number of years for which bonds or notes were issued to provide funds for such school building or school administrative unit facilities; provided, however, that funds transferred to

funds. The governor is authorized to draw his warrants for the sums hereby appropriated.

VIII. Future Appropriation Needed. The salary increses and the balance of the cost package provided for herein shall be permanent, provided, however, that in the event additional appropriations are not enacted to fund said salary increases and/or balance of the cost package for fiscal year 1983 on or before June 30, 1982, said increases and/or balance of the cost package shall be suspended as of that date.

568:164 University of New Hampshire. The sum of $5,372,586 is hereby appropriated to the trustees of the university system of New Hampshire for the fiscal year ending June 30, 1982, to provide salary increases and fringe benefits. Said appropriation is in addition to all other sums appropriated to the university system. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

568:165 Negotiations Reopened. Notwithstanding any other provision of law, the executive through the state negotiating committee, and the state employee organization certified as the representative thereof shall reopen negotiations to consider an agreement for fiscal year 1983 and shall present any such agreement to the general court for required legislative action.

568:166 Appointment Authority. Amend RSA 381:2 (supp) as inserted by 1979, 331:1 as amended by striking out said section and inserting in place thereof the following:

381:2 Appointment. The commissioner of safety shall have the authority to commission and rescind the commissions of all railroad police officers in the state of New Hampshire. The commissioner of safety may commission and rescind the commissions of railroad police officers recommended by the commissioner of public works and highways pursuant to RSA 228:62-a or recommended and appointed by the chief police officer, or in his absence the chief operating officer, of any railroad located wholly, or partially, within the state.

568:167 Contingency Authorization. The director of legislative services, subject to the approval of the president of the senate and the speaker of the house of representatives, shall have the power to make such changes in section 2-168 of this act as shall be required to integrate such provisions with other acts of the 1981 general court. Such authority shall not include the power to make any substantive change, and shall expire upon the printing of the 1981 session laws.

568:168 Effective Date.

I. Section 65 of this act shall take effect July 1, 1981, and shall apply to returns and taxes due on account of taxable periods ending on or after July 1, 1981.

II. Section 38 of this act shall take effect July 1, 1984.

III. Section 150 and paragraphs I and II of section 156 of this act shall take effect October 1, 1981.

IV. Section 152 and paragraph III through paragraph XXVII of section 156 of this act shall take effect upon passage.

V. Sections 163 and 164 of this act shall take effect July 3, 1981.

VI. The remainder of this act shall take effect July 1, 1981.

Approved July 1, 1981.

Effective Date.

I. Section 65 of this act shall take effect July 1, 1981, and shall apply to

returns and taxes due on account of taxable periods ending on or after July 1, 1981.

II. Section 38 of this act shall take effect July 1, 1984.

III. Section 150 and paragraphs I and II of section 156 of this act shall take effect October 1, 1981.

IV. Sections 152 and paragraph III through XXVII of section 156 of this act shall take effect July 1, 1981.

V. Sections 163 and 164 of this act shall take effect July 3, 1981.

VI. The remainder of this act shall take effect July 1, 1981.

CHAPTER 569 (HB 156)

AN ACT RELATIVE TO SUNSET REVIEW OF BOARD OF PSYCHOLOGISTS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

569:1 **Sunset; Board of Psychologists Renewed.** Board of psychologists, PAU 020624, is hereby renewed to comply with RSA 17-G. The agency or program shall terminate on July 1, 1987, subject to RSA 17-G.

569:2 **Effect of Later Enactments.** Passage of this act renewing board of psychologists shall not limit any subsequent legislative action affecting this agency or program. The general court shall retain its full power to make amendments to or to terminate board of psychologists, pursuant to RSA 17-G:9.

569:3 **Board.** Amend RSA 330-A:3 as inserted by 1957, 121:1 by striking out said section and inserting in place thereof the following:

330-A:3 Board. There shall be a board of examiners of psychologists consisting of 6 members: 2 certified psychologists; one associate psychologist; one teacher of psychology who has received a doctoral degree in psychology, is a member of the faculty of an accredited college or university in this state, and is actively engaged in the teaching of psychology; one certified pastoral counselor; and one public member; each to be appointed by the governor, with the approval of the council, to a term of 5 years. No member shall be appointed to more than 2 consecutive terms. Only board members provided for in this paragraph shall have the authority to vote in board determinations.

569:4 **Qualifications.** Amend RSA 330-A:4 as inserted by 1957, 121:1 by striking out said section and inserting in place thereof the following:

330-A:4 Qualifications.

I. Each psychologist member of the board shall be a resident of this state and certified under the provisions of this chapter. The board shall at all times be representative of the diverse fields of psychology.

II. The public member shall be a person who is not, and never was a member of the profession of psychology or the spouse of any such person, and who does not and never has had, a material financial interest in either the provision of psychological services or an activity directly related to psychology, including the representation of the board or profession for a fee at any time during the 5 years preceding appointment.

423:28 Study Authorized. The commissioner of public works and highways is authorized and directed to contract with a consulting firm for a preliminary economic feasibility study on connecting interstate 393 with the Spaulding turnpike and including the impact on Route 202 from Rochester to U.S. Route 4. The study shall be completed on or before December 1, 1984, and copies of the results of the study shall be made available to the governor and council, the speaker of the house of representatives, the president of the senate, the legislative fiscal committee, the chairman of the house appropriations committee, the house public works committee, the chairman of the senate finance committee and the senate transportation committee.

469:110 Legislative Accounting Transfer. The office and function of legislative accounting currently in the office of legislative budget assistant is hereby transferred to the jurisdiction of the joint committee on legislative facilities. All personnel, equipment, records and appropriations for the legislative accounting function are hereby transferred to respective joint accounts and may be expended at the discretion of the joint committee on legislative facilities. Notwithstanding any other provision of law, the office of legislative accounting shall continue to maintain the accounts and records it currently has and any other accounts that the joint committee on legislative facilities may assign within the legislative branch. Notwithstanding any other provision of law, employees of the legislative accounting office shall be eligible for all fringe benefits that are available to other legislative employees.

469:111 Vietnam Veterans. The sum of $100,000 is hereby appropriated to the legislative fiscal committee for the biennium ending June 30, 1985, for the purpose of paying bonuses, to provide readjustment services and to meet other needs of the Vietnam veterans. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

469:112 Laboratory Tests. Amend RSA 141:14 (supp) as inserted by 1978, 17:1 by striking out said section and inserting in place thereof the following:

141:14 Laboratory Support Services; Rules.
I. The department of health and welfare, division of public health services, shall make available laboratory tests for the early detection and control of communicable diseases such as rubella, herpes virus, legionnaire's disease, eastern equine encephalitis, viral hepatitis, chlamydia, rabies, rotavirus, rubeola, influenza, salmonella, pertussis and toxoplasmosis.
II. The director, division of public health services, shall adopt rules, pursuant to RSA 541-A, relative to adding to the list of communicable diseases in paragraph I for which testing shall be available and establishing a fee schedule for all tests performed under this section.

469:113 New Position. In addition to any other positions authorized by this act, the office of the comptroller, 01-04-01-01, is hereby authorized one permanent position of administrative secretary/supervisor. Upon the filling of said new position, position N0001 shall be abolished.

469:114 Additional Fees Increased. Amend RSA 181:17 (supp) as amended by striking out said section and inserting in place thereof the following:

181:17 Additional Fees.
I. In addition to the fees provided for in RSA 181:16 the following fees shall be required for permits issued to wholesalers: For each wholesaler's permit $.30 for every gallon of beverages sold for resale by the permittee during the preceding calendar month, to be paid to the commission on or before the tenth

VI. "Workplace" means any enclosed location, permanent or temporary, where an employee primarily performs any work-related duty in the course of his employment.

155:52 **Regulation of Smoking in the Workplace.**

I. An employer shall, within 6 months of the effective date of this subdivision, establish and implement written rules governing smoking and nonsmoking in the workplace. The rules shall be readily available for viewing by the employees and may include the designation of smoking and nonsmoking areas. Upon request the employer shall provide a copy of the written rules to any employee.

II. Upon request, the commissioner shall provide consultation services to employers seeking to comply with the provisions of this subdivision. These consultation services may be in the form of providing suggested written policies or written rules which the employer may implement.

155:53 **Exceptions.** The following places shall not be affected by this subdivision:

I. A private home which may serve as a workplace.

II. Any enclosed space leased or rented by an independent contractor.

III. A workplace occupied exclusively by smokers, even though such workplace may be visited by nonsmokers, except places in which smoking is prohibited by the state fire marshal or other law. In the event that such a workplace becomes occupied by a nonsmoker, this exception shall cease to apply and the employer shall implement a smoking policy pursuant to RSA 155:52 within 6 months of said occupation.

IV. Enclosed public places as defined by RSA 155:45, II and subject to the provisions of RSA 155:46-49.

V. Nothing in this subdivision shall be construed as affecting the right of any person who is neither an employee nor an employer to smoke in areas of the workplace generally open to the public.

108:2 **Effective Date.** This act shall take effect January 1, 1987.

[Enacted in accordance with Article 44, part II of N.H. Constitution, without signature of Governor, May 20, 1986.]
[Effective Date January 1, 1987.]

1986 Laws

CHAPTER 109 (HB 171)

AN ACT RELATIVE TO THE GOVERNOR'S STAFF AND THE SENATE STAFF.

Be it Enacted by the Senate and House of Representatives in General Court convened:

109:1 **Salary of Governor's Staff.** Amend RSA 4:12 as amended by striking out said section and inserting in place thereof the following:

4:12 **Governor's Staff.** The governor may appoint such staff, including but not limited to legal counsel, professional persons, consultants, assistants, secretaries, stenographers, and clerks, as he shall need who shall render such services as the governor may require of them. He shall fix their compensation within the limits of the appropriation made for such purposes.

109:2 Legal Counsel. Amend RSA 14:5-a as inserted by 1957, 218:1 by striking out said section and inserting in place thereof the following:

14:5-a Legal Counsel. The president of the senate may appoint a legal counsel who shall be an attorney. The compensation of the legal counsel shall be set at a rate to be determined by the senate subcommittee of the legislative facilities committee established under RSA 17-E:5. The legal counsel shall provide advice and assistance to the president of the senate and to the senate members.

109:3 Repeal. RSA 14:19-a, relative to the senate counsel, is hereby repealed.

109:4 Effective Date. This act shall take effect January 1, 1987.

[Enacted in accordance with Article 44, part II of N.H. Constitution, without signature of Governor, May 20, 1986.]
[Effective Date January 1, 1987.]

CHAPTER 110 (HB 257)

AN ACT ENACTING THE DRIVER LICENSE COMPACT.

Be it Enacted by the Senate and House of Representatives in General Court convened:

110:1 Driver License Compact. Amend RSA 263 by inserting after section 76 the following new subdivision:

Driver License Compact

263:77 Driver License Compact Enacted. The commissioner of safety is hereby authorized, whenever he determines it feasible, to enter into a compact on behalf of the state of New Hampshire with any other jurisdiction legally joining therein in the form substantially as follows:

COMPACT

Article I. Findings and Declaration of Policy

(a) The party states find that:

(1) The safety of their streets and highways is materially affected by the degree of compliance with state and local ordinances relating to the operation of motor vehicles.

(2) Violation of such a law or ordinance is evidence that the violator engages in conduct which is likely to endanger the safety of persons and property.

(3) The continuance in force of a license to drive is predicated upon compliance with laws and ordinances relating to the operation of motor vehicles, in whichever jurisdiction the vehicle is operated.

(b) It is the policy of each of the party states to:

(1) Promote compliance with the laws, ordinances, and administrative rules and regulations relating to the operation of motor vehicles by their operators in each of the jurisdictions where such operators drive motor vehicles.

224:21 Property Purchased by Department of Fish and Game.

I. The proceeds from any sale or disposition of the following described property shall be retained by the department of fish and game:

"Commencing at a stone bound set in the northerly line of Bridge Street, which bound is the northeast corner of land formerly of the Concord Coal Company and the northeast corner of the tract herein conveyed; thence running southerly along land formerly of said Concord Coal Company 260.1 feet to an iron pipe; thence easterly at right angles to said described line 140.2 feet through an iron pipe on the top of the bank of the Merrimack river and thence to mid-river; thence north up the bank of said river to land now or formerly of Blanche N. Lareau and along the westerly line of the land now or formerly of Blanche N. Lareau to a stone bound on the southerly line of said Bridge Street; thence westerly along the line of said street 172.1 feet to the bound begun at."

II. The property described in paragraph I which is located in the city of Concord was purchased in 1953 from the Concord Ice Company, from fish and game funds and not from general fund revenues.

III. The property described in paragraph I shall be appraised twice before a sale takes place, and at least one appraisal shall be made by an appraiser from the private sector. If the property is to be transferred to any other state or municipal agency, the amount of such appraised value shall be credited to the fish and game fund.

224:22 Appropriation; Fish and Game Department. The sum of $40,000 is hereby appropriated to the fish and game department for the fiscal year ending June 30, 1989, for the following purposes:

I. For surveying costs and other costs of having a deed drawn up, under the direction of the fish and game commission, describing the property on which the new fish and game department headquarters facility on Hazen Drive in Concord is under construction and for the purpose of conveying such property to the fish and game department.

II. For architectural fees and other design study costs for a fish and game department garage and storage facility.

This sum shall be a charge against the fish and game fund.

224:23 Appropriations; Joint Committee on Legislative Facilities.

I. The sum of $153,000 is appropriated to the joint committee on legislative facilities for the fiscal year ending June 30, 1989, for the purpose of improving the fire protection system and electrical system in the state house. Of this sum, $100,000 shall be used for construction costs and $53,000 shall be used for architectural and engineering fees. This appropriation shall be nonlapsing. This appropriation shall be a charge against the capital reserve fund, which is the amount in excess referred to in 1987, 399:10, II.

II. The sum of $61,500 is appropriated to the joint committee on legislative facilities for the fiscal year ending June 30, 1989, for the purpose of conducting a feasibility study of a parking garage facility. This appropriation shall be a charge against the joint legislative account.

224:24 Department of Resources and Economic Development; Odiorne State Park; Ragged Neck. 1987, 399:1, IX, J is repealed and reenacted to read as follows:

J. Odiorne State Park	
1. Restore unsafe batteries at Frost Point	40,000
2. Sugden House expansion	100,000
3. New year-round visitor center	800,000
Less sources other than state	-400,000
Net appropriation subparagraph J, 3	400,000

4:10 **Rehiring of Laid Off State Employees.** Amend 1990, 261:1, I to read as follows:

I. For purposes of this act, "laid off" means any person laid off between January 1, 1990, and June 30, 1991, as a result of 1990, 1:16 or any other state law.

4:11 **Additional Energy Costs.** Appropriated in section 6 is the sum of $1,289,965 for additional energy costs which is detailed in a series of agency transfers in that section.

4:12 **Appropriation; Department of Labor.** The sum of $37,479 is hereby appropriated to the department of labor for the fiscal year ending June 30, 1991, for the purpose of reimbursing the federal government as a result of costs disallowed by an audit conducted by the Office of the Inspector General. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

4:13 **Unclaimed Ticket Money.** Amend RSA 284:31 to read as follows:

284:31 **Unclaimed Ticket Money.** On or before January 31 of each year every person, association or corporation conducting a race or race meet hereunder shall pay to the state treasurer all moneys collected during the previous year of parimutuel pool tickets which have not been redeemed. The books or records of said person, association or corporation, which clearly show the tickets entitled to reimbursement in any given race, shall be forwarded to the commission. Such moneys shall become a part of the general funds of the state. The state treasurer shall pay the amount due on any ticket to the holder thereof from funds not otherwise appropriated upon an order from the commission.

4:14 **Appropriation Increased; Postsecondary Education Commission.** Amend 1990, 162:8 to read as follows:

162:8 **Appropriation; Postsecondary Education Commission.** In addition to any other sums appropriated, the sum of $30,556 is appropriated for the fiscal year ending June 30, 1991, to the postsecondary education commission for the purpose of making up a shortfall in the funding for the New England Board of Higher Education annual membership assessment. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

4:15 **Statement of Intent.** It is the intent of this act that those capital appropriations amended by sections 9 and 16-19 of this act which were originally funded by the capital reserve fund, established by 1987, 399:10, II as amended by 1988, 254:83 and 1989, 77:23, in lieu of issuing bonds are to now be funded by the issuance of bonds as authorized by sections 9 and 16-19 of this act. The amounts originally utilized from the capital reserve fund for the capital appropriations amended by sections 9 and 16-19 of this act shall be transferred from the capital reserve fund to the general fund undesignated surplus account. It is intended that $4,223,000 of the amounts originally utilized from the capital reserve fund now be bonded and that same amount now be transferred to the general fund undesignated surplus account referred to above.

4:16 **Appropriation Bonded; Joint Committee on Legislative Facilities.** Amend 1988, 224:23 to read as follows:

224:23 **Appropriations; Joint Committee on Legislative Facilities.**

I. The sum of $153,000 is appropriated to the joint committee on legislative facilities for the fiscal year ending June 30, 1989, for the purpose of improving the fire protection system and electrical system in the state house. Of this sum, $100,000 shall be used for construction costs and $53,000 shall be used for architectural and engineering fees. This appropriation shall be nonlapsing.

II. To provide funds for the appropriation made in paragraph I of this section, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of $153,000 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 of the bonds and notes shall be made from the general fund of the state.

III. The sum of $61,500 is appropriated to the joint committee on legislative facilities for the fiscal year ending June 30, 1989, for the purpose of conducting a feasibility study of a parking garage facility. This appropriation shall be a charge against the joint legislative account.

4:17 Appropriation Bonded; Fire Standards and Training Commission. Amend 1988, 224:26 to read as follows:

224:26 Appropriation; Fire Standards and Training Commission.

I. The sum of $125,000 is hereby appropriated to the fire standards and training commission for the purpose of conducting an architectural and engineering study for a new facility. This appropriation shall not be expended, encumbered, or obligated in any way without the prior approval of a plan, outlining the site and future uses for the facility, by the capital budget oversight committee. This appropriation is in addition to any other appropriation to the fire standards and training commission for the biennium ending June 30, 1989, and shall be nonlapsing.

II. To provide funds for the appropriation made in paragraph I of this section, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of $125,000 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 of the bonds and notes shall be made from the general fund of the state.

4:18 Appropriation Bonded; Water Pollution Control Revolving Loan Fund. Amend 1987, 341:2 as amended by 1989, 77:11 to read as follows:

341:2 Appropriation.

I. The sum of $1,885,000 is hereby appropriated for the biennium ending June 30, 1989, for the state water pollution control revolving loan fund described in RSA 149-B:12 as inserted by section 1 of this act for the purpose of providing a 20 percent state matching grant for the federal funds deposited in said fund during fiscal year 1989. This appropriation shall be nonlapsing and in addition to any other sums appropriated to the state water pollution control revolving loan fund.

II. To provide funds for the appropriation made in paragraph I of this section, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of $1,885,000 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 of the bonds and notes shall be made from the general fund of the state.

4:19 Appropriation Bonded; Division of Mental Health and Developmental Services. Amend 1988, 240:2, II to read as follows:

II. The sum of $1,000,000 is hereby appropriated to the division of mental health and developmental services, department of health and human services, for the purposes of RSA 126-A:43-c.

III. To provide funds for the appropriation made in paragraph II of this section, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of $1,000,000 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 of the bonds and notes shall be made from the general fund of the state.

whether personally or through a spouse or dependent. If in doubt, he may submit a written request for advice to the attorney general, who shall make a ruling as to whether he may vote on a matter.

III. The task force on government operations shall review aspects of government operations including, but not limited to, the following: purchasing; space, both owned and leased; communications, including telephones, mailing and printing; property and equipment other than real estate; asset management; and organization.

IV. The task force on government operations shall make recommendations about, but not limited to, the following aspects of government operations: purchasing equipment and supplies; contracting for services; managing capital assets; and organizing human resources.

V. The task force on government operations shall have the authority to compel the cooperation of department heads and the production of documents necessary to carry out its objectives, except when such requests would be inconsistent with state law.

VI. The task force on government operations shall prepare an interim report and submit it to the governor, the speaker of the house, and senate president no later than November 1, 1991, and submit a final report to the governor, the speaker of the house, and senate president no later than June 30, 1992.

355:114 Statement of Purpose.

I. The general court finds that:

(a) New Hampshire Savings Bank has offered its properties in downtown Concord for sale to the state of New Hampshire; and

(b) This offer constitutes a window of opportunity for the state of New Hampshire to acquire existing office and parking space in the capitol area government center; and

(c) The present and future presence of state government in the downtown area is important to the economic well-being of the city of Concord; and

(d) The city of Concord has traditionally relinquished certain parking revenues to provide parking in the civic complex for legislators; and

(e) Purchase of these New Hampshire Savings Bank properties would provide additional parking for immediate use as well as an opportunity for the state of New Hampshire and the city of Concord to cooperate in developing a joint plan for future off-street parking in the downtown area.

II. Therefore, the general court declares it to be in the interests of the state of New Hampshire to acquire these New Hampshire Savings Bank properties for both present and future government use, provided that the state is able to negotiate a price which reflects the current downturn in real estate values.

355:115 Department of Administrative Services; Capitol Area Government Center; Appropriation. A sum not exceeding $5,000,000 for the fiscal year ending June 30, 1992, is hereby appropriated to the department of administrative services for the sole purpose of acquiring, renovating, and rehabilitating land and buildings suitable for general office space in the capitol area government center. Within the limits of the appropriated amount, the department of administrative services is authorized to negotiate the purchase of such land and buildings. Such purchase agreement may include an arrangement for leasing back a portion of the land or buildings acquired to the seller. Plans for the acquisition, renovation, rehabilitation and occupancy of any land or buildings to which this section is applicable shall receive prior approval from the governor and council and the joint committee on legislative facilities. After expenditures are approved by the governor and council and the joint committee on legislative facilities, the resulting contracts

shall receive such review and approval as required by state law. This appropriation shall be nonlapsing and is in addition to any other funds appropriated to the department of administrative services.

355:116 **Bonds Authorized.** To provide funds for the appropriation in section 115 of this act, the state treasurer is authorized to borrow upon the credit of the state not exceeding the sum of $5,000,000 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.

355:117 **Payments.** The payment of principal and interest on bonds and notes issued for the project in section 115 shall be made when due from the general fund.

355:118 **Committee Established.** There is hereby established a committee to study the future utilization of such property as may be acquired pursuant to this act.

355:119 **Membership.**

I. The committee members shall be as follows:

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

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

(c) One member appointed by the governor.

(d) One member representing the city of Concord, appointed by the mayor of the city of Concord.

II. The committee members shall be appointed within 30 days of the effective date of this act. The committee shall elect a chairperson from among its members at the initial meeting of the committee.

355:120 **Duties of the Committee.** The committee shall:

I. Determine the availability and need for off-street parking for legislators and for state and city employees.

II. Review previous state and city parking studies.

III. Authorize such additional parking studies as may be required.

IV. Study and make recommendations concerning the best use of existing parking areas and structures, including the 2 city-owned garages and the Storrs Street parking lot.

V. Study and make recommendations regarding the feasibility of the state of New Hampshire transferring property with a tax value comparable to the property acquired under section 115 of this act to the city of Concord or any private entity.

355:121 **Report.** The committee shall submit a report on its findings, including any recommendations for legislation, to the president of the senate, the speaker of the house and the governor not later than November 1, 1991.

355:122 **Mileage.** Legislative members shall receive mileage at the legislative rate when attending to the business of the committee.

355:123 **AFDC Funds.** The sum appropriated for AFDC grants currently - PAU 05, 01, 04, 04, 01 class 90 shall remain in such class and shall not be reduced during the biennium ending June 30, 1993. If the amount expended in each of 3 successive months is less than 1/12 of the total appropriation for that fiscal year and the number of open AFDC cases in each of those 3 months is less than the number of open AFDC cases in the prior month, the director of the division of

289:31 **Health Services Change From Department of Health and Human Services to Legislative Facilities Committee.** Amend RSA 125:13-a to read as follows:

125:13-a **Health Service Room.** The legislative facilities committee shall equip and maintain a health service room in such location in the state house as may be assigned for such purpose. Said room shall be staffed by a licensed registered nurse employed by the legislative facilities committee, and said room shall be kept open at all times when the state house is open for business. The expense of the health service room shall be a charge upon the joint expenses appropriation to the general court. The division of public health services shall provide back-up.

289:32 **Allocation of Fees as Matching Funds.** Amend RSA 204-C:59, I to read as follows:

I. Fees paid to the authority from the development of qualified residential rental projects financed by bonds issued under section 142(d) of the Internal Revenue Code of 1986, as amended, including projects in operation as of July 1, 1988, provided, however, that the authority may also allocate such fees as matching funds for federal housing programs such as the Home Investment Partnership Program as established by the National Affordable Housing Act of 1990.

289:33 **Land Conservation Investment Program; Rulemaking Authorized.** Amend RSA 221-A:5, I to read as follows:

I. Adopt rules under RSA 541-A relative to criteria and guidelines for identifying and acquiring lands, easements, development rights, and other interests in lands in accordance with the purposes of this chapter. These criteria and guidelines shall include those listed in RSA 221-A:9. Further, the board shall adopt rules under RSA 541-A relative to the establishment and operation of a perpetual monitoring endowment, the purpose of which is to provide a permanent source of revenue to protect the interests of the state secured by the expenditure of all funds authorized by RSA 221-A.

289:34 **Land Conservation Investment Program; Powers and Duties Added.** Amend RSA 221-A:5, III to read as follows:

III. Oversee, direct, and expend funds deposited in the trust fund of the New Hampshire land conservation investment program in accordance with the purposes of this chapter. This includes, but is not limited to, the authority to draw upon funds for acquisition of lands and for the administrative costs of the program, excluding the salary and benefits of the executive director. Further, funds from interest earned on the land conservation investment program trust fund may be allocated by the board to the establishment of a perpetual endowment to provide interest earnings annually for the purpose of providing a source of revenue to annually monitor the lands and interests in lands protected by RSA 221-A. The board shall report its administrative expenditures to the joint legislative fiscal committee semi-annually. All expenditures for the acquisition of lands, easements, and development rights under this chapter shall be subject to the approval of the governor and council. The endowment principal shall be held and managed by the state treasurer, and the expenditure of all interest earnings from the endowment fund shall be overseen and directed by the board until June 30, 1993. After June 30, 1993, the council on resources and development shall oversee, direct and expend interest funds earned annually by the endowment.

289:35 **New Section; Monitoring Endowment.** Amend RSA 221-A by inserting after section 5 the following new section:

Total		1,784,709	1,886,746
Estimated source of funds for Public health laboratories			
01 Other agency funds	I	25,420	25,420
02 Highway funds	I	385,562	481,111
05 Private local funds	I	637,823	634,549
General funds		735,904	745,666
Total		1,784,709	1,886,746

256:53 **Additional Appropriation for Catastrophic Illness Program; Department of Health and Human Services.** Amend PAU 05, 01, 02, 04, 02 as inserted by 1991, 312:1 as follows:

	FY 92	*FY 93*
Strike out:		
94 Catastrophic illness program	241,512	241,512
Insert in place thereof:		
94 Catastrophic illness program	241,512	341,512
Strike out:		
Total	2,956,610	2,958,384
Estimated source of funds for Special medical services		
00 Federal funds	870,595	870,595
General fund	2,086,015	2,087,789
Total	2,956,610	2,958,384
Insert in place thereof:		
Total	2,956,610	3,058,384
Estimated source of funds for Special medical services		
00 Federal funds	870,595	870,595
General fund	2,086,015	2,187,789
Total	2,956,610	3,058,384

256:54 **Transfer From General Fund to Federal Funds; Bureau of Children; Department of Health and Human Services.** Amend 1991, 312:1.05, 01, 03, 02, 01, fiscal year 1993 as follows:

	FY 93
Strike out:	
00 Federal funds	4,792,600
General fund	3,730,899
Total	8,523,499
Insert in place thereof:	
00 Federal funds	4,842,600
General fund	3,680,899
Total	8,523,499

256:55 Position Transfer. The position of state house complex health services coordinator under 1991, 312:1.05, 01, 02, 01, 01 of the department of health and human services, division of public health services is hereby transferred at current salary and benefits to 1991, 312:1.01, 02, 01, 03, 01 of the legislative branch. The legislative facilities committee shall be responsible for determining any increases in such salary.

256:56 Health Services Position Deleted. Amend PAU 05, 01, 02, 01, 01 as follows:

		FY 92	FY 93
Strike out:			
10 Personal services - permanent		250,371	254,539
Insert in place thereof:			
10 Personal services - permanent		250,371	226,237
Strike out:			
60 Benefits		95,848	97,099
Insert in place thereof:			
60 Benefits		95,848	88,891

256:57 **Health Services Position Inserted.** Amend PAU 01, 02, 01, 03, 01 as follows:

		FY 92	FY 93
Strike out:			
10 Personal services - permanent		181,371	186,170
Insert in place thereof:			
10 Personal services - permanent		181,371	219,579
Strike out:			
60 Benefits		57,276	58,863
Insert in place thereof:			
60 Benefits		57,276	68,603

(The position of state house complex health services coordinator, its incumbent and all funds associated with the position are hereby transferred to and vested in the legislative facilities committee.)

256:58 **Redistribution of Federal Funds; AFDC; Department of Health and Human Services.** Amend PAU 05, 01, 04, 04, 01 as inserted by 1991, 312:1 as follows:

		FY 92	FY 93
Strike out:			
91 Emergency assistance program	F	800,000	0
Insert in place thereof:			
91 Emergency assistance program		800,000	800,000
Strike out:			
00 Federal funds		25,132,408	25,238,684
09 Agency income		2,187,931	2,187,931
General fund		22,919,369	23,025,539
Total		50,239,708	50,452,154
Insert in place thereof:			
00 Federal funds		27,784,395	31,814,171
09 Agency income		2,329,012	2,373,055
General fund		25,427,626	29,409,433
Total		55,541,033	63,596,359

256:59 **Supplemental Appropriation; Division of Elderly and Adult Services.** The sum of $200,000 for the fiscal year ending June 30, 1993, is hereby appropriated to the division of elderly and adult services, department of health and human services for the purpose of providing services under the provisions of the National Affordable Housing Act. These funds shall be nonlapsing and nontransferable and in addition to any other funds appropriated to the division of elderly and adult services. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

CHAPTER 329 (HB 1578)

AN ACT RELATIVE TO THE JURISDICTION, MEMBERSHIP, DUTIES, AND COMPLAINT PROCEDURES OF THE LEGISLATIVE ETHICS COMMITTEE.

Be it Enacted by the Senate and House of Representatives in General Court convened:

329:1 Jurisdiction and Sworn Complaint Defined. RSA 14-B:1 is repealed and reenacted to read as follows:

14-B:1 Definitions. In this chapter:

I. "Jurisdiction of the committee" means those actions which allege a violation of law, guideline, rule or regulation and relate to the conduct of individuals in the performance of their duties as members, officers, or employees of the legislature.

II. "Sworn complaint" means a statement of facts within the personal knowledge of the complainant alleging a violation of law, guideline, rule or regulation of the legislature and relating to the conduct of individuals in the performance of their duties as members, officers, or employees of the legislature.

329:2 Ethics Committee Membership. Amend RSA 14-B:2, II to read as follows:

II. A committee meeting shall be called within 60 days of the convening of each biennial session. The members shall elect a chairperson and vice-chairperson at this meeting. The members shall serve for the biennium and shall not be removed from the committee for any reason except for good cause by unanimous vote of the remaining committee members. Members shall receive no compensation, except that legislative members shall receive mileage at the legislative rate and public members shall receive mileage at the state employee rate.

329:3 Ethics Committee Duties. RSA 14-B:3 is repealed and reenacted to read as follows:

14-B:3 Duties.

I. The committee shall be authorized to:

(a) Issue guidelines to elucidate proper and appropriate conduct for individuals relating to the performance of their duties as members, officers, or employees of the legislature. Such guidelines shall be consistent with statute.

(b) Issue interpretative rulings explaining and clarifying any law, guideline, rule or regulation within the jurisdiction of the committee.

(c) Render an advisory opinion, in writing within a reasonable time, in response to a written request by a member, officer, or employee, concerning the application of any law, guideline, rule, or regulation within its jurisdiction to a specific factual situation pertinent to the conduct or proposed conduct of the person seeking the advisory opinion.

(d) Receive sworn complaints, and investigate allegations of improper conduct which may reflect upon the legislature, relating to the conduct of individuals in the performance of their duties as members, officers, or employees of the legislature, and make appropriate findings of fact and conclusions with respect to such conduct. Deliberations on such sworn complaints shall be conducted in nonpublic session unless otherwise requested by the legislator, officer, or employee complained against, and shall be conducted in accordance with procedures set forth in RSA 14-B:4 and established by the committee under RSA 14-B:5. The committee shall consider any sworn complaint and shall process each complaint in a confidential manner.

(e) Investigate any unauthorized disclosure of information by any committee member or employee of the committee and report to the legislature concerning any allegation which it finds to be substantiated.

II. Before guidelines and advisory opinions become effective, the committee shall distribute such guidelines and advisory opinions to the members of the senate and the house of representatives. Specific guidelines or advisory opinions may be repealed by a majority vote of both houses for 3 legislative days after distribution.

III. All actions of the committee shall require an affirmative vote of 4 or more members of the committee before becoming effective.

329:4 **Ethics Committee; Complaints Procedure.** RSA 14-B:4 is repealed and reenacted to read as follows:

14-B:4 Complaints; Procedures.

I. Each complaint shall be submitted in writing and signed under oath by the complainant. The sworn complaint shall be filed confidentially with the committee and shall contain the name and address of the complainant. The legislator, officer, or employee of the legislature complained against shall be furnished with a copy of the complaint and a copy shall be sent to each member of the committee for review. The committee shall evaluate each complaint promptly after receipt to ascertain whether the committee has jurisdiction to consider the complaint.

II. Any person who knowingly and willfully swears falsely to a sworn complaint does so under penalty of perjury, and the committee may refer any such case to the attorney general for prosecution.

III. If, after receiving a sworn complaint, the committee concludes by a recorded vote that the alleged conduct is not within the committee's jurisdiction or is without merit or is unfounded, the committee shall dismiss the complaint and shall report such conclusion to the complainant and to the legislator, the officer, or the employee of the legislature together with an explanation of the basis of such determination.

IV. If the committee concludes that the complaint is within its jurisdiction and has merit, then by recorded vote, the committee may conduct a preliminary investigation.

V. Upon completion of its preliminary investigation, the committee shall conclude by recorded vote that:

(a) No action is appropriate because no improper conduct occurred;

(b) The violation is inadvertent, technical or of a de minimis nature and shall be addressed by informal methods; or

(c) The conduct complained of is of a serious nature and formal proceedings should be instituted to inquire further into the complaint. The committee shall then make a statement of formal charges and hold a hearing on the complaint.

VI. Upon completion of the hearing, the committee shall conclude by recorded vote that:

(a) No action is appropriate because no improper conduct occurred; or

(b) No action is appropriate because there is not clear and convincing evidence that improper conduct occurred; or

(c) There was improper conduct based upon clear and convincing evidence, but such conduct does not justify formal disciplinary action and should be resolved by informal methods; or

(d) There was improper conduct based upon clear and convincing evidence, and the improper conduct was of a serious nature so as to warrant formal disciplinary action by the general court in the case of a legislator or officer of the legislature, or formal disciplinary action by the joint committee on leg-

islative facilities in the case of an employee of the legislature. The committee shall submit to the speaker of the house and senate president in the case of a legislator or officer of the legislature, and to the joint committee on legislative facilities in the case of an employee of the legislature, a summary report of the deliberations regarding the complaint and of its findings. The report shall contain any specific recommendations concerning disciplinary actions to be imposed. Such recommendations may include reprimand, censure, or expulsion. Before any disciplinary action may be taken against a legislator or against an officer of the legislature, the report shall be ratified by the legislator's or by the officer's respective body of the general court. In a case involving an employee of the legislature, the joint committee on legislative facilities shall determine what disciplinary action shall be taken against the employee. In making its determination, the joint committee on legislative facilities may use any of the specific recommendations concerning disciplinary actions which are contained in the report which it receives.

VII. In processing complaints filed under this chapter, the committee shall have subpoena powers. If the legislator, the officer, or the employee of the legislature refuses to participate in the proceedings, the committee may refer the complaint to the attorney general for appropriate action.

VIII. Any member of the legislative ethics committee who is directly or indirectly involved in any complaint before the committee shall not participate in deliberations regarding the complaint. In the event that a member does not participate in a particular case, the appointing authority shall designate an alternate to serve on the committee for that case only.

329:5 Ethics Committee Membership. Amend the introductory paragraph of RSA 14-B:2, I to read as follows:

I. There is hereby established a legislative ethics committee to develop standards for legislative ethics and resolve, through procedures established in this chapter, issues, questions or complaints involving legislators and legislative staff and officers. The committee shall have the power to investigate allegations of improper conduct as set forth in this chapter. The committee shall consist of the following members, one of whom shall be an attorney who is a member of the New Hampshire bar:

329:6 Repeal. RSA 14-B:2, I(g), relative to the membership of the attorney general on the legislative ethics committee, is repealed.

329:7 Effective Date. This act shall take effect 60 days after its passage.

[Approved June 8, 1994.]
[Effective Date August 7, 1994.]

CHAPTER 330 (HB 1580)

AN ACT INCREASING THE FUNDS APPROPRIATED TO FINANCE THE GUBERNATORIAL TRANSITION AND RELATIVE TO THE DUTIES OF THE BANK COMMISSIONER.

Be it Enacted by the Senate and House of Representatives in General Court convened:

330:1 Executive Office; Financing Transition. Amend 1993, 349:1.01, 04, 01, 02, 03, class 99 to read as follows:

pointed by the speaker of the house. Five members shall be members of the senate as follows: the chairperson of the finance committee and 2 other members of that committee, appointed by the chairperson; and 2 other senators appointed by the senate president. The chairperson of the house finance committee shall be the chairperson of the fiscal committee.

9:9 House Finance Committee. Amend RSA 14:33 to read as follows:

14:33 Dismissal. The legislative budget assistant may be dismissed at any time by vote of the fiscal committee for good cause shown in a complaint brought by the said committee. The legislative budget assistant shall be afforded due notice of any such complaint and a fair hearing before said committee before dismissal. Should the fiscal committee vote to dismiss the legislative budget assistant, the legislative budget assistant may appeal the dismissal to a special committee consisting of the house finance and senate finance committees which shall have the power to uphold or reverse the decision of the fiscal committee.

9:10 House Finance Committee. Amend RSA 17-E:2 to read as follows:

17-E:2 Membership. The committee shall consist of:
I. The president of the senate or designee;
II. The speaker of the house or designee;
III. The majority leaders of each house;
IV. The minority leaders of each house;
V. The chairperson of the senate finance committee;
VI. The chairperson of the house finance committee;
VII. Two members of the house appointed by the speaker of the house; and
VIII. Two members of the senate appointed by the president of the senate.

9:11 House Public Works and Highways and Finance Committees. Amend RSA 17-J:2, I to read as follows:

I. The members of the committee shall be:
(a) Chairperson of the house public works and highways committee;
(b) Two other members of the house public works and highways committee, appointed by the speaker of the house;
(c) Three members of the house finance committee, appointed by the speaker of the house;
(d) Chairperson of the senate capital budget committee; and
(e) Three other senators appointed by the president of the senate.

9:12 Senate Executive Departments and Administration Committee. Amend RSA 17-L:3 to read as follows:

17-L:3 Membership. The committee shall consist of 11 members, 5 of whom shall be representatives, 3 appointed by the speaker of the house, at least one of whom shall be a member of the house executive departments and administration committee, and 2 appointed by the house minority leader, at least one of whom shall be a member of the house executive departments and administration committee, and 5 of whom shall be senators, 3 appointed by the president of the senate, at least one of whom shall be a member of the senate executive departments and administration committee, and 2 appointed by the senate minority leader, at least one of whom shall be a member of the senate executive departments and administration committee. The governor, or designee, shall be a non-voting member. The legislative members shall be appointed for their term of office, provided that all members shall be eligible for reappointment so long as they are qualified under the provisions of this section. Legislative mem-

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603-271-3600

To: Members of the Committee to Study Recodification of Laws Relating to the Joint Committee on Legislative Facilities

From: Pam Smarling, Committee Researcher
House Committee Research

Date: October 1, 2001

RE: 2000 amendment relative to the codification of duties of the Joint Committee on Legislative Facilities;
Materials relative to the operation of the Legislative Ethics Committee

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Attached find the following:

1. A copy of the House amendment to HB 1452, adopted April 11, 2000 on a voice vote

   HB 1452, codifying the powers and duties of the joint committee on legislative facilities, was introduced in the 2000 session and referred to the House Legislative Administration Committee. The bill was recommitted after concerns were raised over the language granting the Facilities Committee authority to hire and establish salary schedules for all joint legislative service agencies with the exception of the Legislative Budget Assistant (LBA) and the employees of the LBA. These employees are appointed by the Fiscal Committee pursuant to RSA 14:30 and RSA 14:34 (see attached). The revised committee amendment (4048h), added references to RSA 14:30, RSA 14:34 and RSA 17-A:4. Under this last section, the Director of the Office of Legislative Services is authorized to appoint and fix the compensation of employees with the approval of the Facilities Committee.

   The revised amendment was adopted by the full House with a voice vote on April 20, 2000. The bill was then referred to the Senate Executive Departments and Administration Committee, which reported the bill as Inexpedient to Legislate. The full Senate adopted this report with a voice vote on May 11, 2000.

2. RSA 14:30, 14:34 and 17-A:4

3. Chapter 215, Laws of 2001, relative to the legislative ethics committee

   This law made certain changes to the statutes outlining the duties and procedures of the Legislative Ethics Committee, including the confidentiality of certain committee records.

4. A copy of Legislative Ethics Committee minutes from July 31, 2000.

   These minutes are included to show the level of detail in Ethics Committee minutes and also to show how actions taken in nonpublic session are recorded.

5. Outline of Steps in Processing a Complaint, adopted by the Legislative Ethics Committee

If I can provide further information on this, please let me know.

Rep. Lozeau. Hills. 30
April 6, 2000
2000-4048h
10/01

Amendment to HB 1452

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

AN ACT codifying the powers and duties of the joint committee on legislative facilities.

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

1 New Section; Joint Committee on Legislative Facilities; Powers and Duties. Amend RSA 17-E by inserting after section 5 the following new section:

17-E:6 Powers and Duties. The committee shall have the following powers and duties:

I. To enter into contracts and hire consultants.

II. To review and approve all joint legislative budgets.

III. To hire the personnel of all joint legislative service agencies, except the legislative budget assistant and the employees of the legislative budget assistant governed by RSA 14:30 and RSA 14:34 and the additional employees appointed by the director of legislative services pursuant to RSA 17-A:4.

IV. To establish salary schedules and benefits for all employees of all joint legislative service agencies or departments, except the legislative budget assistant and the employees of the legislative budget assistant governed by RSA 14:30 and RSA 14:34 and the additional employees appointed by the director of legislative services pursuant to RSA 17-A:4. The house subcommittee shall establish salary schedules and benefits for all house employees. The senate subcommittee shall establish salary schedules and benefits for all senate employees.

V. To provide necessary furniture, stationery, and other supplies and equipment for the use of the committees and offices of the general court.

VI. To study ways and means to improve legislative operation, organization, procedures, facilities, and working conditions.

VII. To designate the use of the facilities under control of the legislature in the state house and to designate the use of the legislative office building and the Upham Walker house.

VIII. To establish rules of procedure for the conduct of the business of the committee.

IX. To perform such other duties and responsibilities as may be assigned to the committee from time to time by the house or the senate.

2 Repeal. The following are repealed:

I. 1973, 368, relative to establishing a legislative facilities committee.

II. 1974, 38:23 and 24, relative to the legislative parking facility.

III. 1975, 308, relative to legislative printing.

IV. 1975, 430:2, relative to renovating the Old Post Office in Concord.

V. 1975, 465:1, relative to duties of the legislative facilities committee.

VI. 1975, 479:4, relative to a legislative parking facility.

VII. 1975, 491, 1 and 2, relative to state house renovations.

VIII. 1981, 568:79, relative to legislative branch employee fringe benefits.

IX. 1983, 469:110, relative to the office of legislative accounting.

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

2000-4048h

AMENDED ANALYSIS

This bill codifies the powers and duties of the joint committee on legislative facilities.

NH Revised Statutes Annotated (2001)

§ 14:30. Appointment and Compensation.

Prior to the prorogation of any regular session of the legislature, the fiscal committee shall appoint a legislative budget assistant whose name shall be filed with the secretary of state. Said officer shall receive such salary as may be determined by the legislature and shall be reimbursed for actual expenses when engaged in the duties of his office.

§ 14:34. Assistants.

The legislative budget assistant with the approval of the fiscal committee, may appoint a deputy legislative budget assistant and such other assistants as he may require within the limits of the appropriation made for his department on recommendation of the fiscal committee. The deputy legislative budget assistant shall perform such duties as may be determined by the legislative budget assistant and may be dismissed by the legislative budget assistant with the approval of the fiscal committee for good cause shown. The legislative budget assistant shall also have the authority with the approval of the fiscal committee to hire on a temporary basis such expert consultants, including but not being limited to certified public accountants and data processing experts, as are necessary to carry out his duties.

Source. 1953, 10:1, par. 37. RSA 14:34. 1969, 281:5, eff. June 24, 1969.

§ 17-A:4. Assistants.

The director may, subject to the approval of the joint committee on legislative facilities, appoint and fix the compensation of such additional professional, technical, clerical or other employees necessary to perform his functions and duties under this chapter. He may, subject to like approval, designate one of said employees to be his deputy to act in his absence.

Source. 1963, 297:1. 1975, 465:3, eff. June 22, 1975.

CHAPTER 215
HB 202 - FINAL VERSION

08mar01...0082h

2001 SESSION

01-0385
09/01

HOUSE BILL *202*

AN ACT relative to the legislative ethics committee.

SPONSORS: Rep. J. Bradley, Carr 8; Rep. Wall, Straf 9; Sen. Gordon, Dist 2

COMMITTEE: Legislative Administration

ANALYSIS

This bill makes changes in the membership, duties, and procedures of the legislative ethics committee.

This bill was requested by the legislative ethics committee.

Explanation: Matter added to current law appears in ***bold italics.***
Matter removed from current law appears [~~in brackets and struckthrough.~~]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

CHAPTER 215
HB 202 – FINAL VERSION

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01-0385
09/01

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand One

AN ACT relative to the legislative ethics committee.

Be it Enacted by the Senate and House of Representatives in General Court convened:

215:1 Membership of Committee. Amend the introductory paragraph of 14-B:2, I to read as follows:

I. There is hereby established a legislative ethics committee to develop standards for legislative ethics and resolve, through procedures established in this chapter, issues, questions or complaints involving legislators and legislative staff and officers. The committee shall have the power to investigate allegations of improper conduct as set forth in this chapter. The committee shall consist of the following members, ***at least*** one of whom shall be an attorney who is a member of the New Hampshire bar:

215:2 New Subparagraph; Public Member Added. Amend RSA 14-B:2, I by inserting after subparagraph (g) the following new subparagraph:

(h) One public member, appointed jointly by the speaker of the house, the house minority leader, the senate president, and the senate minority leader.

215:3 Duties of Committee. Amend RSA 14-B:3 to read as follows:

14-B:3 Duties.

I. The committee shall be authorized to:

(a) Issue guidelines to elucidate proper and appropriate conduct for individuals relating to the performance of their duties as members, officers, or employees of the legislature. Such guidelines shall be consistent with statute.

(b) Issue interpretative rulings explaining and clarifying any law, guideline, rule or regulation within the jurisdiction of the committee.

(c) Render an advisory opinion, in writing within a reasonable time, in response to a written request by a member, officer, or employee, concerning the application of any law, guideline, rule, or regulation within its jurisdiction to a specific factual situation pertinent to the conduct or proposed conduct of the person seeking the advisory opinion. [~~Advisory opinions, until amended or revoked, shall be binding on the committee.~~] Any advisory opinion concerning any person subject to the provisions of this chapter who acted in reliance thereon, shall be binding upon the committee, and it shall be an absolute defense in any complaint brought under this chapter that the person complained against acted in reliance upon such advisory opinion.

(d) Receive sworn complaints, and investigate allegations of improper conduct which may reflect upon the legislature, relating to the conduct of individuals in the performance of their

duties as members, officers, or employees of the legislature, and make appropriate findings of fact and conclusions with respect to such conduct. Deliberations on such sworn complaints shall be conducted in nonpublic session [~~unless otherwise requested by the legislator, officer, or employee complained against,~~] and [~~shall be conducted~~] in accordance with procedures set forth in RSA 14-B:4 and established by the committee under RSA 14-B:5. The committee shall consider any sworn complaint and shall [~~process~~] ***conduct its initial review of*** each complaint in a confidential manner, ***unless otherwise requested by the legislator, officer, or employee complained against.***

(e) Investigate any unauthorized disclosure of information by any committee member or employee of the committee and report to the legislature concerning any allegation which it finds to be substantiated.

II. Before guidelines or amendments thereto become effective, the committee shall distribute such guidelines or amendments to the members of the senate and the house of representatives. Specific guidelines or amendments shall be brought to a vote and approved by a majority vote of both houses within a period of 3 legislative days after distribution before they shall become effective.

III. All actions of the committee shall require an affirmative vote of 4 or more members of the committee before becoming effective.

215:4 Complaints; Procedures. Amend RSA 14-B:4 to read as follows:

14-B:4 Complaints; Procedures.

I. Each complaint shall be submitted in writing and signed under oath by the complainant. The sworn complaint shall be filed confidentially with the committee and shall contain the name and address of the complainant. The legislator, officer, or employee of the legislature complained against shall be furnished with a copy of the complaint and a copy shall be sent to each member of the committee for review. The committee shall [~~evaluate~~] ***conduct an initial review of*** each complaint promptly after receipt to ascertain whether the committee has jurisdiction to consider the complaint ***or whether the complaint is without merit or is unfounded.***

II. Any person who knowingly and willfully swears falsely to a sworn complaint does so under penalty of perjury, and the committee may refer any such case to the attorney general for prosecution.

III. Except as provided in this chapter, all proceedings, information, communications, materials, papers, files, and transcripts, written or oral, received or developed by the committee in the course of its work, shall be confidential. Any violation of these provisions relating to confidentiality may result in action by the committee, at the request of the non-violating party or on its own motion, to terminate the proceedings with or without public comment.

IV. Upon completion of its initial review of a complaint, the committee shall make

available for public inspection all records, other than its work product and internal memoranda, relating to any complaint it does not dismiss, and shall conduct any subsequent proceedings, other than its deliberations, in public session.

[~~III.~~] *V.* If, after receiving a sworn complaint, the committee concludes by a recorded vote that the alleged conduct is not within the committee's jurisdiction or is without merit or is unfounded, the committee shall dismiss the complaint and shall report such conclusion to the complainant and to the legislator, the officer, or the employee of the legislature together with an explanation of the basis of such determination.

[~~IV.~~] *VI.* If the committee concludes that the complaint is within its jurisdiction and has merit, then by recorded vote, the committee may conduct a preliminary investigation.

[~~V.~~] *VII.* Upon completion of its preliminary investigation, the committee shall conclude by recorded vote that:

(a) No action is appropriate because no improper conduct occurred;

(b) The violation is inadvertent, technical or of a de minimis nature and shall be addressed by informal methods; or

(c) The conduct complained of is of a serious nature and formal proceedings should be instituted to inquire further into the complaint. The committee shall then make a statement of formal charges and hold a hearing on the complaint.

[~~VI.~~] *VIII.* Upon completion of the hearing, the committee shall conclude by recorded vote that:

(a) No action is appropriate because no improper conduct occurred; or

(b) No action is appropriate because there is not clear and convincing evidence that improper conduct occurred; or

(c) There was improper conduct based upon clear and convincing evidence, but such conduct does not justify formal disciplinary action and should be resolved by informal methods; or

(d)*(1)* There was improper conduct based upon clear and convincing evidence, and the improper conduct was of a serious nature so as to warrant formal disciplinary action by the general court in the case of a legislator or officer of the legislature, or formal disciplinary action by the joint committee on legislative facilities in the case of an employee of the legislature, except in the case of an employee of the legislature employed by the legislative budget assistant, in which case the formal disciplinary action shall be taken by the fiscal committee of the general court. The committee shall submit to the speaker of the house and senate president in the case of a legislator or officer of the legislature, to the joint committee on legislative facilities in the case of an employee of the legislature, or to the fiscal committee of the general court in the case of an employee of the legislature employed by the legislative budget assistant, a summary report of the deliberations regarding the complaint and of its findings. The report shall contain any specific recommendations

concerning disciplinary actions to be imposed. [~~Such recommendations may include reprimand, censure, or expulsion.~~] ***With respect to any recommendations for disciplinary actions against a legislator, the committee may recommend one or more of the following:***

(A) Reprimand.

(B) Censure.

(C) Expulsion from the senate or house of representatives.

(D) Denial or limitation of any right, power, privilege, or immunity of the legislator that the constitution of New Hampshire permits the general court to deny or limit.

(2) Before any disciplinary action may be taken against a legislator or against an officer of the legislature, the report shall be ratified by the legislator's or by the officer's respective body of the general court. ***Such ratification need not occur during the biennium in which the complaint was submitted, but may be considered and acted upon by the general court in the next succeeding session; provided that no action shall be taken against an individual who is no longer a member of the general court.***

(3) In a case involving an employee of the legislature, the joint committee on legislative facilities shall determine what disciplinary action shall be taken against the employee. In a case involving an employee of the legislature who is employed by the legislative budget assistant, the fiscal committee of the general court shall determine what disciplinary action shall be taken against the employee. In making its determination, the joint committee on legislative facilities or the fiscal committee of the general court as appropriate may use any of the specific recommendations concerning disciplinary actions which are contained in the report which it receives.

[~~VII~~] ***IX.*** In processing complaints filed under this chapter, the committee shall have subpoena powers. If the legislator, the officer, or the employee of the legislature refuses to participate in the proceedings, the committee may refer the complaint to the attorney general for appropriate action.

[~~VIII~~] ***X.*** Any member of the legislative ethics committee who is directly or indirectly involved in any complaint before the committee shall not participate in [~~deliberations~~] ***any proceedings*** regarding the complaint. In the event that a member does not participate in a particular case, the appointing authority shall designate an alternate to serve on the committee for that case only.

215:5 New Section; Retention of Records. Amend RSA 14-B by inserting after section 5 the following new section:

14-B:6 Retention of Records. All records required to be filed with the office of secretary of state under the provisions of this chapter, or the rules or guidelines adopted in accordance with RSA 14-B:5, shall be maintained by the office of secretary of state for a period of 3 years in their

original form and then in electronic format for a period of 20 years following their filing.

215:6 Effective Date. This act shall take effect upon its passage.

(Approved: July 11, 2001)
(Effective Date: July 11, 2001)

MINUTES
LEGISLATIVE ETHICS COMMITTEE
JULY 31, 2000 MEETING
{Approved: September 13, 2000}

The Legislative Ethics Committee (RSA 14-B:2) met on Monday, July 31, 2000, at 2:00 p.m., in Room 304 of the Legislative Office Building. The following members were present: Representative Jeb E. Bradley, Chairman, Senator Richard L. Russman, Vice Chairman, Senator John A. King, Representative Janet G. Wall, Shawn N. Jasper, and Attorney Peter C. Scott. The Committee's meeting consisted of the following items:

ITEM #1

Consideration of the draft Minutes from the Committee's meeting held on May 8, 2000. After review, Chairman Bradley moved to amend the draft Minutes in "Item #2" and "Item #3" to insert the words "recused and" prior to the words "not present" within the parentheses next to his name in the 3 roll call votes. Senator King moved to adopt the Minutes as amended. Representative Wall seconded the motion and the Committee voted as follows:

Mr. Jasper	Aye	
Representative Wall	Aye	
Senator King	Aye	
Senator Russman		(not yet present)
Representative Bradley	Aye	
Attorney Scott	Aye	

[MOTION ADOPTED]

ITEM #2

Discussion of Possible Amendments to RSA 14-B, the Ethics Guidelines, and Procedural Rules. Chairman Bradley suggested that the Committee should consider changes to the provisions in the statute and rules requiring confidentiality in the filing and processing of complaints. He cited the recent scrutiny by the General Court and public into the proceedings of the Judicial Conduct Committee (JCC) and the Professional Conduct Committee (PCC) and noted that those bodies have now generally "opened- up" their proceedings and require confidentiality only through the initial review of complaints, while retaining confidentiality with respect to their deliberations and work product. He noted that the original intent of the Committee's confidentiality provisions was primarily to discourage individuals from filing and making public scurrilous and frivolous complaints. He said that he is inclined to introduce legislation for the 2001 session to make changes similar to those adopted for the JCC and PCC.

Mr. Jasper said that he felt that it is important to retain confidentiality until the conclusion of the preliminary investigation phase of the complaint review process.

Senator Russman expressed concern that there are currently no provisions to enforce the Committee's rules requiring that complaints be filed confidentially. He asked the Committee to consider what changes could be made such that complainants could not "just drop complaints off at the press room" without fear of penalty. He suggested looking at an amendment to the statute that would make it a crime – perhaps a class B misdemeanor – to violate the Committee's confidentiality provisions.

Following further discussion, there was consensus that the Committee would consider amendments to open up the complaint process following the conclusion of the preliminary investigation phase and to impose criminal penalties for violations of the confidentiality provisions that would remain in place. Chairman Bradley requested research into other states' legislative ethics provisions regarding confidentiality for discussion at the Committee's next meeting.

ITEM #3

Chairman Bradley announced that he would recuse himself from the following nonpublic session. He then left the room and Senator Russman assumed the Chair.

Nonpublic Session.

Mr. Jasper moved to enter nonpublic session, pursuant to RSA 14-B:3, I(d), to discuss Complaint #2000-2. Representative Wall seconded the motion and the Committee voted as follows:

Mr. Jasper	Aye	
Representative Wall	Aye	
Senator King	Aye	
Senator Russman	Aye	
Representative Bradley		(recused and not present)
Attorney Scott	Aye	

[MOTION ADOPTED]

Mr. Jasper moved to exit nonpublic session. Representative Wall seconded the motion and the Committee voted as follows:

Mr. Jasper	Aye	
Representative Wall	Aye	
Senator King	Aye	
Senator Russman	Aye	
Representative Bradley		(recused and not present)
Attorney Scott	Aye	

[MOTION ADOPTED]

Senator Russman announced that the Committee had voted 5-0 in its nonpublic session to dismiss Complaint #2000-2 and to notify the complainant and the respondent of the Committee's action by letter.

Chairman Bradley then returned to the room and reassumed the Chair.

ITEM #4

Public Hearing on a request from Representative Marjorie K. Smith (Straf. 8) for an Advisory Opinion for guidance in interpreting Ethics Guidelines Section 4, VI (c) as it applies to a legislator's participation in discussions involving the Department of Transportation (DOT) relating to possible alterations to a highway that abuts her property.

Rep. Smith appeared and answered questions from the Committee. She said that DOT has been making changes all along Route 4 and has recently undertaken a safety study at the request of the Town of Durham to consider what changes should or should not be made to the segment of the highway located there. DOT has held meetings to elicit community input and Rep. Smith said that her constituents have indicated that they would like her to participate in the meetings. She acknowledged that any widening or changes to the highway where it abuts her house could involve taking part of her property.

Chairman Bradley said that he saw 2 issues raised by Rep. Smith's request: 1) Does she lose her right and obligation to advocate on behalf of her constituents by virtue of the fact that she lives on Rt. 4? 2) Because she does live on Rt. 4, as changes get closer to her property and she advocates for a particular outcome, does that create anything of value? If so, does she have to disclose that?

Mr. Jasper said that, as he saw the issue, if there were a bill relative to changes to Route 4 near her house, Rep. Smith would be required to disclose her financial interest and decide whether to participate or not participate according to the conflict of interest process. He noted that the conflict of interest provisions do not say that a legislator cannot participate. He said that another concern would be whether her actions could violate Ethics Guidelines Section 4, II(d), which relate to a legislator conducting private negotiations with a state agency.

Senator Russman said that if Rep. Smith were to file a Declaration of Intent Form and disclose her potential financial interest, then she could, if she so chose, participate in discussions relating to Route 4 because she could say that she was representing an issue which affects a broad range of her constituents. He expressed concern, however, about possible violations of the Ethics Guidelines' Prohibited Activities section. He said that when she appears before a state agency at a public hearing it is important that her disclosure (that she is a legislator representing the interests of her constituents but may also have a personal financial interest) is made in a manner that does not intimidate or threaten the agency people.

Attorney Scott said that, as he looks at Ethics Guidelines Section 4, II(c), the only thing that troubles him would be if Rep. Smith directly or indirectly implied some sort of threat against the agency. Beyond that, he said, disclosure would be nice, but he is not certain how far she would have to go with that.

Following discussion, Chairman Bradley said that it appeared that there was general consensus on the following response: 1) In a general sense, whenever a legislator advocates on behalf of an issue that involves the legislator's constituents, clearly there is no conflict of interest. 2) In any issue between a legislator and state agency, there cannot be any threat or retaliation by the legislator. 3) If there are issues with respect to the direct financial interests of the legislator, the legislator must make the appropriate disclosure. 4) A legislator may not use his or her position to obtain any greater value than a member of the public would normally receive.

The Committee's meeting adjourned at approximately 3:30 p.m. The Committee's next meeting will be held at the call of the Chair.

(Prepared by Research Division, Office of Legislative Services)

OUTLINE OF STEPS IN PROCESSING A COMPLAINT

1. Initial Review of Complaint
    - I. Copy provided to each Committee member for review
    - II. Copy provided to person complained against
    - III. Committee must promptly evaluate complaint to determine by recorded vote whether to:
        - (a) dismiss
            - (1) complaint not within its jurisdiction
            - (2) complaint without merit or obviously unfounded
            - (3) occurred more than 2 years prior to receipt of complaint
            - (4) repetitive
        - (b) resubmit to complainant for correction of defect or clarification
        - (c) person complained against given 20 days to respond to the merits
            - (1) copy of any response sent to complainant
            - (2) person complained against may submit relevant material

2. Preliminary Investigation
    - I. Initiated upon the affirmative vote of 4 or more members
    - II. Person complained against notified of investigation and afforded a "reasonable opportunity" to present "relevant matters"
    - III. Upon completion of the Preliminary Investigation, Committee may conclude by an affirmative vote of 4 or more members whether to:
        - (a) dismiss
        - (b) pursue an informal resolution
        - (c) initiate formal proceedings

3. Formal Proceedings
    - I. Prepare and file a "Formal Statement of Charges"
        - (a) clear summary of allegations and facts forming basis of allegations
        - (b) citation of provisions of law, Guidelines, or rules allegedly violated
        - (c) notify of duty to answer within 14 days
        - (d) whether person complained against requests proceedings be conducted publicly
    - II. Prepare "Notice of Hearing"
        - (a) date, time, and place of hearing
        - (b) notify person complained against may be represented by counsel, secure attendance of witnesses and production of documents, examine/cross-examine witnesses, etc.
    - III. Serve person complained against via registered/certified mail with "Formal Statement of Charges" and "Notice of Hearing" at least 21 days prior to date of hearing
        - (a) copy to complainant
    - IV. Answer of person complained against required within 14 days

4. Formal Hearing

5. Disposition Following Formal Hearing
    - I. Decision within 30 days upon affirmative vote of 4 or more Committee members:
        - (a) dismissal
            - (1) no improper conduct occurred
            - (2) clear and convincing evidence of improper conduct not established
        - (b) improper conduct based upon clear and convincing evidence
            - (1) informal resolution
            - (2) formal disciplinary action
                - (i) Recommendation in a Summary Report to relevant body
    - II. Preparation of a record of the Proceeding
        - (a) filed with clerk
        - (b) copy to person complained against

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Chapter 91-A Access to Public Records and Meetings

Section 91-A:1 Preamble.

Section 91-A:1-a Definition of Public Proceedings.

Section 91-A:2 Meetings Open to Public.

Section 91-A:3 Nonpublic Sessions.

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

Section 91-A:5 Exemptions.

Section 91-A:6 Employment Security.

Section 91-A:7 Violation.

Section 91-A:8 Remedies.

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TITLE VI PUBLIC OFFICERS AND EMPLOYEES

CHAPTER 91-A
ACCESS TO PUBLIC RECORDS AND MEETINGS

Section 91-A:1

91-A:1 Preamble. – Openness in the conduct of public business is essential to a democratic society. The purpose of this chapter is to ensure both the greatest possible public access to the actions, discussions and records of all public bodies, and their accountability to the people.

Source. 1967, 251:1. 1971, 327:1. 1977, 540:1, eff. Sept. 13, 1977.

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TITLE VI PUBLIC OFFICERS AND EMPLOYEES

CHAPTER 91-A
ACCESS TO PUBLIC RECORDS AND MEETINGS

Section 91-A:1-a

91-A:1-a Definition of Public Proceedings. – The term "public proceedings" as used in this chapter means the transaction of any functions affecting any or all citizens of the state by any of the following:

I. The general court including executive sessions of committees;

II. The governor's council and the governor with the governor's council;

III. Any board or commission of any state agency or authority, including the board of trustees of the university system of New Hampshire;

IV. Any board, commission, agency or authority, of any county, town, municipal corporation, school district, school administrative unit, charter school, or other political subdivision, or any committee, subcommittee or subordinate body thereof, or advisory committee thereto.

Source. 1977, 540:2. 1986, 83:2. 1989, 274:1. 1995, 260:4, eff. July 1, 1995.

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TITLE VI PUBLIC OFFICERS AND EMPLOYEES

CHAPTER 91-A
ACCESS TO PUBLIC RECORDS AND MEETINGS

Section 91-A:2

91-A:2 Meetings Open to Public. – I. For the purpose of this section, a "meeting" shall mean the convening of a quorum of the membership of a public body, as provided in RSA 91-A:1-a, to discuss or act upon a matter or matters over which the public body has supervision, control, jurisdiction or advisory power. "Meeting" shall not include:

(a) Any chance meeting or a social meeting neither planned nor intended for the purpose of discussing matters relating to official business and at which no decisions are made; however, no such chance or social meeting shall be used to circumvent the spirit of this chapter;

(b) Strategy or negotiations with respect to collective bargaining; or

(c) Consultation with legal counsel.

II. All public proceedings shall be open to the public, and all persons shall be permitted to attend any meetings of those bodies or agencies. Except for town meetings, school district meetings and elections, no vote while in open session may be taken by secret ballot. Any person shall be permitted to use recording devices, including, but not limited to, tape recorders, cameras and videotape equipment, at such meetings. Minutes of all such meetings, including names of members, persons appearing before the bodies or agencies, and a brief description of the subject matter discussed and final decisions, shall be promptly recorded and open to public inspection within 144 hours of the public meeting, except as provided in RSA 91-A:6, and shall be treated as permanent records of any body or agency, or any subordinate body thereof, without exception. Except in an emergency or when there is a meeting of a legislative committee, a notice of the time and place of each such meeting, including a nonpublic session, shall be posted in 2 appropriate places or shall be printed in a newspaper of general circulation in the city or town at least 24 hours, excluding Sundays and legal holidays, prior to such meetings. An emergency shall mean a situation where immediate undelayed action is deemed to be imperative by the chairman or presiding officer of the body or agency who shall employ whatever means are available to inform the public that a meeting is to be held. The minutes of the meeting shall clearly spell out the need for the emergency meeting. When a meeting of a legislative committee is held, publication made pursuant to the rules of the house of representatives or the senate, whichever rules are appropriate, shall be sufficient notice. If the charter of any city or guidelines or rules of order of any body or agency described in RSA 91-A:1-a require a broader public access to official meetings and records than herein described, such charter provisions or guidelines or rules of order shall take precedence over the requirements of this chapter.

Source. 1967, 251:1. 1969, 482:1. 1971, 327:2. 1975, 383:1. 1977, 540:3. 1983, 279:1. 1986, 83:3. 1991, 217:2, eff. Jan. 1, 1992.

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TITLE VI PUBLIC OFFICERS AND EMPLOYEES

CHAPTER 91-A
ACCESS TO PUBLIC RECORDS AND MEETINGS

Section 91-A:3

91-A:3 Nonpublic Sessions. – I. (a) Bodies or agencies shall not meet in nonpublic session, except for one of the purposes set out in paragraph II. No session at which evidence, information or testimony in any form is received shall be closed to the public, except as provided in paragraph II. No body or agency may enter nonpublic session, except pursuant to a motion properly made and seconded.

(b) Any motion to enter nonpublic session shall state on its face the specific exemption under paragraph II which is relied upon as foundation for the nonpublic session. The vote on any such motion shall be by roll call, and shall require the affirmative vote of the majority of members present.

(c) All discussions held and decisions made during nonpublic session shall be confined to the matters set out in the motion.

II. Only the following matters shall be considered or acted upon in nonpublic session:

(a) The dismissal, promotion or compensation of any public employee or the disciplining of such employee, or the investigation of any charges against him, unless the employee affected (1) has a right to a meeting and (2) requests that the meeting be open, in which case the request shall be granted.

(b) The hiring of any person as a public employee.

(c) Matters which, if discussed in public, would likely affect adversely the reputation of any person, other than a member of the body or agency itself, unless such person requests an open meeting.

(d) Consideration of the acquisition, sale or lease of real or personal property which, if discussed in public, would likely benefit a party or parties whose interests are adverse to those of the general community.

(e) Consideration or negotiation of pending claims or litigation which has been threatened in writing or filed against the body or agency or any subdivision thereof, or against any member thereof because of his membership in such body or agency, until the claim or litigation has been fully adjudicated or otherwise settled.

(f) Consideration of applications by the adult parole board under RSA 651-A.

(g) Consideration of security-related issues bearing on the immediate safety of security personnel or inmates at the county correctional facilities by county correctional superintendents or their designees.

(h) Consideration of applications by the business finance authority under RSA 162-A:7-10 and 162-A:13, where consideration of an application in public session would cause harm to the applicant or would inhibit full discussion of the application.

III. Minutes of proceedings in nonpublic session shall be kept and the record of all actions shall be

promptly made available for public inspection, except as provided in this section. Minutes and decisions reached in nonpublic session shall be publicly disclosed within 72 hours of the meeting, unless, by recorded vote of 2/3 of the members present, it is determined that divulgence of the information likely would affect adversely the reputation of any person other than a member of the body or agency itself or render the proposed action ineffective. In the event of such circumstances, information may be withheld until, in the opinion of a majority of members, the aforesaid circumstances no longer apply.

Source. 1967, 251:1. 1969, 482:2. 1971, 327:3. 1977, 540:4. 1983, 184:1. 1986, 83:4. 1991, 217:3. 1992, 34:1, 2. 1993, 46:1, eff. June 7, 1993; 335:16, eff. June 29, 1993.

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TITLE VI PUBLIC OFFICERS AND EMPLOYEES

CHAPTER 91-A
ACCESS TO PUBLIC RECORDS AND MEETINGS

Section 91-A:4

91-A:4 Minutes and Records Available for Public Inspection. – I. Every citizen during the regular or business hours of all such bodies or agencies, and on the regular business premises of such bodies or agencies, has the right to inspect all public records, including minutes of meetings of the bodies or agencies, and to make memoranda, abstracts, and photographic or photostatic copies of the records or minutes so inspected, except as otherwise prohibited by statute or RSA 91-A:5.

I-a. Records of any payment made to an employee of any public body or agency listed in RSA 91-A:1-a, I-IV, 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 bodies or agencies, every citizen, during the regular or business hours of all such bodies or agencies, and on the regular business premises of such bodies or agencies, has the right to inspect all notes, materials, tapes or other sources used for compiling the minutes of such meetings, and to make memoranda, abstracts, photographic or photostatic copies, or tape record such notes, materials, tapes or sources inspected, except as otherwise prohibited by statute or RSA 91-A:5.

III. Each body or agency shall keep and maintain all public 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 records pertaining to such body or agency shall be kept in an office of the political subdivision in which such body or agency is located or, in the case of a state agency, in an office designated by the secretary of state.

IV. Each public body or agency shall, upon request for any public record reasonably described, make available for inspection and copying any such public 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 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 photocopying machine or other device maintained for use by a body or agency is used by the body or agency to copy the public 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 body or agency. Nothing in this section shall exempt any person from paying fees otherwise established by law for obtaining copies of public 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 body or agency which maintains its records in a computer storage system may, in lieu of providing original documents, provide a printout of any record reasonably described and which the agency has the capacity to produce in a manner that does not reveal information which is confidential under this chapter or any other law. Access to work papers, personnel data and other confidential information under RSA 91-A:5, IV shall not be provided.

Source. 1967, 251:1. 1983, 279:2. 1986, 83:5, eff. Jan. 1, 1987. 1997, 90:2, eff. Aug. 2, 1997.

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TITLE VI PUBLIC OFFICERS AND EMPLOYEES

CHAPTER 91-A
ACCESS TO PUBLIC RECORDS AND MEETINGS

Section 91-A:5

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

I. Grand and petit juries.

II. 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 body or agency from releasing information relative to health or safety from

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TITLE VI PUBLIC OFFICERS AND EMPLOYEES

CHAPTER 91-A
ACCESS TO PUBLIC RECORDS AND MEETINGS

Section 91-A:6

91-A:6 Employment Security. – This chapter shall apply to RSA 282-A, relative to employment security; however, in addition to the exemptions under RSA 91-A:5, the provisions of RSA 282-A:117-123 shall also apply; this provision shall be administered and construed in the spirit of that section, and the exemptions from the provisions of this chapter shall include anything exempt from public inspection under RSA 282-A:117-123 together with all records and data developed from RSA 282-A:117-123.

Source. 1967, 251:1. 1981, 576:5, eff. July 1, 1981.

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TITLE VI PUBLIC OFFICERS AND EMPLOYEES

CHAPTER 91-A
ACCESS TO PUBLIC RECORDS AND MEETINGS

Section 91-A:7

91-A:7 Violation. – Any person aggrieved by a violation of this chapter may petition the superior court for injunctive relief. The courts shall give proceedings under this chapter 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 may order notice by any reasonable means, and he shall have authority to issue an order ex parte when he shall reasonably deem such an order necessary to insure compliance with the provisions of this chapter.

Source. 1967, 251:1. 1977, 540:5, eff. Sept. 13, 1977.

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TITLE VI PUBLIC OFFICERS AND EMPLOYEES

CHAPTER 91-A
ACCESS TO PUBLIC RECORDS AND MEETINGS

Section 91-A:8

91-A:8 Remedies. – I. If any body or agency or employee or member thereof, in violation of the provisions of this chapter, refuses to provide a public record or refuses access to a public proceeding to a person who reasonably requests the same, such body, 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 body, 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 proceeding or to provide a public record, the court may award such fees personally against such officer, employee, or other official.

II. The court may invalidate an action of a public body or agency taken at a meeting held in violation of the provisions of this chapter, if the circumstances justify such invalidation.

III. In addition to any other relief awarded pursuant to this chapter, the court may issue an order to enjoin future violations of this chapter.

Source. 1973, 113:1. 1977, 540:6. 1986, 83:7, eff. Jan. 1, 1987.

Title: amending the name of the Joint Legislative Facilities Committee and relative to the availability of committee and subcommittee minutes

1 Reference to staff added. Amend the title of Chapter 17-E as follows:

CHAPTER 17-E. JOINT COMMITTEE ON LEGISLATIVE ***STAFF AND*** FACILITIES

2 Reference to staff added. Amend RSA 17-E:1 as follows.

A joint committee on legislative ***staff and*** facilities is hereby established.

3 Availability of minutes. Add the following new section to RSA 17-E:

17-E:6 Committee records.

Minutes of committee and subcommittee meetings shall be available to the public and shall be maintained in accordance with the provisions of RSA 91-A:2, II. The minutes of the committee shall be available at the legislative accounting office. The minutes of the house and senate subcommittees shall be available at the office of the clerk of the appropriate chamber.

[*Note*: RSA 91-A:2, II specifies that meeting minutes, "including names of members, persons appearing before the bodies or agencies, and a brief description of the subject matter discussed and final decisions, shall be promptly recorded and open to public inspection within 144 hours of the public meeting, except as provided in RSA 91-A:6, and shall be treated as permanent records of any body or agency, or any subordinate body thereof, without exception."]

Exemptions listed in RSA 91-A (for purposes of reference only):

§ 91-A:5. Exemptions.

The records of the following bodies are exempted from the provisions of this chapter:
I. Grand and petit juries.
II. 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 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.

§ 91-A:6. Employment Security.

This chapter shall apply to RSA 282-A, relative to employment security; however, in addition to the exemptions under RSA 91-A:5, the provisions of RSA 282-A:117-123 shall also apply; this provision shall be administered and construed in the spirit of that section, and the exemptions from the provisions of this chapter shall include anything exempt from public inspection under RSA 282-A:117-123 together with all records and data developed from RSA 282-A:117-123.

This draft reflects the changes to RSA 17-E discussed at the October 24 meeting of the study committee. It also includes the necessary changes to references to the Facilities Committee through out the statutes.

Title: changing the name of the joint committee on legislative facilities to the joint committee on legislative management and relative to committee meetings, records and duties

§ 14:5-a. Legal Counsel.

The president of the senate may appoint a legal counsel who shall be an attorney. The compensation of the legal counsel shall be set at a rate to be determined by the senate subcommittee of the legislative [~~facilities~~] ***management*** committee established under RSA 17-E:5. The legal counsel shall provide advice and assistance to the president of the senate and to the senate members.

§ 14:7. Journals of Proceedings.

As soon as possible after every final adjournment of a session of the general court, and in any case consistently with the schedule of performance set forth in contracts for printing and binding of the journals of the general court, the clerks of each house shall file with the printers of the permanent journals a copy of the proceedings of the respective houses in proper form for printing and corrected page proofs of each. The clerks, with the approval of the respective house or senate subcommittee of the joint committee on legislative [~~facilities~~] ***management***, may correct clerical errors or formal imperfections in the printed and bound permanent journals.

§ 14:19. Senate Clerk.

The compensation of the clerk of the senate shall be set at a rate to be determined by the senate subcommittee of the legislative [~~facilities~~] ***management*** committee as established by RSA 17-E:5. The clerk of the senate shall be deemed to be a full-time legislative employee under the direction of the president who shall determine what days the clerk shall be in attendance, and as such eligible for fringe benefits as provided for full-time legislative employees.

§ 14:20. House Clerk.

The compensation of the clerk of the house shall be set at a rate to be determined by the house subcommittee of the legislative [~~facilities~~] ***management*** committee as established by RSA 17-E:5. He shall be a legislative employee under the direction of the speaker of the house who shall determine what days the clerk shall be in attendance.

§ 14:21. Assistant Clerks.

The compensation of the assistant clerks of the senate and of the house shall be set at a rate to be determined by the appropriate house or senate subcommittees of the legislative [~~facilities~~] ***management*** committee as established by RSA 17-E:5. The president of the senate or the speaker of the house, as the case may be, shall determine what days the assistant clerk shall be in attendance.

Amend RSA 14-B:4, VI(d), relative to complaints and procedures of the legislative ethics committee, as follows:

(d)(1) There was improper conduct based upon clear and convincing evidence, and the improper conduct was of a serious nature so as to warrant formal disciplinary action by the general court in the case of a legislator or officer of the legislature, or formal disciplinary action by the joint committee on legislative [~~facilities~~] ***management*** in the case of an employee of the legislature, except in the case of an employee of the legislature employed by the legislative budget assistant, in which case the formal disciplinary action shall be taken by the fiscal committee of the general court. The committee shall submit to the speaker of the house and senate president in the case of a legislator or officer of the legislature, to the joint committee on legislative [~~facilities~~] ***management*** in the case of an employee of the legislature, or to the fiscal committee of the general court in the case of an employee of the legislature employed by the legislative budget assistant, a summary report of the deliberations regarding the complaint and of its findings. The report shall contain any specific recommendations concerning disciplinary actions to be imposed. With respect to any recommendations for disciplinary actions against a legislator, the committee may recommend one or more of the following:
(A) Reprimand.
(B) Censure.
(C) Expulsion from the senate or house of representatives.
(D) Denial or limitation of any right, power, privilege, or immunity of the legislator that the constitution of New Hampshire permits the general court to deny or limit.
(2) Before any disciplinary action may be taken against a legislator or against an officer of the legislature, the report shall be ratified by the legislator's or by the officer's respective body of the general court. Such ratification need not occur during the biennium in which the complaint was submitted, but may be considered and acted upon by the general court in the next succeeding session; provided that no action shall be taken against an individual who is no longer a member of the general court.
(3) In a case involving an employee of the legislature, the joint committee on legislative [~~facilities~~] ***management*** shall determine what disciplinary action shall be taken against the employee. In a case involving an employee of the legislature who is employed by the legislative budget assistant, the fiscal committee of the general court shall determine what disciplinary action shall be taken against the employee. In making its determination, the joint committee on legislative [~~facilities~~] ***management*** or the fiscal committee of the general court as appropriate may use any of the specific recommendations concerning disciplinary actions which are contained in the report which it receives.

§ 17-A:2. Appointment.

The joint committee on legislative [~~facilities~~] ***management*** shall appoint the director of legislative services and fix his salary. He shall hold office for a term of 2 years coterminous with the biennial legislative term. He shall be chosen without reference to party affiliation and solely on the ground of his fitness, qualifications and experience to perform the duties of his office. In the performance of its duties under this chapter, said joint committee may act whether or not the general court is then in session; and 7 members thereof shall constitute a quorum.

§ 17-A:4. Assistants.

The director may, subject to the approval of the joint committee on legislative [~~facilities~~] ***management***, appoint and fix the compensation of such additional professional, technical, clerical or other employees necessary to perform his functions and duties under this chapter. He may, subject to like approval, designate one of said employees to be his deputy to act in his absence.

Amend RSA § 20:1, I and VI, relative to the publication of laws, as follows:

I. At the close of a legislative session, the director of legislative services shall cause such number of copies of all the acts and resolves thereof, with an appropriate index, to be printed as the joint committee on legislative [~~facilities~~] ***management*** shall determine.

VI. (a) The joint committee on legislative [~~facilities~~] ***management*** shall determine and fix the price for the sale of hard and paper bound copies of the laws. The state librarian may retain the difference between the cost of printing and the sale price for any hard and paper bound laws sold. The state librarian shall return to the director of legislative services for deposit in the general fund an amount equal to the cost of printing for all hard and paper bound laws sold.
(b) The state librarian may sell any unsold copies of the laws in the possession of the state librarian after 5 years from the date the joint committee on legislative [~~facilities~~] ***management*** fixed the price for such copies, at a price set by the state librarian. The state librarian may retain all proceeds from such sales.

§ 20:2-b. Revised Statutes Annotated.

The director of legislative services is hereby authorized to contract, with the approval of the joint committee on legislative [~~facilities~~] ***management***, for the editorial preparation and publication of original, replacement or revised volumes of the official Revised Statutes Annotated and periodic supplements thereto, as necessary.

§ 20:16. Distribution of Revised Statutes Annotated.

I. Unless otherwise directed by the joint committee on legislative [~~facilities~~] ***management***, the director of legislative services is authorized to distribute official bound volumes of the Revised Statutes Annotated, replacement volumes thereof and periodic supplements thereto free of charge to each of the following: the clerk of the Supreme Court of the United States, each judge of the circuit court of the United States for this district, the district court of the United States for this district, the United States Department of Justice, the Library of Congress, the New Hampshire Historical Society, and a sufficient number of copies to the state library and law library for use and for distribution to each state or territorial library of the United States on an exchange basis. If any state or territory makes a charge to this state for copies of its laws such state or territory shall in a like manner be required to pay to the state library or law library a price for copies of the Revised Statutes Annotated which shall be determined by the joint committee on legislative [~~facilities~~] ***management***.
II. The joint committee on legislative [~~facilities~~] ***management*** shall determine the allocation of volumes of the Revised Statutes Annotated other than those provided for in paragraph I among the following:
(a) For the legislative branch, to the director of legislative services, who shall distribute a sufficient number of copies to meet the needs of the general court and all of its agencies as shall be determined by the joint committee on legislative [~~facilities~~] ***management***.
(b) For the executive branch, to the secretary of state, who shall distribute such copies to the officers, departments, divisions, boards, commissions and institutions of the executive branch as shall be directed by the governor and council.
(c) For the judicial branch, to the clerk of the supreme court, who shall distribute such volumes to the supreme, superior and probate courts, which shall include retired judges of the courts mentioned, as shall be directed by the chief justice of the supreme court.
III. The joint committee on legislative [~~facilities~~] ***management*** is authorized to establish a charge for volumes allocated to the secretary of state for distribution under paragraph II(b) and to the clerk of the supreme court for distribution under paragraph II(c) to recover the actual costs incurred by the director of legislative services in having such volumes printed and distributed pursuant to RSA 20:2-b. The secretary of state and the clerk of the supreme court may each recover any charges for which he may be liable under this paragraph on a per volume basis from the persons to whom and the courts to which the volumes are distributed. If a charge is made for the printing and distribution of volumes, the secretary and the clerk shall remit the charge to the director of legislative services and the sums so received shall be credited to the legislative appropriation for joint printing and binding.

§ 125:13-a. Health Service Room.

The ***joint committee on*** legislative [~~facilities~~] ***management*** committee shall equip and maintain a health service room in such location in the state house as may be assigned for such purpose. Said room shall be staffed by a licensed registered nurse employed by the

joint committee on legislative [~~facilities~~] ***management*** committee, and the room shall be kept open at all times when the state house is open for business. The expense of the health service room, including a contract nurse, shall be a charge upon the joint expenses appropriation to the general court. The department of health and human services may, in the event of the absence of the employed nurse, provide from its staff a licensed registered nurse on a temporary basis. The department of health and human services is further authorized, in the event the department cannot provide a licensed registered nurse, to negotiate a contract for the ***joint committee on*** legislative [~~facilities~~] ***management*** committee with a nursing service for the purpose of staffing the health service room in the event of an absence of the employed nurse. The daily coordination of the contract nurse shall be accomplished jointly with the house chief of staff and the department of health and human services. The commissioner of the department of health and human services shall provide medical supervision for the employed nurse, for any temporarily assigned nurse and, if necessary, for any contracted nursing service.

Amend RSA 198:49, VII, relative to the adequate education and education financing commission, as follows:

VII. The commission may request that the ***joint committee on*** legislative [~~facilities~~] ***management*** committee approve funding for the commission not to exceed $150,000.

Amend RSA 541-A:2, II, relative to the joint legislative committee on administrative rules, as follows:

II. The joint legislative committee on administrative rules shall meet at least once each month and more often as necessary for the prompt discharge of its duties. The director of legislative services shall provide services and shall employ full-time staff, including clerical support and specially designated committee legal counsel, in a division of administrative rules established within the office of legislative services. Changes in services or staffing in the division shall be made by the joint committee on legislative [~~facilities~~] ***management*** only after receiving the recommendation of the joint legislative committee on administrative rules. The joint legislative committee on administrative rules shall adopt rules to govern its operation and organization. A quorum of the committee shall consist of 6 members. Members of the committee shall be entitled to legislative mileage as provided to members for attendance at sessions of the general court.

§ 663:3-a. Voter's Guides.

If the general court proposes the constitutional amendment, the joint committee on legislative [~~facilities~~] ***management*** may authorize the printing of a voter's guide. Distribution of the voter's guide shall not take place until its text has been reviewed and approved by the house and senate policy committees which considered the proposed constitutional amendment.

CHAPTER 17-E. JOINT COMMITTEE ON LEGISLATIVE [~~FACILITIES~~]
MANAGEMENT

§ 17-E:1. Committee Established.

A joint committee on legislative [~~facilities~~] ***management*** is hereby established.

§ 17-E:2. Membership.

The committee shall consist of:
I. The president of the senate or designee;
II. The speaker of the house or designee;
III. The majority leaders of each house, ***or designee***;
IV. The minority leaders of each house, ***or designee***;
V. The chairperson of the senate finance committee;
VI. The chairperson of the house finance committee;
VII. Two members of the house appointed by the speaker of the house; and
VIII. Two members of the senate appointed by the president of the senate.

§ 17-E:3. Chairman.

The chairmanship of the committee shall rotate biennially between the president of the senate or his designee and the speaker of the house or his designee, provided that the speaker shall serve as the first chairman. In the event that the presiding officer or his designee serving as chairman resigns or for any reason is unable to serve, the other presiding officer or his designee shall become chairman, provided that such substitution shall not change the rotation hereinabove provided for.

§ 17-E:4. Meetings.

I. The committee shall meet on a regular [~~stated date monthly~~] ***basis*** and at such other times at the call of the chair or upon written request of 4 members and any such special meeting shall be held within 5 days of such call or request. ***Notice of the time and place of each committee meeting shall be posted in accordance with the rules of the body holding the chairmanship of the committee. Notice of the time and place of each meeting of the house and senate subcommittees shall be posted in accordance with house and senate rules for posting committee meetings. An agenda clearly describing all subjects to be discussed or acted upon by the joint committee or the subcommittees shall be posted at the same time and place as the meeting notice.***

II. A quorum for the transaction of business by the joint committee shall be 7 members.

III. The business of the joint committee and subcommittees may be transacted by telephone, exchange of correspondence, or other informal poll of members; provided that no action that involves the termination, demotion, or reduction of salary of any employee shall be conducted pursuant to this paragraph. Any business conducted in accordance with this paragraph shall be ratified at the next meeting of the committee or subcommittee.

§ 17-E:5. House and Senate Subcommittees.

The house members, with the speaker as chairman, shall be a subcommittee for legislative management for the house; and the senate members, with the president as chairman, shall be a subcommittee for legislative management of the senate. All transfers within the house or senate appropriations and all salaries of [~~legislative attaches and other~~] employees ***of the house or senate*** unless otherwise specifically provided by statute shall require the approval of the respective subcommittee. The salaries as determined hereunder shall be a charge upon the appropriation made for the legislature. ***A quorum for the transaction of business by the house and senate subcommittees shall be 4 members.***

New sections:

§ 17-E:6 Committee records.

Minutes of committee and subcommittee meetings shall be available to the public and shall be maintained in accordance with the provisions of RSA 91-A:2, II. The minutes of the committee shall be available at the legislative accounting office. The minutes of the house and senate subcommittees shall be available at the office of the clerk of the appropriate chamber.

§ 17-E:7 Powers and Duties.

The committee shall have the following powers and duties:

I. To review and approve all joint legislative budgets.

II. To appoint the directors or heads of all joint legislative agencies, departments or offices and to establish the salary for such positions, except as otherwise provided by law.

III. To approve the appointment and compensation recommendations for employees made by the director of the office of legislative services for the employees of such

office, and the appointment and compensation recommendations made by the director or head of any other joint legislative agency, department or office for the employees of those offices, except as otherwise provided by law.

IV. To establish a uniform, comprehensive compensation and classification schedule for all employees of joint legislative service agencies, departments and offices, except the legislative budget assistant and employees of that office. The house subcommittee shall establish salary schedules and benefits for all house employees. The senate subcommittee shall establish salary schedules and benefits for all senate employees.

V. To develop, adopt, publish and periodically update a uniform manual of personnel policies and procedures for all full-time legislative employees. Such manual shall include a provision describing the process under which employees may address the committee for grievances.

VI. To enter into contracts and hire consultants for legislative operations.

VII. To establish rules of procedure for the conduct of the business of the committee in accordance with rules of the house and senate.

VIII. To conduct its proceedings in compliance with the provisions of RSA 91-A.

IX. To designate the use of the facilities under the control of the legislature in the state house and to designate the use of the legislative office building and the Upham Walker house, parking garages and lots, and any future facility that may come under legislative management.

X. To study ways and means to improve legislative operation, facilities, and working conditions.

Repeal. The following are repealed.

I. 1973, 368, relative to establishing a legislative facilities committee
II. 1974, 38:23 and 24, relative to the legislative parking facility
III. 1975, 308, relative to legislative printing
IV. 1975, 430:2, relative to renovating the Old Post Office in Concord
V. 1975, 465:1, relative to duties of the legislative facilities committee
VI. 1975, 479:4, relative to a legislative parking facility
VII. 1975, 491:1 and 2, relative to state house renovations
VIII. 1981, 568:79, relative to legislative branch employee fringe benefits
IX. 1983, 469:110, relative to the office of legislative accounting

Rep. Lozeau, Hills. 30
April 6, 2000
2000-4048h
10/01

Amendment to HB 1452

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

AN ACT codifying the powers and duties of the joint committee on legislative facilities.

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

1 New Section; Joint Committee on Legislative Facilities; Powers and Duties. Amend RSA 17-E by inserting after section 5 the following new section:

17-E:6 Powers and Duties. The committee shall have the following powers and duties:

I. To enter into contracts and hire consultants.

II. To review and approve all joint legislative budgets.

III. To hire the personnel of all joint legislative service agencies, except the legislative budget assistant and the employees of the legislative budget assistant governed by RSA 14:30 and RSA 14:34 and the additional employees appointed by the director of legislative services pursuant to RSA 17-A:4.

IV. To establish salary schedules and benefits for all employees of all joint legislative service agencies or departments, except the legislative budget assistant and the employees of the legislative budget assistant governed by RSA 14:30 and RSA 14:34 and the additional employees appointed by the director of legislative services pursuant to RSA 17-A:4. The house subcommittee shall establish salary schedules and benefits for all house employees. The senate subcommittee shall establish salary schedules and benefits for all senate employees.

V. To provide necessary furniture, stationery, and other supplies and equipment for the use of the committees and offices of the general court.

VI. To study ways and means to improve legislative operation, organization, procedures, facilities, and working conditions.

VII. To designate the use of the facilities under control of the legislature in the state house and to designate the use of the legislative office building and the Upham Walker house.

VIII. To establish rules of procedure for the conduct of the business of the committee.

IX. To perform such other duties and responsibilities as may be assigned to the committee from time to time by the house or the senate.

2 Repeal. The following are repealed:

I. 1973, 368, relative to establishing a legislative facilities committee.

II. 1974, 38:23 and 24, relative to the legislative parking facility.

III. 1975, 308, relative to legislative printing.

IV. 1975, 430:2, relative to renovating the Old Post Office in Concord.

V. 1975, 465:1, relative to duties of the legislative facilities committee.

VI. 1975, 479:4, relative to a legislative parking facility.

VII. 1975, 491, 1 and 2, relative to state house renovations.

VIII. 1981, 568:79, relative to legislative branch employee fringe benefits.

IX. 1983, 469:110, relative to the office of legislative accounting.

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

2000-4048h

AMENDED ANALYSIS

This bill codifies the powers and duties of the joint committee on legislative facilities.

10-23-0

CHAPTER 17-E. JOINT COMMITTEE ON LEGISLATIVE [~~FACILITIES~~] MANAGEMENT

Sec.
17-E:1. Committee Established.
17-E:2. Membership.
17-E:3. Chairman.
17-E:4. Meetings.
17-E:5. House and Senate Subcommittees.
17-E:6. Powers and Duties.
17-E:7. Employee Means of Address.

Annotations

Cited. Appeal of House Legislative Facilities Subcommittee, 141 N.H. 443, 685 A.2d 910 (1996).

Library References

CJS States § 55.

§ 17-E:1. Committee Established.

A joint committee on legislative [~~facilities~~] **management** is hereby established.

History

Source. 1975, 430:1, eff. June 18, 1975.

§ 17-E:2. Membership.

The committee shall consist of:

I. The president of the senate or designee;

II. The speaker of the house or designee;

III. The majority leaders of each house **or designee**;

IV. The minority leaders of each house **or designee**;

V. The chairperson of the senate finance committee;

VI. The chairperson of the house finance committee;

Two VII. [~~Two~~] **One** member[s] of the house appointed by the speaker of the house;

Two VIII. [~~Two~~] **One** member[s] of the senate appointed by the president of the senate;

IX. One member of the house appointed by the minority leader of the house;

X. One member of the senate appointed by the minority leader of the senate.

History

Source. 1975, 430:1. 1995, 9:10, eff. June 11, 1995.

Amendments--1995. Deleted "his" preceding "designee" in pars. I and II and substituted "chairperson" for "chairman" in pars. V and VI and "finance" for "appropriations" preceding "committee" in par. VI.

§ 17-E:3. Chairman.

The chairmanship of the committee shall rotate biennially between the president of the senate or his designee and the speaker of the house or his designee, provided that the speaker shall serve as the first chairman. In the event that the presiding officer or his designee serving as chairman resigns or for any reason is unable to serve, the other presiding officer or his designee shall become chairman, provided that such substitution shall not change the rotation hereinabove provided for.

History
Source. 1975, 430:1, eff. June 18, 1975.

§ 17-E:4. Meetings.

I. The committee shall meet on a regular [~~stated date monthly~~] **basis** and at such other times at the call of the chair or upon written request of 4 members and any such special meeting shall be held within 5 days of such call or request. **A notice of the time and place of each meeting of ~~the committee, or of~~ the house or senate subcommittees established in RSA 17-E:5, including a nonpublic session, shall be advertised in the house and senate calendars no fewer than 4 days prior to any meeting. An agenda clearly describing all subjects to be discussed or acted upon by the joint committee or subcommittees shall be prepared and provided to committee members, and to any person upon request, at least 2 days prior to any scheduled meeting.**

ref Senate House Rules

Transcripts

II. **~~Minutes~~ of all meetings shall be recorded verbatim by stenographic, electronic or other means approved by the committee. The minutes shall include the names of members in attendance and of persons appearing before the committee, and a brief description of the subjects discussed, votes taken, and final dispositions of all actions. The minutes shall be available and open to public inspection within 144 hours of the meeting. Minutes of the joint committee shall be filed with the house clerk and the senate clerk within 144 hours of the meeting. ~~Minutes of the house and senate subcommittees shall be filed with the clerk of the respective body within 144 hours of the meeting.~~**

91-A covers it

III. **A quorum for the transaction of business by the joint committee shall be ~~8~~ 7 members. The business of the joint committee and subcommittees may be transacted by telephone, exchange of correspondence, or other informal poll of members, unless one or more members object; provided, however, that no unfavorable action shall be taken against a legislative employee except upon deliberation and the affirmative vote of a majority of the committee present at a meeting.**

Quorum

report final at next meeting

History
Source. 1975, 430:1, eff. June 18, 1975.

§ 17-E:5. House and Senate Subcommittees.

The house members, with the speaker as chairman, shall be a subcommittee for legislative management for the house; and the senate members, with the president as chairman, shall be a subcommittee for legislative management of the senate. All transfers within the house or senate appropriations and all salaries of legislative [~~attaches and other~~] employees **of the house or senate,** unless otherwise specifically provided by statute, shall require the approval of the respective subcommittee. The salaries as determined hereunder shall be a charge upon the appropriation made for the legislature. **A quorum for the transaction of business by the house and senate subcommittees shall be 4 members.**

History
Source. 1975, 430:1, eff. June 18, 1975.

§ 17-E:6. Powers and Duties. The committee shall have the following powers and duties:

I. To review and approve all joint legislative budgets.

II. To appoint ~~the director of the office of legislative services, and to establish the salary for this position and for~~ the director or head of any other joint legislative agency, department or office, except as otherwise provided.

III. To approve the appointment and compensation recommendations for ~~professional, technical, clerical or other~~ employees made by the director of the office of legislative services for employees of that office, and the appointment and compensation recommendations made by the director or head of any other joint legislative agency, department or office for the employees of those offices, except as otherwise provided.

IV. To establish a uniform, comprehensive compensation and classification schedule for all employees of joint legislative service agencies, departments and offices, except the legislative budget assistant and employees of that office.

V. To develop, adopt, and publish, with the participation of a wide cross-section of employees and legislators, a uniform manual of personnel policies and procedures.

VI. To enter into contracts and hire consultants.

VII. To establish rules of procedure for the conduct of the business of the committee in accordance with rules of the house and the senate.

VIII. To conduct its proceedings in compliance with the provisions of RSA 91-A.

IX. To designate the use of the facilities under control of the legislature in the state house and to designate the use of the legislative office building and the Upham Walker house, parking garages and lots, and any future facility that may come under legislative management.

~~X. To provide necessary furniture, stationery, and other supplies and equipment for the use of the committees and joint legislative agencies, departments and offices of the general court, except as otherwise provided.~~

~~X~~ XI. To study ways and means to improve legislative operation, facilities, and working conditions.

§ 17-E:7. Employee Means of Address

The joint committee, or the house or senate subcommittee, shall afford any employee who is subject to any action that involves termination, demotion, reduction of salary, or other unfavorable action, the opportunity to appear before the committee. The legislative employee shall be entitled to have counsel, and shall have the right to adduce evidence, produce and cross-examine witnesses, and present all relevant arguments.

Repeal. The following are repealed:

I. 1973, 368, relative to establishing a legislative facilities committee.

II. 1974, 38:23 and 24, relative to the legislative parking facility.

III. 1975, 308, relative to legislative printing.

IV. 1975, 430:2, relative to renovating the Old Post Office in Concord.

V. 1975, 465:1, relative to duties of the legislative facilities committee.

VI. 1975, 479:4, relative to a legislative parking facility.

VII. 1975, 491:1 and 2, relative to state house renovations.

VIII. 1981, 568:79, relative to legislative branch employee fringe benefits.

IX. 1983, 469:110, relative to the office of legislative accounting.

14:5-a. Legal Counsel delete facilities add management

14:7 "

14:9 "

14:20

14:21

DRAFT Bill
Study Committee on Legislative Facilities
10/18/01

Title: amending the name of the Joint Legislative Facilities Committee and relative to the availability of committee and subcommittee minutes

1 Reference to staff added. Amend the title of Chapter 17-E as follows:

CHAPTER 17-E. JOINT COMMITTEE ON LEGISLATIVE ***STAFF AND*** FACILITIES

2 Reference to staff added. Amend RSA 17-E:1 as follows.

A joint committee on legislative (***staff and*** facilities management) is hereby established.

3 Availability of minutes. Add the following new section to RSA 17-E:

17-E:6 Committee records.

Minutes of committee and subcommittee meetings shall be available to the public and shall be maintained in accordance with the provisions of RSA 91-A:2, II. The minutes of the committee shall be available at the legislative accounting office. The minutes of the house and senate subcommittees shall be available at the office of the clerk of the appropriate chamber.

[***Note***: RSA 91-A:2, II specifies that meeting minutes, "including names of members, persons appearing before the bodies or agencies, and a brief description of the subject matter discussed and final decisions, shall be promptly recorded and open to public inspection within 144 hours of the public meeting, except as provided in RSA 91-A:6, and shall be treated as permanent records of any body or agency, or any subordinate body thereof, without exception."]

Exemptions listed in RSA 91-A (for purposes of reference only):

§ 91-A:5. Exemptions.

The records of the following bodies are exempted from the provisions of this chapter:
I. Grand and petit juries.
II. 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 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.

§ 91-A:6. Employment Security.

This chapter shall apply to RSA 282-A, relative to employment security; however, in addition to the exemptions under RSA 91-A:5, the provisions of RSA 282-A:117-123 shall also apply; this provision shall be administered and construed in the spirit of that section, and the exemptions from the provisions of this chapter shall include anything exempt from public inspection under RSA 282-A:117-123 together with all records and data developed from RSA 282-A:117-123.

REPRESENTATIVE PAUL MIRSKI, Grafton District 12, Enfield, New Hampshire 03748
121 Algonquin Road, Enfield, NH 03748 / Telephone: (603) 632-5555 / Fax: (603) 632-4747

TO: ***COMMITTEE MEMBERS:*** *(HB 574) COMMITTEE TO STUDY THE RECODIFICATION OF LAWS RELATING TO THE JOINT COMMITTEE ON LEGISLATIVE FACILITIES AND THE APPLICATION OF THE RIGHT TO KNOW LAW, CH. 0061:2, LAWS OF 2001*

FROM: *Representative Paul Mirski, Clerk*

RE: ***STUDY COMMITTEE ORGANIZATIONAL MEETING***

DATE: ***091201 @ 3:00 PM EDST @ LOB 307, Concord, NH***

COMMITTEE MEMBERS PRESENT: *Hon David Welch, Hon. Paul Mirski,, Hon. Keith Herman, Hon. Ned Gordon, Hon. Tom Eaton*

COMMITTEE MEMBERS ABSENT: *Hon Carl Johnson, Hon. Richard Leone, Hon. Lou D'Allesandro*

OTHERS PRESENT: *Hon. Howard Dickinson, Mr. Richard Lambert, Ms.Pam Smarling*

091201-1 *The organizational meeting FOR THE Study Committee concerning the Legislative Facilities (HB574) met in Room 307 of the LOB at 3PM September 12, 2001.*

091201-2 *Representative Herman, without opposition, was elected Chair.*

091201-3 *Representative Mirski, without opposition, was elected Clerk.*

091201-4 *Representative Dickinson reviewed the basis for HB574 and discussed, in general some of the issues, particularly those concerning record keeping and right-to-know issues. A general discussion ensued among those attending concerning background matters.*

091201-5 *Next formal meeting was scheduled for 2:30 PM, Room 100, September 26, 2001*

091201-6 *Meeting adjourned at 4:00 PM.*

Respectfully Submitted,
Representative Paul Mirski, Clerk

REPRESENTATIVE PAUL MIRSKI, Grafton District 12, Enfield, New Hampshire 03748
121 Algonquin Road, Enfield, NH 03748 / Telephone: (603) 632-5555 / Fax: (603) 632-4747

TO: ***COMMITTEE MEMBERS: (HB 574) COMMITTEE TO STUDY THE RECODIFICATION OF LAWS RELATING TO THE JOINT COMMITTEE ON LEGISLATIVE FACILITIES AND THE APPLICATION OF THE RIGHT TO KNOW LAW, CH. 0061:2, LAWS OF 2001***

FROM: *Representative Paul Mirski, Clerk*

RE: ***STUDY COMMITTEE MEETING***

SCHEDULED DATE AND TIME:	***092601 @ 2:30 PM EDST @ Room 100, State House, Concord, NH***
COMMITTEE MEMBERS PRESENT:	*Hon David Welch, Hon. Paul Mirski,, Hon. Keith Herman, Hon. Richard Leone, Hon. Tom Eaton*
COMMITTEE MEMBERS ABSENT:	*Hon Carl Johnson, Hon. Lou D'Allesandro, Hon Ned Gordon,*
OTHERS PRESENT:	*Mr. Richard Lambert, Ms. Pam Smarling, Ms. Karen Wadsworth, House Clerk, Ms. Betsy Miller, House Counsel*

092601-1 *Meeting called to order by Representative Herman at 2:45 PM.*

092601-2 *A general discussion concerning "Right to Know", record keeping and employee access to records of meetings continued in the same vein as the discussion of 090101. A particular point concerned staff worries about reprisals when and if staff requested meeting records.*

092601-3 *Rep. Welch noted that records of JLFC meetings ought to be available in a public place so that staff would be able to access information easily and without fear of reprisal. Clerk Wadsworth indicated that records could be easily made available at the House Clerks office.. Senator Eaton inquired as to whether or not meeting minutes could be made available on the internet. Rep Herman indicated that Rep. Dyer is presently involved with a study seeking a way to efficiently digitally record all legislative meetings. Rep. Herman will seek to have House Chief of Staff Pfaff, make a presentation to the committee on his office's view of the above matters at our next committee meeting.*

092601-4 *Senator Eaton raised the question of whether or not employ issues ought to, in some way, be handled as human resource issues. Discussion ensued as to whether or not there ought to be separate organizational focus on Human*

resource matters but the question was left unresolved. At present - and likely for the foreseeable future - staff serves 'at will' with hiring and firing done by the Speaker and President of the Senate. Salary scales an all other personal matters are the province of the JLFC Committee, Clerk Wadsworth noted.

092601-5 *Rep. Welch suggested creating an official 'Facilities Handbook' clearly delineating the Committee's functions and responsibilities. It was suggested that the book prepared recently for our committee by Mr. Lambert could be edited and once edited could, perhaps, serve such a purpose.*

There seemed to be general consensus that all statutory and session law matters concerning the JLFC ought to be gathered in one place. The question of whether or not recodification is required or necessary remains open for discussion.

092601-6 *Senator Eaton, noted that the Legislative Ethics Committee has been engaged in similar discussions as our committee concerning employee matters. Mr. Lambert suggested that Representative Bradley might be available to speak at the next Committee meeting to describe the Legislative Ethics Committee's work in areas of similar concern.*

091201-7 *Next meeting is scheduled for 2 PM, Room 100, October 3, 2001*

091201-9 *Meeting adjourned at 3:20 PM, 092601.*

Respectfully Submitted,

Representative Paul Mirski, Clerk

REPRESENTATIVE PAUL MIRSKI, Grafton District 12, Enfield, New Hampshire 03748
121 Algonquin Road, Enfield, NH 03748 / Telephone: (603) 632-5555 / Fax: (603) 632-4747

TO: ***COMMITTEE MEMBERS: (HB 574) COMMITTEE TO STUDY THE RECODIFICATION OF LAWS RELATING TO THE JOINT COMMITTEE ON LEGISLATIVE FACILITIES AND THE APPLICATION OF THE RIGHT TO KNOW LAW, CH. 0061:2, LAWS OF 2001***

FROM: *Representative Paul Mirski, Clerk*

RE: ***STUDY COMMITTEE MEETING***

SCHEDULED DATE AND TIME:	***101701 @ 1:00 PM EDST @ Room 100, State House, Concord, NH***
COMMITTEE MEMBERS PRESENT:	*Hon David Welch, Hon. Paul Mirski,, Hon. Keith Herman, Hon. Richard Leone, Hon. Lou D'Allessandro*
COMMITTEE MEMBERS ABSENT:	*Hon Carl Johnson, Hon. Lou D'Allesandro, Hon Ned Gordon, Hon Tom Eaton*
OTHERS PRESENT:	*Mr. Richard Lambert, Office of Legislative Services, Ms. Pam Smarling, Ms. Karen Wadsworth, House Clerk, Susan Duncan, Senate Legislative Aide to Senator Gordon, Lee B. Marden, Advisor to the Senate President*

101701-1 *Meeting called to order by Representative Herman at 2:10 PM.*

101701-2 *Representative Herman recapped those areas of general agreement to date, which included a) making minutes of all JLFC meetings and JLFC Subcommittee meetings available at the House and Senate Clerk's offices; and b) Insuring the posting of meeting notices in compliance withe the requirements of 91-a.*

101701-3 *Representative Welch raised the issue of re-codification in order to get all House and Session law into a comprehensible format. There appeared to be a general consensus on this subject. Representative Welch noted he favored re-codification.*

101701-4 *Mr. Marden recapped his experience in the legislature and noted that it had been the practice of the JLFC have its minutes transcribed verbatim for the record. The Office of Legislative Accounting took care of notices. Mr Marden indicated that he believed that because the Chair's position alternates between*

the House and Senate, this was the reason why record keeping has not been consistent.

101701-5 *Senator D'Allessandro indicated that he favored re-codification and the making of the records available at the two Clerk's offices.*

101701-6 *Representative Mirski indicated he favored re-codification and was generally in agreement with reorganization suggestions made to date but did not favor - as general proposition - changes which would result in hamstringing the ability of the JLFC to achieve it's purpose as a "management" entity. He also indicated that he would be out of state until after November 14, 2001.*

101701-7 *Representative Leone said that he believes that the title of the Committee ought to be changed to reflect its full purpose - particularly with regard to management and personnel - with the word "personnel" occurring in the title.*

101701-8 *Clerk Wadsworth noted that some of the language contained in the committee's enabling legislation (in 1975 Session law according to Mr. Lambert) requires clarification - particularly with regard to it's inference for micro managing supplies and with respect to the use of the wording "legislative procedure" - which, in the latter case appears to conflict with constitutional language concerning the responsibilities of the House and Senate.*

101701-9 *In summary, there seemed to be general acceptance of reorganization suggestions, re-codification and and corrective measures suggested so far - except with respect to the extent to which language or corrective measures would infringe upon the ability of the JLFC to actually "manage" the activities which fall within its authority.*

101701-10 *Representative Herman asked that Committee members bring all their documentation with them to the next meeting in order to be able to get to closure on language and recommendations tor legislation. In particular the Chair would like the April 6, 2000 edition of the proposed HB 1452 reviewed in detail .*

101701-11 *Next meeting is scheduled for 2 PM, October 24, 2001 , Room 100,*

101701-12 *Meeting adjourned at 2:00 PM, 101701.*

Respectfully Submitted,

Representative Paul Mirski, Clerk

HOUSE COMMITTEE RESEARCH OFFICE
New Hampshire House of Representatives
4th Floor, Legislative Office Building
Concord, New Hampshire 03301
TDD Access: Relay NH
1-800-735-2964

603-271-3600

To: Reps. Leone, Welch and Mirski
Sens. Gordon and Johnson

From: Pam Smarling, Committee Researcher
House Committee Research

Date: October 11, 2001

RE: Materials from October 3 Meeting

Enclosed is a meeting report from the October 3 meeting of the Committee to Study the Recodification of Laws relating to the Joint Committee on Legislative Facilities and the Application of the Right to Know Law. Also, enclosed is a packet of information that was distributed at the October 3 meeting.

Please note that the meeting report concludes with a request from the Chairman to members to come back with suggestions for improving the current processes used by the Facilities Committee, including suggestions for future legislation, if necessary.

The next meeting of the committee will be held on Wednesday, October 17 at 1:00 p.m. in Room 100, State House.

2001 Study Committee
Meeting Report

Meeting report on the committee to study the recodification of laws relating to the Joint Committee on Legislative Facilities and the application of the right to know law. (HB 574, Chapter 61:2, Laws of 2001)

MEETING DATE: October 3, 2001

Members of the Committee Present:
Representative Herman, Chairman
Senator Eaton
Senator D'Allesandro

Required Quorum: 5 members

Members of the Committee Absent:
Representative Leone
Representative Welch
Representative Mirski
Senator Gordon
Senator Johnson

Others Present:
Terry Pfaff, House Chief of Staff
Amy Ireland Bourgault, Senate Chief of Staff
Representative Merton S. Dyer
Representative Howard "Crow" Dickinson
Attorney Betsy Miller, House Legal Counsel
Karen Wadsworth, House Clerk
Pam Smarling, House Researcher
Rich Lambert, Senior Researcher, OLS
Susan Duncan, Senate Aide

Chairman Herman stated that due to a lack of a quorum, the committee could take no official action but would listen to testimony and receive information.

Summary of testimony received and discussion held during the meeting:

Representative Merton S. Dyer regarding a current House committee:

- Representative Dyer explained the work of an informal committee that has been looking into electronic methods of recording and storing the permanent records of House hearings.
- This committee (also composed of Representatives Calawa, Sargent and Langer) has been working with Stan Kelly and Steve Holland of the General Court Information Systems.
- Representative Stritch is using a prototype system with the redistricting committee in the House. That committee has recorded every meeting in anticipation that should the results of their work be taken to court, they will have a record of everything that was said. Whether a court would accept these records was not known.
- This system allows annotations to be made with a corresponding time stamp so that the appropriate place in the recording can be found later
- If necessary, a transcription could be produced, but according to Rep. Dyer, it is not necessary to prepare a transcript.
- It is impossible to remove a person's name in the annoations, change the words or alter the recording.
- The equipment (with microphones and everything) costs between $8,000 and $9,000.
- However, Stan Kelly has now set up a system with a Gateway laptop and he can set up a room for recording of a hearing for around $3,000.
- Legislation has been filed to appropriate $24,000 in order to equip eight hearing rooms in the House.
- With this system, you can listen to what was said as well as go back and look things up.
- Also, the system can be put onto the Internet with the audio streaming ability (as is currently done with House Sessions).
- They continue to work on the sound quality in hopes of getting it even clearer.
- The CD or DVD disk could be stored at archives.
- Questions that remain:
    - How long would the disks last?
    - Would this be considered an "official record"?

Amy Ireland Bourgault (Senate) and Terry Pfaff (House) – Chiefs of Staff:

Chairman Herman stated that at the committee's prior 2 meetings the committee had discussed the noticing of the Facilities Committee's meetings and the availability and completeness of the committee's minutes. Accordingly, he invited the Senate and House Chiefs of Staff to appear before the committee to explain the processes relating to the Facilities Committee meetings and to answer questions.

Chairman Herman then asked the two chiefs of staff to describe what sorts of matters can prompt the calling of a meeting of the Joint Legislative Facilities Committee, how such meetings are noticed, and whether an agenda is prepared.

Ms. Bourgault responded that:

- The Facilities Committee meetings are called, by statute, by the Chair of the Committee or they may occur as a regularly scheduled meeting.
- Agendas are prepared and, typically, she said, the chiefs of staff place agenda items regarding personal matters such as salary increases. Questions regarding the State House and Legislative Office Building facilities are also frequent agenda items.
- Meetings of the Facilities Committee are listed in the Calendars.
- A lot of the work is done in non-public session (i.e. personnel matters).
- The Facilities Committee can conduct a telephone poll when there is an issue that must be addressed and there is not enough time to call a meeting.

Mr. Pfaff' s comments were in agreement with Ms. Bourgault's remarks and he added that:

- The meeting agendas are generally a collective effort by the 2 chiefs of staff, especially concerning personnel salary issues, the timing of which are driven by the employees' anniversary dates.

Chairman Herman asked whether there is a record kept of the actions taken by the committee by means of telephone polls and whether the votes are recorded and accessible.

- Mr. Pfaff responded that sometimes a telephone poll might be taken when the committee is unable to meet in time to consider an issue. When such polls are taken, they are always ratified at the next meeting and the results are kept.

Chairman Herman went on to state his concern in regard to record keeping and the thoroughness of the committee's minutes.

- Ms. Bourgault explained that, by statute, the records are kept by the Legislative Accounting Office and are available in the Senate President's office or the Speaker's office.
- Mr. Pfaff stated that the minutes are available, can be accessed by members or staff, and are thorough.

Chairman Herman asked if the minutes are subject to approval of the members.

- Mr. Pfaff responded they are.

Senator D'Allesandro asked if, by reading the minutes, one could get an accurate account of what transpires at a meeting.

- Ms. Bourgault responded "yes."

Representative Dickinson agreed that currently the system is working better but that in the past the practice "was appalling."

Chairman Herman asked if the chiefs of staff would support a provision requiring the minutes to be kept available in the House and Senate Clerks' offices.

- Ms. Bourgault said that she would have no objection to that.
- Mr. Pfaff said that he would "look at" the issue.

Representative Dickinson suggested that the committee should consider establishing a procedure whereby a staff person, whom members of the Facilities Committee are considering firing, has an opportunity to go before the full committee to present his or her case.

Senator D'Allesandro commented that he was a member of the House in 1973 when the Facilities Committee was established. The committee's purpose then was to get the LOB into a clean, functional building. He noted that only a few of the duties given to the committee since that time, including none of those that relate to personnel, have been codified. The rest should be codified and available for the public to see in one place.

In further discussion:

- Mr. Pfaff stated that he takes the work of the Facilities Committee very seriously.
- Ms. Bourgault offered that employee step increases are handled in non-public session.
- Ms. Smarling distributed a packet that included a House amendment to 2000 House Bill 1452, which would have codified the powers and duties of the Facilities Committee, Chapter 215 of the New Hampshire Laws of 2001, relative to the Legislative Ethics Committee, and a copy of the minutes from one of the meetings of the Legislative Ethics Committee.
- It was asked if the minutes of the Legislative Ethics Committee and the 2001 law (2001, 215) which opened-up the Ethics Committee's procedures, should be used as models for the Facilities Committee.
- Representative Herman suggested that the committee members take the information they heard and continue their conversation regarding certain duties of the committee.

- Ms. Wadsworth noted that the Facilities Committee is the most important committee to staff and she urged the study committee to seek staff input.

Future Action:

Chairman Herman asked committee members to:

- Come back with suggestions and ideas on how to ensure that meetings are being properly noticed and that accurate, complete records are being kept.
- Decide how any recommended changes should be established: whether by statutory changes or through a policy decision of the Facilities Committee. He asked the committee to consider how detailed and formal the committee wants any changes to be.

Next Meeting Date: Wednesday, October 17th at 1:00 p.m. Room 100, State House

Report Due: November 1, 2001

IMPORTANT MESSAGE

FOR Dr

DATE 2/12 TIME ____ A.M. P.M.

M Crow

OF

PHONE ____ AREA CODE ____ NUMBER ____ EXTENSION

❑ FAX

❑ MOBILE ____ AREA CODE ____ NUMBER ____ TIME TO CALL

TELEPHONED		PLEASE CALL	
CAME TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		RUSH	
RETURNED YOUR CALL		WILL FAX TO YOU	

MESSAGE

Hearing on ~~[illegible]~~ facilities
in Senate Internal

3:45 in 104-210
Today.

SIGNED

2002 Senate Bill 428

"An Act changing the name of the joint committee on legislative facilities and codifying the powers and duties of the committee."

- This bill is a result of the Study Committee that met last September and October (HB 574/Chapter 61 of the 2001 NH Laws, "An Act establishing a committee to study the recodification of laws relating to the joint committee on legislative facilities and the application of the right-to-know law").

- Six of the eight members of that Study Committee are sponsors of this bill. In addition, Representatives David Scanlan and Howard Dickinson are also sponsors.

- The bill reflects the consensus reached by the overwhelming majority of the Study Committee.

- The bill:
    - Codifies all of the Committee's powers and duties -- currently scattered throughout some 23 separate session laws passed since 1973 -- into one place in the RSAs.
    - Changes the name of the Committee to a more appropriate name: "The Joint Committee on Legislative Management."
    - Allows the Committee to more easily comply with the Right-to-Know Law by requiring the Committee's Minutes and Agenda to be more detailed and more accessible to members and staff.
    - Establishes an employee means of address allowing a staff member who is the subject of possible termination or demotion the opportunity to appear before the Committee to give his or her side of the story.

RESEARCH DIVISION

Office of Legislative Services

Room 112, State House, 107 N. Main St., Concord, NH 03301-4951

(603) 271-3326 Research Brief #2000-32102

SUBJECT: Legislative History of the Joint Committee on Legislative Facilities

DATE: February 10, 2000

FROM: Richard M. Lambert

The Research Division was asked to provide a legislative history of the Joint Committee on Legislative Facilities (New Hampshire Revised Statutes Annotated 17-E).

OVERVIEW

Since 1973, the General Court has enacted no fewer than 23 session laws relating to the Joint Committee on Legislative Facilities.[1] Of these 23 laws, only 9 were inserted into the RSAs,[2] and of the 9, only 2 related to RSA 17-E, the chapter that statutorily establishes the Facilities Committee.[3]

LEGISLATIVE HISTORY

Chapter 368 of the New Hampshire Laws of 1973 first established the Joint Committee on Legislative Facilities. This session law established a joint committee whose duties were limited to "conducting, supervising and coordinating the renovating, rebuilding, remodeling or construction of the state-owned building known as the Old Post Office." The new committee was charged with having the building – subsequently re-named the Legislative Office Building – ready for legislative use by January 1, 1975. In 1974, the General Court amended session law 1973, 368 with the enactment of 1974, 38: 23-25. This 1974 law gave the Facilities Committee the additional responsibility to "conduct, supervise and coordinate the planning and construction of a legislative parking facility...for the use and control of the legislature." In 1975, Chapter 4 increased the appropriation for the planning and construction of the parking facility, and Chapter 308 directed the Facilities Committee to "study the overall problem of the printing requirements of the legislature" and to report its findings. It was 1975, 430, "An Act Relative to the Joint Committee on Legislative Facilities," that inserted RSA 17-E, Joint Committee on Legislative Facilities, into the statutes.

Also in 1975, the General Court enacted Chapter 465, "An Act Relative to the Powers and Duties of the Joint Committee on Legislative Facilities and Requiring the Senate and House of Representatives to Fill a Vacancy in the Office of its Presiding Officer within Thirty Days after the Vacancy Occurs." Section 1 of Chapter 465 – which did not go into the statutes – amended session law 1973, 368:2, as amended by 1974, 38:24, 1975, 4:3, and 1975, 308:1, by expanding the duties and authority of the Facilities Committee to include the authority to:

- review and approve all joint legislative budgets;
- establish salary schedules for all employees of joint legislative agencies, except the legislative budget assistant, and to assist the presiding officers of both houses in developing "relatively uniform salary schedules for house and senate employees and officers";

---

[1] See attached list of session laws.

[2] These 9 session laws were: 1975, 430, which inserted RSA 17-E; 1975, 464, which amended RSA 20:1, et seq.; 1975, 472, which amended RSA 14:7; 1977, 600:80, 81, and 106, which amended RSA 14:20, 14:21, and 14:19, respectively; 1979, 380, which amended RSA 20:1 and 20:16; 1986, 109, which amended RSA 14:5-a; 1992, 289:31, which amended RSA 125:13-a; 1994, 329:4, which amended RSA 14-B:4; and 1995, 9:10, which amended RSA 17-E:2.

[3] These 2 session laws were: 1975, 430, which first inserted the law into the statutes, and 1995, 9:10, which made minor changes to RSA 17-E.

- study ways to improve the legislative operation, organization, procedures, facilities and working conditions, and make quarterly reports concerning its findings;
- appoint the director of the Office of Legislative Services, establish the salary for that position and for the director or head of any other joint legislative agency or office;
- coordinate the activities of the office of the legislative budget assistant and the office of legislative services, and such other joint legislative agencies or offices and establish operating policies for them;
- coordinate and oversee intergovernmental relations programs on behalf of the General Court;
- provide necessary furniture, stationery and other supplies and equipment for the use of the committees, agencies and offices of the General Court;
- establish published rules of procedure for the conduct of the business of the committee;
- perform such other duties and responsibilities as may be assigned to the committee from time to time by the two houses; and
- receive from General Court agencies budget requests, and reports concerning their personnel and supply requirements.

Section 2 of Chapter 465 amended RSA 17-A:2 and 4 and provided that the Facilities Committee would appoint the director of the Office of Legislative Services, fix the director's salary, and approve the appointment and compensation of the director's assistants.

There were 4 other session laws enacted in 1975 that related to the Facilities Committee. 1975, 464 amended RSA 20:1, et seq., and assigned to the Facilities Committee the authority to determine the number of copies of the statutes, session laws, and advance sheets to be published and establish the prices for their sale. 1975, 472 amended RSA 14:7 and granted to the Facilities Committee a role in the publication of House and Senate Journals. 1975, 479:4 amended session law 1973, 368:1, as amended. 1975, 491 also amended session law 1973, 368, as amended, and authorized the Facilities Committee to renovate the "Hall of Flags" and Room 100 in the State House and transferred the Visitor's Center to the State House.

In 1977 the General Court enacted 2 laws which related to the Facilities Committee. 1977, 325, which amended session law 1975, 464:11, related to the publication of the RSAs, and 1977, 600: 80-81 and 106, which amended RSA 14, granted authority to the House and Senate subcommittees of the Facilities Committee to determine the compensation of the clerks and assistant clerks of their respective bodies.

1979, 380, which amended RSA 20, related to the Facilities Committee's authority over the distribution of the statutes and session laws. 1981, 568:73 required for the biennium ending June 30, 1983 that the salaries of the employees of the Visitor's Center were to be approved by the Facilities Committee, and 568:80 related to transfers made within the divisions of the legislative branch.

1983, 469:110 transferred the Office of Legislative Accounting to the jurisdiction of the Facilities Committee. 1987, 109 amended RSA 14:5-a and required that the compensation of the Senate Legal Counsel be determined by the Senate subcommittee of the Facilities Committee. 1988, 224:23 made appropriations to the Facilities Committee for improving the fire and electrical systems in the State House and to study the feasibility of a parking garage facility. This session law was subsequently amended by 1991, 4:16. Also in 1991, Chapter 355:115 granted the Facilities Committee authority, together with the governor and council, to approve plans to acquire, renovate, rehabilitate, and occupy suitable office space in the Capitol Area Government Center.

1992, 289:31 amended RSA 125:13-a and, along with 1992, 256:55-57, transferred the State House Health Services Coordinator from the Department of Health and Human Services to the jurisdiction of the Facilities Committee. 1994, 329:4 assigned to the Facilities Committee a role in disciplining staff for ethics violations. Lastly, 1995, 9:10 amended RSA 17-E:2 by making some gender neutral changes and changing "appropriations" to "finance" in reference to the Facilities Committee member who is the chairperson of the House Finance Committee.

LIST OF SESSION LAWS RELATING TO THE JOINT COMMITTEE ON LEGISLATIVE FACILITIES

Codified?/Where?	Session Law	
No	1973, 368	An Act Establishing a Legislative Facilities Committee; and Making an Appropriation Therefor
No	1974, 38:23	Legislative Facilities Committee
	38:24	Legislative Parking Facility
	38:25	Appropriation
No	1975, 4	An Act Increasing the Appropriation for the Planning and Construction of the Legislative Parking Facility and to Provide the Joint Committee on Legislative Facilities with Condemnation Powers Relative to Such Facility
No	1975, 308	An Act Directing the Joint Committee on Legislative Facilities to Study and Report on Legislative Printing
RSA 17-E	1975, 430	An Act Relative to the Joint Committee on Legislative Facilities
RSA 20:1 et seq.	1975, 464	An Act Relative to the Publication of Statutes and Making Appropriations for the Republication of Volumes 2, 2-A and 2-B of the Revised Statutes Annotated and for the 1977 Supplements to the RSA
No	1975, 465	An Act Relative to the Powers and Duties of the Joint Committee on Legislative Facilities and Requiring the Senate and House of Representatives to Fill a Vacancy in the Office of its Presiding Officer within Thirty Days After the Vacancy Occurs
RSA 14:7	1975, 472	An Act Relative to Legislative Proceedings and the Duties and Expenses of the Clerks of Both Houses
No	1975, 479	An Act Relative to Legislative Control of State Office Space and Parking Facilities and Providing the Director of Legislative Services Shall Maintain a Permanent Office in the State House or Legislative Office Building
No	1975, 491	An Act Authorizing the Legislative Facilities Committee to Renovate the State House Hall of Flags and Room 100 and Provide for the Transfer of the Visitors Center Thereto and Revising the Appropriation for Such Renovation
No	1977, 325	An Act Relative to the Publication of the Revised Statutes Annotated
RSA 14:19-21	1977, 600:80	House Clerk's Compensation
	600:81	Assistant Clerk's Compensation
	600:106	Senate Clerk's Compensation
RSA 20:1, 16	1979, 380	An Act Relative to the Distribution of the Revised Statutes Annotated and the Session Laws
No	1981, 568:73	Visitor's Center Employees
	568:79	Legislative Branch Employees
	568:80	Legislative Branch Appropriation
No	1983, 469:110	Legislative Accounting Transfer
RSA 14:5-a	1986, 109	An Act Relative to the Governor's Staff and the Senate Staff
No	1988, 224:23	Appropriations; Joint Committee on Legislative Facilities
No	1991, 4:16	Appropriation Bonded; Joint Committee on Legislative Facilities
No	1991, 355:115	Department of Administrative Services; Capitol Area Government Center; Appropriation
RSA 125:13-a	1992, 289:31	Health Services Change from Department of Health and Human Services to Legislative Facilities Committee
No	1992, 256:55	Position Transfer
	256:56	Health Services Position Deleted
	256:57	Health Services Position Inserted
RSA 14-B:4	1994, 329:4	Ethics Committee; Procedures
RSA 17-E:2	1995, 9:10	House Finance Committee

CHAPTER 17-E. JOINT COMMITTEE ON LEGISLATIVE FACILITIES

Sec.
17-E:1. Committee Established.
17-E:2. Membership.
17-E:3. Chairman.
17-E:4. Meetings.
17-E:5. House and Senate Subcommittees.

Transfer of legislative accounting office and function. 1983, 469:110 eff. July 1, 1983, provided: 'The office and function of legislative accounting currently in the office of legislative budget assistant is hereby transferred to the jurisdiction of the joint committee on legislative facilities. All personnel, equipment, records and appropriations for the legislative accounting function are hereby transferred to respective joint accounts and may be expended at the discretion of the joint committee on legislative facilities. Notwithstanding any other provision of law, the office of legislative accounting shall continue to maintain the accounts and records it currently has and any other accounts that the joint committee on legislative facilities may assign within the legislative branch. Notwithstanding any other provision of law, employees of the legislative accounting office shall be eligible for all fringe benefits that are available to other legislative employees."

Annotations

Cited. Appeal of House Legislative Facilities Subcommittee, 141 N.H. 443, 685 A.2d 910 (1996).

Library References

CJS States § 55.

§ 17-E:1. Committee Established.

A joint committee on legislative facilities is hereby established.

History

Source. 1975, 430:1, eff. June 18, 1975.

Annotations

Cited. Appeal of House Legislative Facilities Subcommittee, 141 N.H. 443, 685 A.2d 910 (1996).

§ 17-E:2. Membership.

The committee shall consist of:

I. The president of the senate or designee;

II. The speaker of the house or designee;

III. The majority leaders of each house;

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IV. The minority leaders of each house;

V. The chairperson of the senate finance committee;

VI. The chairperson of the house finance committee;

VII. Two members of the house appointed by the speaker of the house; and

VIII. Two members of the senate appointed by the president of the senate.

History

Source. 1975, 430:1. 1995, 9:10, eff. June 11, 1995.

Amendments--1995. Deleted "his" preceding "designee" in pars. I and II and substituted "chairperson" for "chairman" in pars. V and VI and "finance" for "appropriations" preceding "committee" in par. VI.

§ 17-E:3. Chairman.

The chairmanship of the committee shall rotate biennially between the president of the senate or his designee and the speaker of the house or his designee, provided that the speaker shall serve as the first chairman. In the event that the presiding officer or his designee serving as chairman resigns or for any reason is unable to serve, the other presiding officer or his designee shall become chairman, provided that such substitution shall not change the rotation hereinabove provided for.

History

Source. 1975, 430:1, eff. June 18, 1975.

§ 17-E:4. Meetings.

The committee shall meet on a regular stated date monthly and at such other times at the call of the chair or upon written request of 4 members and any such special meeting shall be held within 5 days of such call or request.

History

Source. 1975, 430:1, eff. June 18, 1975.

§ 17-E:5. House and Senate Subcommittees.

The house members, with the speaker as chairman, shall be a subcommittee for legislative management for the house; and the senate members, with the president as chairman, shall be a subcommittee for legislative management of the senate. All transfers within the house or senate appropriations and all salaries of legislative attaches and other employees unless otherwise specifically provided by statute shall require the approval of the respective subcommittee. The salaries as determined hereunder shall be a charge upon the appropriation made for the legislature.

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History

Source. 1975, 430:1, eff. June 18, 1975.

Annotations

Cited. Appeal of House Legislative Facilities Subcommittee, 141 N.H. 443, 685 A.2d 910 (1996).

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CODIFICATION OF THE LEGISLATION

Once the bill is signed by the Governor or otherwise has become law, it is filed with the Secretary of State and is given a chapter number. The chapter number is determined based on the order in which the laws were signed by the Governor, and is not correlated to either the LSR or bill number.

These chapters are then bound and become Session Laws (also referred to as Chapter Laws or Laws of New Hampshire). There is generally one volume published per session, although the budget chapter and special session laws may be in a separate volume. Chapters to the session laws are referenced by use of the subject index at the back of the volume.

Many of the session laws will also be codified in the Revised Statutes Annotated (RSA's), depending on the permanency of the law. For example, legislation which creates a study commission would only be found in the session laws, but legislation which amends the divorce laws would be found in both the session laws and the RSA's. After a session law is codified in the RSA's, it can be referred to in two ways - by it's session law number or by its RSA number.

While the RSA's contain the permanent laws of the state, they change with each session's enactments. The most recent changes in the statutes are found in supplements to each volume, which are generally published as pocket parts and fit into the back of each volume. The supplements are issued annually, and are published a few months after the close of the session. The RSA's may be referenced by use of the subject index volumes and index supplements. Note that the supplement to each volume, including index volumes, must be checked to insure that the statute cited is accurate and up to date.

It should be noted that parts of the RSA's may also be referred to as chapters. To avoid confusion, refer to the statutes as either RSA # or RSA Chapter #. Chapter law generally refers only to the Laws of New Hampshire.

The RSA's differ from the session laws in another important respect: they are annotated. These annotations will provide the reader with references to the source of the law, the history of the provision and summaries of court decisions which interpret the statute. Annotations can be helpful in research involving legislative histories (source and history) or judicial interpretation (summaries of cases with citations).

New Hampshire Revised Statutes Annotated - commonly referred to as the "RSA's"

The New Hampshire Revised Statutes Annotated (RSA's) are the current compilation of the public acts of the New Hampshire laws.

I. Organization of New Hampshire laws

Session Laws - After a bill is passed by the General Court and signed into law by the Governor, it is assigned a chapter number by the Secretary of State. These chapters, numbered in the order that they are enacted, are referred to as the Session Laws.

The Session Laws are bound in volumes, one volume for each legislative session. It is easier to find particular laws when they are compiled by topic. This process is called codifying and is facilitated by an identification in the body of each bill as to where it should be placed in the RSA's. Unlike the Session Laws, which contain every law passed in a given session, the RSA's contain only the public acts.

After a session law has been incorporated into the RSA's there are 2 ways to refer to it, either by its Session Law number (Chapter 122 of the New Hampshire Laws of 1987) or by its RSA number (RSA 14:46).

Public Acts - Public acts are those session laws of a permanent nature (although they are often amended) which are applicable to the general public and not just to particular persons or places. Any act which inserts, amends or repeals titles, chapters, sections, paragraphs or subparagraphs of the RSA is a public act. The RSA's are a compilation of public acts that are generally of a duration of at least 2 years. An act of limited duration such as the operating budget, is a public act and is included in the Session Laws but not the RSA's.

Private Acts - A private act is a law that applies only to particular persons or places. Private acts may apply to one city or town, private corporations, or one or more (but not all) school districts, among other things.

Previous Compliations of Public Acts - The RSA's are the current compilation of the public acts for New Hampshire. Previous versions are listed below:

Year of Compilation	Name	Cited As
1842	Revised Statutes	RS
1853	Compiled Statutes	CS
1867	General Statutes	GS
1878	General Laws	GL
1891	Public Statutes	PS
1926	Public Laws	PL
1942	Revised Statutes	RS
1955	Revised Statutes Annotated	RSA

II. Organization of the New Hampshire Revised Statutes Annotated

Structure - The RSA's are basically divided into titles, chapters and sections. A title is a collection of chapters that cover subject matter of a related or similar nature (Motor Vehicles - Title XXI). A chapter is a division within a title that contains a body of substantive material related to the same subject (Drivers' Licenses - RSA Chapter 263). A section is a division within a chapter that deals with a specific aspect of the topic (Application for License - RSA 263:5).

Each RSA section includes the text of the law. The history of each section is listed after the text in the source notes. These notes list the citation of the original law and any amendments to it.

There is a final source of law incorporated into the RSA's -- i.e. the annotations. Laws affect people, and those who are adversely affected by a law often go to court. The courts then have to interpret the laws and their decisions are valuable to the understanding of those laws. These judicial decisions are summarized and included in the RSA's as annotations, which are located at the end of each section.

Supplements - As new laws are compiled a supplement to each volume of the RSA's is issued. The RSA Supplements are issued after each session. Each supplement weaves the new laws from the most recent session in with the laws from previous session that have been enacted since the most recent version of the hardbound volume has been published.

CHAPTER 17-E. JOINT COMMITTEE ON LEGISLATIVE [~~FACILITIES~~] MANAGEMENT

Sec.

17-E:1. Committee Established.
17-E:2. Membership.
17-E:3. Chairman.
17-E:4. Meetings.
17-E:5. House and Senate Subcommittees.
17-E:6. Powers and Duties.
17-E:7. Employee Means of Address.

§ 17-E:1. Committee Established.

A joint committee on legislative [~~facilities~~] **management** is hereby established.

History

Source. 1975, 430:1, eff. June 18, 1975.

§ 17-E:2. Membership.

The committee shall consist of:

I. The president of the senate or designee;

II. The speaker of the house or designee;

III. The majority leaders of each house **or designee**;

IV. The minority leaders of each house **or designee**;

V. The chairperson of the senate finance committee;

VI. The chairperson of the house finance committee;

VII Two members of the house appointed by the speaker of the house;

VIII. Two members of the senate appointed by the president of the senate.

History

Source. 1975, 430:1. 1995, 9:10, eff. June 11, 1995.

Amendments—1995. Deleted "his" preceding "designee" in pars. I and II and substituted "chairperson" for "chairman" in pars. V and VI and "finance" for "appropriations" preceding "committee" in par. VI.

§ 17-E:3. Chairman.

The chairmanship of the committee shall rotate biennially between the president of the senate or his designee and the speaker of the house or his designee, provided that the speaker shall serve as the first chairman. In the event that the presiding officer or his designee serving as chairman resigns or for any reason is unable to serve, the other presiding officer or his designee shall become chairman, provided that such substitution shall not change the rotation hereinabove provided for.

History

Source. 1975, 430:1, eff. June 18, 1975.

§ 17-E:4. Meetings.

I. The committee shall meet on a regular [~~stated date monthly~~] **basis** and at such other times at the call of the chair or upon written request of 4 members and any such special meeting shall be held within 5 days of such call or request. **A notice of the time and place of each meeting of the committee, or of the house or senate subcommittee established in RSA 17-E:5, including a nonpublic session, shall be advertised in the house and senate calendars no fewer than 4 days prior to any meeting. An agenda clearly describing all subjects to be discussed or acted upon by the joint committee or subcommittees shall be prepared and provided to committee members, and to any person upon request, at least 2 days prior to any scheduled meeting.**

II. Minutes of all meetings shall be recorded verbatim by stenographic, electronic or other means approved by the committee. The minutes shall include the names of members in attendance and of persons appearing before the committee, and a brief description of the subjects discussed, votes taken, and final dispositions of all actions. The minutes shall be available and open to public inspection within 144 hours of the meeting. Minutes of the joint committee shall be filed with the house clerk and the senate clerk within 144 hours of the meeting. Minutes of the house and senate subcommittees shall be filed with the clerk of the respective body within 144 hours of the meeting.

III. A quorum for the transaction of business by the joint committee shall be 7 members.

IV. The business of the joint committee and subcommittees may be transacted by telephone, exchange of correspondence, or other informal poll of members, unless one or more members object; provided, however, that no action that involves the termination, demotion, or reduction of salary of any employee shall be taken except upon deliberation and the affirmative vote of a majority of the committee present at a meeting. Any business conducted in accordance with this paragraph shall be ratified at the next meeting of the committee or subcommittee.

History
Source. 1975, 430:1, eff. June 18, 1975.

§ 17-E:5. House and Senate Subcommittees.

The house members, with the speaker as chairman, shall be a subcommittee for legislative management for the house; and the senate members, with the president as chairman, shall be a subcommittee for legislative management of the senate. All transfers within the house or senate appropriations and all salaries of legislative [~~attaches and other~~] employees **of the house or senate,** unless otherwise specifically provided by statute, shall require the approval of the respective subcommittee. The salaries as determined hereunder shall be a charge upon the appropriation made for the legislature. **A quorum for the transaction of business by the house and senate subcommittees shall be 4 members.**

History
Source. 1975, 430:1, eff. June 18, 1975.

§ 17-E:6. Powers and Duties. The committee shall have the following powers and duties:

I. To review and approve all joint legislative budgets.

II. To appoint the directors or heads of all joint legislative agencies, departments, or offices, and to establish the salary for such positions, except as otherwise provided.

III. To approve the appointment and compensation recommendations for the employees of the office of legislative services made by the director of that office, and the appointment and compensation recommendations made by the director or head of any other joint legislative agency, department or office for the employees of those offices, except as otherwise provided.

IV. To establish a uniform, comprehensive compensation and classification schedule for all employees of joint legislative service agencies, departments and offices, except the legislative budget assistant and employees of that office. The house subcommittee shall establish salary schedules and benefits for all house employees. The senate subcommittee shall establish salary schedules and benefits for all senate employees

V. To develop, adopt, and publish, with the participation of a wide cross-section of employees and legislators, a uniform manual of personnel policies and procedures.

VI. To enter into contracts and hire consultants.

VII. To establish rules of procedure for the conduct of the business of the committee in accordance with rules of the house and the senate.

VIII. To conduct its proceedings in compliance with the provisions of RSA 91-A.

IX. To designate the use of the facilities under control of the legislature in the state house and to designate the use of the legislative office building and the Upham Walker house, parking garages and lots, and any future facility that may come under legislative management.

X. To perform all actions authorized by statute.

XI. To study ways and means to improve legislative operation, facilities, and working conditions.

§ 17-E:7. Employee Means of Address

The joint committee, or the house or senate subcommittee, shall afford any employee who is subject to any action that involves termination, demotion,

reduction of salary, or other unfavorable action, the opportunity to appear before the committee. The legislative employee shall be entitled to have counsel, and shall have the right to adduce evidence, produce and cross-examine witnesses, and present all relevant arguments.

Repeal. The following are repealed:

I. 1973, 368, relative to establishing a legislative facilities committee.

II. 1974, 38:23 and 24, relative to the legislative parking facility.

III. 1975, 308, relative to legislative printing.

IV. 1975, 430:2, relative to renovating the Old Post Office in Concord.

V. 1975, 465:1, relative to duties of the legislative facilities committee.

VI. 1975, 479:4, relative to a legislative parking facility.

VII. 1975, 491:1 and 2, relative to state house renovations.

VIII. 1981, 568:79, relative to legislative branch employee fringe benefits.

IX. 1983, 469:110, relative to the office of legislative accounting.

SB 428 - AS INTRODUCED

2002 SESSION

02-3169

10/01

SENATE BILL *428*

AN ACT changing the name of the joint committee on legislative facilities and codifying the powers and duties of the committee.

SPONSORS: Sen. D'Allesandro, Dist 20; Sen. Gordon, Dist 2; Sen. Johnson, Dist 1; Rep. Dickinson, Carr 2; Rep. Mirski, Graf 12; Rep. Leone, Sull 2; Rep. Welch, Rock 18; Rep. Scanlan, Graf 11

COMMITTEE: Internal Affairs

ANALYSIS

This bill changes the name of the legislative facilities committee to the legislative management committee, lists the powers and duties of the committee, establishes an employee means of address, and repeals certain session laws relating to the facilities committee.

Explanation: Matter added to current law appears in ***bold italics.***

Matter removed from current law appears [~~in brackets and struckthrough.~~]

Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

02-3169

10/01

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Two

AN ACT changing the name of the joint committee on legislative facilities and codifying the powers and duties of the committee.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 Joint Committee on Legislative Management. RSA 17-E is repealed and reenacted to read as follows:

CHAPTER 17-E

JOINT COMMITTEE ON LEGISLATIVE MANAGEMENT

17-E:1 Committee Established. A joint committee on legislative management is hereby established.

17-E:2 Membership. The committee shall consist of:

I. The president of the senate or designee.

II. The speaker of the house or designee.

III. The majority leaders of each house or designee.

IV. The minority leaders of each house or designee.

V. The chairperson of the senate finance committee.

VI. The chairperson of the house finance committee.

VII Two members of the house appointed by the speaker of the house.

VIII. Two members of the senate appointed by the president of the senate.

17-E:3 Chairperson. The chairperson for the committee shall rotate biennially between the president of the senate or designee and the speaker of the house or designee. In the event that the presiding officer or his or her designee serving as chairperson resigns or for any reason is unable to serve, the other presiding officer or his or her designee shall become chairperson, provided that such substitution shall not change the rotation provided for in this section.

17-E:4 Meetings.

I. The committee shall meet on a regular basis and at such other times at the call of the chair or upon written request of 4 members and any such special meeting shall be held within 5 days of such call or request. A notice of the time and place of each meeting of the committee, or of the house or senate subcommittee established in RSA 17-E:5, including a nonpublic session, shall be advertised in the house and senate calendars no fewer than 4 days prior to any meeting. An agenda clearly describing all subjects to be discussed or acted upon by the joint committee or subcommittees shall be prepared and provided to committee members, and to any person upon request, at least 2 days prior to any scheduled meeting.

II. Minutes of all meetings shall be recorded verbatim by stenographic, electronic, or other means approved by the committee. The minutes shall include the names of members in attendance and of persons appearing before the committee, and a brief description of the subjects discussed, votes taken, and final dispositions of all actions. The minutes shall be available and open to public inspection within 144 hours of the meeting. Minutes of the joint committee shall be filed with the house clerk and the senate clerk within 144 hours of the meeting. Minutes of the house and senate subcommittees shall be filed with the clerk of the respective body within 144 hours of the meeting.

III. A quorum for the transaction of business by the joint committee shall be 7 members.

IV. The business of the joint committee and subcommittees may be transacted by telephone, exchange of correspondence, or other informal poll of members, unless one or more members object; provided, however, that no action that involves the termination, demotion, or reduction of salary of any employee shall be taken except upon deliberation and the affirmative vote of a majority of the committee present at a meeting. Any business conducted in accordance with this paragraph shall be ratified at the next meeting of the committee or subcommittee.

17-E:5 House and Senate Subcommittees. The house members, with the speaker as chairperson, shall be a subcommittee for legislative management for the house; and the senate members, with the president as chairperson, shall be a subcommittee for legislative management of the senate. All transfers within the house or senate appropriations and all salaries of legislative employees of the house or senate, unless otherwise specifically provided by statute, shall require the approval of the respective subcommittee. The salaries as determined hereunder shall be a charge upon the appropriation made for the legislature. A quorum for the transaction of business by the house and senate subcommittees shall be 4 members.

17-E:6 Powers and Duties. The committee shall have the following powers and duties:

I. To review and approve all joint legislative budgets.

II. To appoint the directors or heads of all joint legislative agencies, departments, or offices, and to establish the salary for such positions, except as otherwise provided.

III. To approve the appointment and compensation recommendations for the employees of the office of legislative services made by the director of that office, and the appointment and compensation recommendations made by the director or head of any other joint legislative agency, department, or office for the employees of those offices, except as otherwise provided.

IV. To establish a uniform, comprehensive compensation and classification schedule for all employees of joint legislative service agencies, departments, and offices, except the legislative budget assistant and employees of that office. The house subcommittee shall establish salary schedules and benefits for all house employees. The senate subcommittee shall establish salary schedules and benefits for all senate employees

V. To develop, adopt, and publish, with the participation of a wide cross-section of employees and legislators, a uniform manual of personnel policies and procedures.

VI. To enter into contracts and hire consultants.

VII. To establish rules of procedure for the conduct of the business of the committee in accordance with rules of the house and the senate.

VIII. To conduct its proceedings in compliance with the provisions of RSA 91-A.

IX. To designate the use of the facilities under control of the legislature in the state house and to designate the use of the legislative office building and the Upham Walker house, parking garages and lots, and any future facility that may come under legislative management.

X. To perform all actions authorized by statute.

XI. To study ways and means to improve legislative operation, facilities, and working conditions.

17-E:7 Employee Means of Address. The joint committee, or the house or senate subcommittee, shall afford any employee who is subject to any action that involves termination, demotion, reduction of salary, or other unfavorable action, the opportunity to appear before the committee. The legislative employee shall be entitled to have counsel, and shall have the right to adduce evidence, produce and cross-examine witnesses, and present all relevant arguments.

2 References to Legislative Facilities Committee Changed to Legislative Management Committee. Amend the following RSA provisions by replacing "facilities" with "management": 14:5-a; 14:7; 14:19; 14:20; 14:21; 14-B:4, VIII; 17-A:2; 17-A:4; 20:1; 20:2-b; 20:16; 125:13-a; 198:49, VII; 541-A:2, II; 663:3-a.

3 Repeal. The following are repealed:

I. 1973, 368, relative to establishing a legislative facilities committee.

II. 1974, 38:23 and 24, relative to the legislative parking facility.

III. 1975, 308, relative to legislative printing.

IV. 1975, 430:2, relative to renovating the Old Post Office in Concord.

V. 1975, 465:1, relative to duties of the legislative facilities committee.

VI. 1975, 479:4, relative to a legislative parking facility.

VII. 1975, 491:1 and 2, relative to state house renovations.

VIII. 1981, 568:79, relative to legislative branch employee fringe benefits.

IX. 1983, 469:110, relative to the office of legislative accounting.

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

Committee Report

STATE OF NEW HAMPSHIRE

SENATE

REPORT OF THE COMMITTEE

Date:

THE COMMITTEE ON Internal Affairs

to which was referred House Bill 1441

AN ACT relative to the availability of records of the joint committee on legislative facilities.

VOTE: 4-0

Having considered the same, report the same without amendment and recommend that the bill: **OUGHT TO PASS.**

Senator Katie Wheeler
For the Committee

|HB1441 Docket

Next|Prev|Results List|Main|Bill Status

Bill Title: relative to the availability of records of the joint committee on legislative facilities.

Date	Body	Description
1/24/2002	**H**	Introduced and ref to Leg Admin; HJ14, p539
1/31/2002	**H**	Copy to Chairman on 1/31/2002 Report due on 2/21/2002
1/31/2002	**H**	Hearing Feb 6 1:15 RM307,LOB
2/20/2002	**H**	Maj Report OTP for Mar 6 (vote 12-0;CC)
3/6/2002	**H**	Passed; HJ25, p963 + 1036
3/14/2002	**S**	Introduced and Ref. to Internal Affairs; SJ 7, Pg.195
3/26/2002	**S**	Hearing; April 2, 2002, Room 103, LOB, 3:45 p.m.; SC19
4/16/2002	**S**	Committee Report; Ought to Pass [04/18/02]; SC26A
4/18/2002	**S**	Ought to Pass, MA, VV; OT3rdg, MA, VV; SJ 12, Pg.428
4/25/2002	**S**	Enrolled; SJ 13, Pg.527
5/2/2002	**H**	Enrolled; HJ40, p1478
5/9/2002	**H**	Signed by the Governor on 5/9/2002 Eff: 7/8/2002 Chap: 0135

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Docket Abbreviations