

State of New Hampshire HOUSE RECORD

**First Year of the 156th Session of the General Court
Calendar and Journal of the 1999 Session**

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Contains: Public Hearings, Work Sessions, Notices, Reports and Amendments for May 13.

HOUSE CALENDAR

NOTICE

MEMBERS OF THE HOUSE:

The House will meet on Thursday, May 13 at 10:00 a.m. A session day is tentatively scheduled for Thursday, May 20 as well.

Because we have not adopted deadlines for crossover we have not had the traditional "crunch time" for reporting bills out of committee. I would encourage committees to complete action on any House bills remaining in their possession by Thursday, May 13. This should allow the Senate enough time to thoughtfully consider any bills passed by the House.

Chairmen and Vice Chairmen will meet at 9:00 a.m. on Tuesday, May 11th in Room 201, LOB

Donna Sytek, Speaker

NOTICE

There will be a Republican Caucus on Thursday, May 13th at 9:00 a.m. in Rooms 201-203, LOB

Rep. Gene G. Chandler, Majority Leader

NOTICE

There will be a Democratic Caucus on Thursday, May 13th at 9:00 a.m. in Rooms 305-307 of the Legislative Office Building.

Rep. Peter H. Burling, Democratic Leader

Parliamentary Point to Ponder

All debate must be addressed to the presiding officer and not to the members.

Mason's Legislative Manual

Section 110 Paragraph 1

Because we face the members when we speak from the microphones, and it is the members we are trying to persuade, it seems natural to want to speak to them directly. Correct form is to direct remarks to the presiding officer, and refer to the members in the third person. Example: "Madam Speaker, this bill is important to my district, will create jobs, and won't cost the general fund a cent. I hope the members will join me in supporting it."

The same format should be used for parliamentary inquiries, which should be fashioned as questions of the chair, even though we sometimes use them to remind the members which way we want them to vote. Example: "Madam Speaker, if I know that this bill promotes truth, justice, and the American way, wouldn't I vote 'yes' by pushing the green button?"

Donna Sytek, Speaker

THURSDAY, MAY 13

CONSENT CALENDAR

COMMERCE

HB 637-FN, including persons who make medical decisions as practicing medicine. RE-REFER TO COMMITTEE

Rep. Keith R. Herman for Commerce: This bill would require medical directors of managed care organizations to be responsible for medical necessity decisions and, therefore, be subject to the New Hampshire Board of Medicine and thus be open for medical liability. The issue of liability is heavily debated as to the costs associated and the implications of being able to sue your HMO, which violates federal law. There was information submitted to the subcommittee by the Medical Society to suggest that the more appropriate action would be to address minimum requirements for licensure of medical directors. This topic is also being introduced through the Governor's "HMO Accountability Act." Vote 17-0.

CRIMINAL JUSTICE AND PUBLIC SAFETY

HB 216, relative to release conditions pending trial for defendants in domestic violence, stalking, or protective order violation cases. OUGHT TO PASS WITH AMENDMENT

Rep. Andrew Christie, Jr. for Criminal Justice and Public Safety: This bill concerns the release of a defendant pending trial in which a person is charged with a domestic violence crime, stalking or a violation of a protective order. We believe RSA 597:2II already allows the court to hold a person without bail when the person "will endanger the safety of the person or of any other person or the community". HB 216 further defines the circumstances in which the court MAY hold someone in preventive detention without bail in domestic violence, stalking or violation of protective order cases, or in the alternative, add restrictive conditions such as electronic monitoring and supervision. This bill requires the superior court in case of appeal under RSA 597:6-eII to have a hearing and make written findings based upon the hearing and the review of the district court's written findings, orders, pleadings, or transcript when making modifications. Lastly, language is added to RSA 597:7-a, III (a)(2) sanctions for breach of conditions, saying the person's bail may be revoked if the person "has violated a temporary or permanent protective order or by conduct indicating a potential danger to another." Vote 13-0.

HB 584-FN, relative to administrative license suspensions. OUGHT TO PASS WITH AMENDMENT

Rep. Andrew Christie, Jr. for Criminal Justice and Public Safety: This bill further defines the scope of authority to suspend or revoke drivers licenses, by achieving three goals within the Administrative License Suspension (ALS) process. First goal, individuals that request a hearing under ALS and further request that the law enforcement officer be present at the hearing will be responsible for paying a witness fee (\$15 for a half day-\$30 for more than a half day). This fee can be waived for those who are deemed indigent. Communities with small police departments cannot afford the effects of these hearings when they lose the officer for most of a working day. These types of hearings are at the request of the defendant and the law enforcement officer usually sends his report to the hearing unless his presence is requested by the defendant. Second goal, a provision is included for either party to request a review by the Director of Motor Vehicles within 15 days, if either party feels aggrieved by the ruling at the hearing. Currently there is no review process. Third goal, this allows the Department of Safety to accept cases where the driver has registered .08 on a breathalyzer device having a reported value of .08. The driver will still be able to contest the validity of the test results. The last amendment is not related to the ALS process but is related to the fatal hearing statutes. The Department of Safety currently conducts hearings on fatal cases and suspends driver licenses for up to three years. The courts have the ability to suspend or revoke driver licenses for up to seven years. Some cases do not make it to the courts even when a driver's actions may have materially contributed to the death or serious bodily injury to another. This amendment would allow the Department at its hearing to extend the period of revocation from the current 0-3 years to 0-7 years when the driver's actions have materially contributed to the death or serious bodily injury of another. Vote 14-0.

HB 722-FN, revising the law relative to protection of persons from domestic violence. OUGHT TO PASS WITH AMENDMENT

Rep. Andrew Christie, Jr. for Criminal Justice and Public Safety: This bill is a reorganization of the present Domestic Violence Statute, RSA 173-B. The various components are rewritten so that the process is easier to follow and understand. The first sections begin with the definitions and their statutory references followed by jurisdiction and venue. Next are commencement of proceedings, temporary relief, permanent relief and etceteras. A subcommittee met six times to work on this bill. Under the definition of abuse, we added a requirement that if a person violates one of the listed crimes the conduct has to constitute a credible threat to the plaintiff's safety. Further into the bill we made it very clear that a person filing a Domestic Violence Petition (DVP) would be subject to criminal penalties if they make a false allegation of abuse and on the DVP application we will require the following words to appear: "I swear that the foregoing information is true and correct to the best of my knowledge. I understand that making a false statement on this petition will subject me to criminal penalties." We allow the temporary hearing to be held no sooner than three days and not later than five days if a request is made to have a hearing. Under RSA 173-B:5 (Relief) it is plainly stated that temporary reconciliation shall not revoke an order and a person restrained from contacting the plaintiff cannot do so even if invited by the plaintiff, unless the order is modified by the court. There are technical corrections such as changing the reference of Department of Safety to the Administrative Office of the Courts who is now responsible for maintaining the list of active DVP orders. Under the current statute firearms can be taken for the duration of a DVP. In this rewrite, provisions for a motion to return firearms can be filed with the court 15 days prior to the expiration of an order and the court shall schedule a hearing no later than 15 days after the expiration of the order. The court is required to notify the plaintiff of this hearing. Another change from current statutes regarding firearms has been included to allow defendants, when firearms are taken under an order, to make arrangements to have them stored with a federally licensed firearms dealer at the defendants' expense and with the approval of the court. This feature relieves local police departments with limited space or no storage facilities suitable for storage of firearms from responsibility for "proper storage" and allows the defendant to secure "proper storage" of the firearms if the court approves. The last major change from the bill as introduced is in the penalty section where in five different places we changed the phrase from "shall be charged" to the discretionary "may be charged": thus allowing the judge to take special circumstances into consideration when making decisions. The committee believes that this bill presents improvements and fair treatment for all parties during times of great emotional stress. Vote 12-1.

EDUCATION

HB 718-FN-L, relative to statewide administration and funding of special education in the state of New Hampshire as a single school district. INEXPEDIENT TO LEGISLATE

Rep. Clair A. Snyder for Education: This bill would have created the Department of Education as a single school district to administer services and fund all special education costs. This would transfer the liability to the state for all costs and services above 1-1/2 times the state's adequacy figure. Although this sounds appealing, it could create chaos with people from other states flocking to New Hampshire for services with little local control on services or funding. It would also require a huge bureaucracy at the Department of Education to administer it without any funding. This would set a budgetary limit on the amount to be spent for services, which would then leave districts liable for the remaining costs. Additional services required by the federal law would require local districts to fully fund those services. This direction of special education puts mandates at the local level to fund services that the state now pays. Vote 12-2.

SB 18, relative to the rulemaking authority of the state board of education regarding certain educational personnel. OUGHT TO PASS

Rep. Arthur J. Pelletier for Education: Currently, new educational personnel or changes in their titles must be addressed through legislation. Generic language in this bill allows such changes to be effected through the rulemaking authority of the state board of education while retaining the Legislature's prerogative to establish additional personnel when deemed necessary. Vote 13-1.

SB 77, relative to authorized regional enrollment area schools. OUGHT TO PASS WITH AMENDMENT

Rep. Gordon B. Flint, Sr. for Education: This bill provides for certain changes in the current area school law with regard to the length of an area agreement, the withdrawal of a district from an area agreement, the representation of the sending district on the receiving district's school board, and the manner in which the interests of the school boards of the sending districts will be addressed within the area plan. The amendment sets a timeframe for the area district to take the vote. Vote 13-0.

SB 117, relative to the duties of the board of trustees of the community-technical college system. OUGHT TO PASS WITH AMENDMENT

Rep. Clair A. Snyder for Education: This bill restores certain duties to the Board of Trustees of the Community-Technical College system and makes certain technical revisions to the duties of the Board of Trustees. These duties and technical revisions were inadvertently left out of SB508 of last year's session. The amendment requires that reports and recommendations of the public higher education study committee be sent to the Commissioner of the regional community-technical college system. Vote 14-0.

ELECTION LAW

HB 316, relative to political party expenditures. INEXPEDIENT TO LEGISLATE

Rep. Raymond Buckley for Election Law: The Committee will be looking into the entire issue of campaign finance reform with the study committee created by the House in HB 689. The Committee agrees that complete disclosure is the foundation for campaign finance reform and will take the points in HB 316 into consideration as they deliberate the issue this summer and fall. Vote 16-0.

HB 390-L, relative to lengthening the polling hours in towns. INEXPEDIENT TO LEGISLATE

Rep. Natalie S. Flanagan for Election Law: Under current law there is a process for voters in towns to vote to change polling hours, provided that the polls do not open later than 11 o'clock a.m. or close earlier than 7 o'clock p.m. This bill would add a provision stating that the polls shall not close later than 8 o'clock in the evening and would add a new process for changing polling hours in towns. As drafted, the bill is unclear and creates conflicts with current law. Since a process for changing polling hours already exists, the committee felt the bill was inexpedient to legislate. Vote 15-0.

SB 38, relative to the optional term for election of a cooperative school district moderator. OUGHT TO PASS

Rep. Raymond Buckley for Election Law: The Committee supports enabling school districts to vote by warrant to determine the term of the school district's moderator. SB 38 would allow the local school district to choose to expand the term of their moderator from a one-year term to either a two- or three-year term. The Committee agrees with the sponsor that the school district moderator's position is often one that is non-contested and it should be left to the local voters to determine the length of the term. Vote 17-0.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 348-FN, privatizing the sale of liquor. INEXPEDIENT TO LEGISLATE

Rep. Michael O'Neil for Executive Departments and Administration: The topic of this bill has been discussed for years by the New Hampshire Legislature and the committee agrees with past decisions that the present state liquor sales operation serves the best interest of the state. The income generated by this operation provides a very important and vital revenue source for the state operating budget and to tinker with the system would be disruptive to the budget and would require additional tax burdens on the citizens of the state. Vote 16-0.

HB 414-FN, relative to the salary of the executive director of fish and game. OUGHT TO PASS WITH AMENDMENT

Rep. Merton S. Dyer for Executive Departments and Administration: The amendment that is shown in the calendar replaces the bill and changes the title. The original bill deals with a change of the pay grade for an unclassified individual. Over the last 2 years the legislature has not granted individual pay group changes. The governor and the ED&A committee agree that there are serious deficiencies in the present pay structure in the unclassified service. This bill as amended will establish a chapter study committee to investigate what action the legislature should take. This committee will report in November if legislation or funding is needed. The last time this was discussed was in 1990 and nothing came of that study. Vote 16-0.

HB 658, relative to certification and registration requirements for recovery agents who assist bail agents and sureties. OUGHT TO PASS WITH AMENDMENT

Rep. William R. Zolla for Executive Departments and Administration: This bill requires recovery agents who assist bail agents and sureties in the apprehension, surrender and surveillance of defendants to be trained and certified through a program approved by the Professional Bail Agents of the United States and to provide proof of liability insurance to, and be registered with the secretary of state prior to entry into the state for recovery. This bill still requires bail agents, sureties and recovery agents to notify a municipality's chief law enforcement office if the search is to be conducted in his jurisdiction. Persons failing to comply with the provisions of this bill shall be guilty of a class A misdemeanor. Vote 15-0.

HB 670, establishing an advisory board to study the future of the New Hampshire automated information system's "Webster" Internet site. OUGHT TO PASS WITH AMENDMENT

Rep. Robert E. Murphy for Executive Departments and Administration: This bill establishes a board to advise the state librarian on matters pertaining to the state's Internet web site, "WEBSTER". The board is charged with recommending standards to the state librarian for electronic publications and coordinating the content of state agency information for publication on the Internet. The board will be composed of eight members with representation from all 3 branches of government. The members of the board that are elected officials will serve terms coterminous with their terms of office and the remaining board members will serve for 3-year terms. The board will issue an annual report on its activities. Vote 16-0.

HB 716-FN, requiring review of proposed administrative rules by house and senate policy committees. INEXPEDIENT TO LEGISLATE

Rep. Maurice E. Goulet for Executive Departments and Administration: The committee recognized the point that the sponsors wished to make with this bill. Subsequent discussion revealed two major problems with the proffered approach: (1) Policy committee review of proposed administrative rules would lengthen the process; and (2) how could policy committees be expected to review proposed rules during the summer and fall months. Perhaps, at some future date, a mechanism will be found to accomplish the intent of the sponsors Vote 15-0.

SB 60, establishing a committee to study the licensure of radiographers and radiologic technicians. OUGHT TO PASS WITH AMENDMENT

Rep. Maurice E. Goulet for Executive Departments and Administration: On April 14, 1999, the House voted to re-refer HB 598, an act to license x-ray technicians. SB 60 establishes a study committee to study the licensure of these persons. As a result of our previous action, it was considered prudent to pass this study bill to review this situation with combined House and Senate input. Vote 17-0.

FINANCE

HB 66-FN, relative to disability retirement benefits for retirement system members permanently incapacitated for duty. OUGHT TO PASS

Rep. Robert G. Holbrook for Finance: This bill requires New Hampshire retirement system members to prove the cause of accident was work-related in order to qualify for disability benefits for permanent incapacity, including a request for a lump sum payment, from either the New Hampshire retirement system or an insurance company. Vote 23-1.

HB 220-FN-L, repealing the excavation tax and excavation activity tax. INEXPEDIENT TO LEGISLATE

Rep. Charles L. Vaughn for Finance: Despite decade-old problems with uniform taxation on quarrying or mining earth, the sponsor suggested the bill be Inexpedient to Legislate and that the provisions of HB 666 be used for necessary changes to RSA

Chapter 72-B. HB 666 clarifies the intent and procedures of excavation, creates exemptions to the tax including fees, and also permits enforcement with liens of potential excavation violations Vote 23-2.

HB 274-FN, relative to the office of the consumer advocate. OUGHT TO PASS WITH AMENDMENT

Rep. Vivian R. Clark for Finance: As received from the policy committee, this bill changes the appointing authority for the Consumer Advocate from the Attorney General to the Governor and Council, and establishes a Residential Ratepayers Advisory Board. The Finance Committee voted a further amendment, to remove a new staff position and to change the authority of the Advisory Board from nominating candidates for Consumer Advocate to recommending them. Vote 23-0.

HB 485-FN, relative to the calculation of unemployment compensation benefits. OUGHT TO PASS

Rep. Robert G. Holbrook for Finance: As requested by the Unemployment Compensation Advisory Council, this bill brings up to date methods for State-Federal Extended Benefit Programs to conform to US Department of Labor rules. The bill would also broaden the scope of determining the appropriate employer to charge for unemployment compensation benefits. A change in cost for these improvements cannot be determined. Vote 23-0.

HB 486-FN-A, relative to the physician effectiveness program. OUGHT TO PASS WITH AMENDMENT

Rep. Marjorie K. Smith for Finance: This bill authorizes the implementation of the physician effectiveness program by the board of medicine. The physician effectiveness program has two major objectives: 1) the protection of the public through early identification, treatment and long term monitoring of physicians who are impaired because of physical or mental illness, including alcohol and/or drug abuse and dependency; and 2) the rehabilitation of the physician.

The amendment provides for the board of medicine to assess additional fees in order to generate revenue of \$40,000 over the board's budget request for fiscal years 2000 and 2001. Vote 22-1.

HB 546-FN-A, providing partial funding to support research monitoring groundwater at reclamation sites that have had sludge applied. OUGHT TO PASS

Rep. Jeffrey C. MacGillivray for Finance: This bill funds research on groundwater at reclaimed gravel pit sites that have been treated with a mixture of sand, sewage sludge, and short paper fiber. The bill transfers \$20,000 of unspent funds budgeted for local state aid grants, which would have lapsed at the end of June, 1999, to the UNH office of sponsored research to conduct this research. Given the past use of sludge for reclaiming sites such as gravel pits, and given current controversy over the appropriate level of such use of sludge, transferring this \$20,000 for scientific research of the outcome of past use appears very appropriate. Vote 22-1.

HB 617-FN-A-L, relative to funding and monitoring seacoast harbor issues. RE-REFER TO COMMITTEE

Rep. Jeffrey C. MacGillivray for Finance: This bill would have changed how gasoline ("road tolls") collected from boats (about \$1.7 million per year) but not claimed as refunds (only about \$100,000 per year) is spent. Currently half of this \$1.6 million per year is placed in the general fund. The bill would have moved this \$800,000 per year to a harbor dredging and pier maintenance fund. However, since only a tiny fraction of the boats which generate these funds are registered along the seacoast, where this fund would be spent, the committee did not agree with this diversion from the general fund. Re-referring this bill will give the committee time to carefully examine appropriate allocation of these funds. Vote 23-0.

JUDICIARY

SB 109, deleting the witnessing requirement for notices of lease. OUGHT TO PASS

Rep. Robert H. Rowe for Judiciary: Leases of real estate for a term of 7 years or more require a Notice of such lease to be recorded in the Registry of Deeds for the county where the property is situated. The law has required that such Notice be witnessed, and signatures of the parties be acknowledged by a Justice of the Peace or Notary Public. As of August 15, 1981 deeds and other similar instruments that are acknowledged no longer require a witness. This legislation corrects the oversight as to Notices of Lease, and a witness no longer will be required. Vote 15-0.

SB 139, relative to self-proved wills and making reference changes. OUGHT TO PASS

Rep. Tony F. Soltani for Judiciary: This bill has three objectives. First, it makes a technical correction in the statute to refer to the registry of probate which is the proper term rather than "register" of probate. Second, it recognizes self-proving wills which

are executed according to the laws of the state or country in which they originate. Third, it requires that the will of a decedent be filed with the registry of probate where there are no probate assets. These changes, although technical in nature, will facilitate the proper recording of deeds and most likely minimize the expenses to the families of persons who leave no probate assets. All objectives are laudable. Vote 12-0.

LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES

HB 579-FN, relative to eligibility for unemployment benefits for certain persons commensurate with their attachment to the workforce. RE-REFER TO COMMITTEE

Rep. David A. Hall for Labor, Industrial and Rehabilitative Services: Currently, benefits are paid only to individuals seeking full-time employment. This bill would expand eligibility to part-time workers. The last available data has the number of part-time workers at 122,000 or 19.3% of the workforce. The sponsors have concern for those in permanent part-time positions who might become unemployed through no fault of their own and are denied benefits because either by choice or circumstance they seek only part-time work. The Department of Employment Security determined that removing the requirement that full-time workers be ready, willing and able to accept suitable employment on any shift for which there is a market for their services will increase the benefit outlays from the Unemployment Trust Fund by \$4,088,448 and could jeopardize the ability of the Department to meet the demand of a recession. During sub-committee deliberations, parties on both sides agreed to re-refer to allow the Department to complete a more detailed study of past denied claims and to meet with the Advisory Council to explore possible solutions. Vote 18-1.

SB 180, establishing a committee to study the improvement of employment opportunities offered by the state of New Hampshire for persons with disabilities. OUGHT TO PASS

Rep. Russell D. Bridle for Labor, Industrial and Rehabilitative Services: This bill establishes a study committee to look at issues pertaining to improving state employment opportunities for those with disabilities. The intent of this bill is to take the first step in making the state of New Hampshire a model employer for qualified worked with disabilities. As a model employer, the state can then assist the private sector in similar initiatives Vote 14-2.

LEGISLATIVE ADMINISTRATION

HB 730-FN, establishing a pilot program for the recording of committee proceedings of the general court. RE-REFER TO COMMITTEE

Rep. Merton S. Dyer for Legislative Administration: This bill would have established a pilot program to record all proceedings of House standing committees. The speaker has already started a pilot program with the Science and Technology Committee. The results of the study are not in yet, but some members of the Legislative Administration Committee wanted this bill re-referred so that the committee could investigate other electronic means of keeping the record of committee proceedings. With this in mind, the committee is requesting that this bill be re-referred. Vote 13-0.

HCR 2, recognizing outstanding student role models in the public schools. OUGHT TO PASS WITH AMENDMENT

Rep. Winston H. McCarty for Legislative Administration: This resolution endeavors to promote more recognition of those students in our public schools for their good behavior. School principals of each school will issue certificates to selected students based on school faculty recommendations. Notices of those selected will be sent to the Governor, Speaker of the House and Senate President. Vote 13-0.

MUNICIPAL AND COUNTY GOVERNMENT

HB 446-L, subjecting certain land in the town of Newport to local land use regulations. RE-REFER TO COMMITTEE

Rep. Betsey L. Patten for Municipal and County Government: The committee realized that the issue surrounding the property owned and operated by the Sullivan County Regional Refuse Disposal District in Newport was far more complex than originally expected. The zoning change requested might have carved out a single use in a single locality, which seemed to be contrary to all of our local land use regulations. The subcommittee recommended re-refer in order to get input from three other committees; Environment and Agriculture, Resources, Recreation and Development, and Science, Technology and Energy. Also, there are ongoing discussions between the municipal district entity and the towns and cities that make up the refuse disposal district.

Vote 12-1.

SB 161-L, relative to amending the contributory pension system for employees of the city of Manchester. OUGHT TO PASS WITH AMENDMENT

Rep. Linda T. Foster for Municipal and County Government: This bill ratifies the existing practice regarding the contributory pension system in the City of Manchester. The language of the bill parallels the language voted on by the citizens of Manchester by charter referendum. The amendment addresses a similar but not identical problem regarding pensions for the Town of Salem. It does not change existing policy; it simply ratifies existing practice. No one appeared in opposition to either the original bill or the amendment. Vote 16-0.

PUBLIC WORKS AND HIGHWAYS

HB 609, relative to construction of a sewer force main through a state land conservation easement. OUGHT TO PASS WITH AMENDMENT

Rep. John R. Cloutier: This bill would allow Sullivan County to lay a segment of a sewer line below a piece of private property in Claremont. Private property on which the state possesses certain rights pursuant to the land conservation investment program under RSA 162-C. The property owner has no objection to the line, which would allow the county to tie in with Claremont's sewage treatment plant, and thus save county taxpayers from having to build an entirely new wastewater treatment plant for the county complex which is in neighboring Unity. The amendment, drafted with the help of the Office of State Planning, says that the proposed line would only be used for wastewater from the complex, and that no additional private or non-county ties, hook-ups, or similar connections would be allowed. The amendment also says the line's installation will not impair any of the conservation values for which the easement was purchased, nor will such installation impair continuing private agricultural activities, for which the property in question is now being used. Vote 16-0.

STATE FEDERAL RELATIONS AND VETERANS AFFAIRS

HCR 9, encouraging greater health care choices for senior citizens throughout New Hampshire. OUGHT TO PASS WITH AMENDMENT

Rep. Richard P. Herman for State-Federal Relations and Veterans Affairs: This legislation will encourage greater health care choices for Medicare-eligible citizens in NH. We urge the Federal government to review its Medicare policies & procedures to this goal. Specifically, reimbursement rates for physicians, hospitals, and home health care providers. Also, Medicare premium rates and applications for Medicare insurance product introductions. The amendment added the word "premium" in line 17 and date of 1997 in line 21 Vote 13-0.

HCR 11, urging Congress and the Internal Revenue Service to modify tax laws to broaden the ability of taxpayers to make tax-deductible contributions to Nuclear Decommissioning Reserve Funds. RE-REFER TO COMMITTEE

Rep. George R. Rubin for State-Federal Relations and Veterans Affairs: The Committee needed additional time and information to properly evaluate this bill for consideration. Vote 15-0.

HJR 7, supporting the continued management of the White Mountain National Forest for multiple uses as a part of the National Forest System. OUGHT TO PASS

Rep. Richard P. Herman for State-Federal Relations and Veterans Affairs: All testimony offered was in favor of maintaining the current status. No organization or individual spoke in favor of changing the status. US Senator Judd Gregg does not support a change. The multiple uses of the forest would be severely curtailed by limited park uses, costly economical losses to NH towns by clearing the harvesting of commercial lumber trees and town's taxes coming from that tax source. The committee was unanimously opposed to changing the status to a National Park, which would change the current uses of the forest area. Vote 14-0.

TRANSPORTATION

HB 560-FN, relative to the suspension or revocation of youth operators' licenses. RE-REFER TO COMMITTEE

Rep. Robert J. Letourneau for Transportation: This bill is an attempt to specify that a license held by a person under 20 years of

age may not be suspended or revoked on account of non-moving violations, and that citations for moving violations given to such drivers must contain a warning message. A problem the committee faces is that there is not a "moving violation" statute in current law, and the state currently uses a point system for driver infractions. However, the Department of Safety is using an under 20 statute written before that system was put into place. The committee is working with the Department of Safety to correct problems that sometimes rise from this type of strict enforcement through a rules change. The committee would like to keep this bill over the summer to address any problems that may arise during these rule changes. Vote 16-0.

HB 673-FN-A, establishing special number plates for emergency medical service providers and firefighters and continually appropriating fees charged for such plates to certain funds. INEXPEDIENT TO LEGISLATE

Rep. John W. Flanders, Sr. for Transportation: This bill set out to accomplish two basic goals: 1) make the private vehicles of firefighters and emergency medical technicians recognizable; 2) to raise money for the Firefighter Workers Compensation Insurance Premium Fund. There are already in place ways firefighters can equip their vehicles to identify them with flashing red lights and/or sirens. Additionally, they may attach a plaque to their plates that identify them as a firefighter or EMT. The committee felt the amount of money that this may raise would fall short of solving the problem the sponsor was concerned about and wanted to address. The New Hampshire Fire Chief has concerns on the administration process of these proposed plates. Who would be responsible for the plates on unauthorized vehicles? A representative from the Compensation Funds of NH raised serious concerns with the language not being consistent with how towns now self-insure. The Department of Safety also opposed this bill and the committee felt that there were many problems. Vote 16-0.

SB 35, establishing a study committee to investigate motor vehicle inspection requirements. INEXPEDIENT TO LEGISLATE

Rep. Peter R. Cote for Transportation: This session the House passed HB 676, which will increase fees for motor vehicle inspection stickers and establishes the position of motor vehicle inspectors. The inspectors' duties will be to insure that the New Hampshire inspection stations meet state requirements. HB 676 will meet the goals of this bill, therefore, SB 35 will not be needed. Vote 16-0.

SB 75, relative to out-of-state boats. OUGHT TO PASS WITH AMENDMENT

Rep. Gordon E. Bartlett for Transportation: This bill establishes a study committee to look at a possible permit system for out-of-state boats using some of our larger lakes. This system is used in other states to fund education of sewage discharge, graywater and other environmental protection agency issues. Vote 15-0.

SB 138, relative to joint tenancy with rights of survivorship. OUGHT TO PASS

Rep. Robert J. Letourneau for Transportation: This bill denotes how individuals who are joint owners of an automobile can provide for rights of survivorship. Under current statute, if you are co-owner of an automobile and one or the other co-owner dies, the car will go into probate tying up the title, often for a long period of time. This bill would clarify the word "or" on titles. The words "and" & "or" define the rights of ownership and conveyance of property. When the word "and" is used, both signatures are needed to convey ownership. When the word "or" is used, either signature will define the right of ownership in life or death. Vote 16-0.

THURSDAY, MAY 13

REGULAR CALENDAR

CHILDREN AND FAMILY LAW

SB 56, amending the law relative to who may adopt. MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. Julie M. Brown for the Majority of Children and Family Law: This bill revises the current adoption law to allow a person over the age of 18 to be adopted by a non-biological parent providing the child, the biological parent, and any spouses, all concur. The testimony received demonstrated the value of the "Big Brother" "Big Sister" program in children's lives. Vote 12-2.

Rep. David A. Bickford for the Minority of Children and Family Law: This bill is for adults to adopt adults. The minority sees the only advantage of this bill is to avoid inheritance taxes. The bill could easily allow the loneliness of the elderly to be taken advantage of by adults looking for an inheritance.

COMMERCE

HB 450, prohibiting a prepayment penalty on a second mortgage home loan which has been in existence for 4 years. INEXPEDIENT TO LEGISLATE

Rep. Sheila T. Francoeur for Commerce: The committee, recognizing the growing importance and utilization of nondepository banks and licensees and concerned that the rights of the consumer be protected, voted to ITL this bill, but to incorporate prepayment penalties in a study committee of first and second mortgages under HB 451. Vote 15-1.

HB 451, relative to payments of first and second home mortgages. OUGHT TO PASS WITH AMENDMENT

Rep. Sheila T. Francoeur for Commerce: After extensive and frequently contradictory testimony relative to the computation of interest payment on first and second mortgages held by nondepository banks and licensees, (as defined in RSA 397-A and RSA 398-A), the committee amended the bill to create a chapter study committee. The committee felt this complicated subject required in-depth study of the various methods of interest calculations being used and if the consumer was adequately informed of the payment methods. It was of great concern to the committee that consumers were not aware of the consequences of deviating, by a couple of days, from the schedule of payments and; therefore, incurred penalties. The committee felt that this study should also include how prepayment penalties are applied under these RSAs. Vote 15-1.

HB 647-FN, relative to health care providers and provider agreements with health insurers. INEXPEDIENT TO LEGISLATE

Rep. Keith R. Herman for Commerce: The bill, as introduced, would eliminate the rate of HMOs in delivering health insurance to New Hampshire citizens. There are components of the bill (gag clauses), which this House has already prohibited. While the committee is sensitive to the sponsor's concerns and does agree that there are real and perceived problems with managed care, the committee has re-referred two other HMO bills and has created two statutory study committees to look into the issues highlighted through this legislation. The committee simply does not need to re-refer this bill at this time. Vote 9-8.

EDUCATION

SPECIAL ORDER

HB 487, relative to the adoption of bonds or notes in certain school districts and municipalities. OUGHT TO PASS WITH AMENDMENT

Rep. Iris Estabrook for Education: This bill, as amended, provides that a 3/5 majority vote shall be required, not the current 2/3, to adopt bonds or notes in school districts and municipalities which have adopted official ballot voting procedures, commonly known as SB 2. SB 2 has democratized the process by enfranchising all voters, resulting in expanded voter participation. Balloting in 1999 in SB 2 communities is significantly different from traditional meeting in 1895, when the 2/3 statute was enacted. In addition, data now show it to be twice as likely a bond will fail in a SB 2 district, as compared with those under traditional meeting format. The committee supports this modest change, to lessen the minority's ability, clearly magnified in SB 2 communities, to block the intent of the majority and its ability to address pressing facilities needs. The committee also supports the amendment, replacing the bill's original requirement of a simple majority with a 3/5 requirement, in order to retain the need for a super majority. Vote 17-2.

ELECTION LAW

HB 241, relative to party nominations in multi-seat districts. INEXPEDIENT TO LEGISLATE

Rep. Janet S. Arndt for Election Law: This bill would permit candidates for state office in multi-seat districts to receive the nomination of more than one political party. Under current law, only candidates for multi-seat districts are prohibited from accepting the nomination of more than one party. On March 25, this House passed HB 381, by a vote of 243-102, making this prohibition uniform for all candidates. This bill would reverse that action. The majority of the committee continues to endorse the goal of HB 381, which is to assure "truth in labeling" by having candidates run as members of their own party only. The purpose of the primary election is to allow party members to select the best candidate for the general election. It is less confusing to list candidates on the general election ballot with only one party affiliation-----this allows voters to understand more clearly the actual party affiliation of the candidate for whom they are voting. Vote 11-2.

ENVIRONMENT AND AGRICULTURE

HB 97, establishing a right to farm act. OUGHT TO PASS WITH AMENDMENT

Rep. Harold P. Melcher for Environment and Agriculture: In the conflict between agricultural interests and local zoning control, this bill strikes an acceptable compromise supported by the municipal association. The amendment, which replaces the original bill, provides protections for agricultural activities by creating a presumption that unless explicitly addressed through zoning, such activities are deemed permitted if conducted in accordance with best management practices adopted by the commissioner of agriculture, markets and food and all applicable laws and regulations. Vote 15-0.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

CACR 21, relating to gender neutral language in the constitution. Providing that all references to persons in part 2 of the constitution shall be gender neutral. OUGHT TO PASS WITH AMENDMENT

Rep. William R. Zolla for Executive Departments and Administration: The committee by a vote of 15-0, felt that with the advance of women's rights since the inception of the Constitution in 1784, the time has come to formally recognize these changes throughout the New Hampshire Constitution by incorporating the gender neutral language. This bill with the amendment encompasses the entire document and not just part II as originally proposed and passed by both the house and senate last session. In that the gender neutral language will be incorporated as existing documentation is revised, reprinted or updated, no additional costs are anticipated. Vote 15-0.

HB 499-FN, relative to payment by the state of the cost of medical insurance benefits for certain New Hampshire retirement system members. RE-REFER TO COMMITTEE

Rep. Ray F. Langer for Executive Departments and Administration: When the bill was first introduced to the committee, it appeared as a duplicate of RSA 100:51 with the exception that it moved the responsibility of paying for a medical plan from an agreement between the trustees of the retirement system and the employer to one between the trustees and the retired member. The bill was voted ITL. Later the committee was provided an amendment that changed the responsibility for payment to the retirement system. This was done even though the retirement system stated, through it's executive director, that NHRS does not have the staff to assume more health administrative responsibility. The committee voted to reconsider its previous vote of ITL and then voted to Re-Refer the bill for further study. Vote 13-2.

FINANCE

HB 88-FN, relative to purchasing credit for prior service for certain employees in the New Hampshire retirement system. OUGHT TO PASS

Rep. Steve Vaillancourt for Finance: This bill allows employees to purchase credit for prior service with an employer joining the retirement system within 5 years from the date of the employer's participation. Current law limits both the employer and the employee to one year from the date of participation. The NH Retirement System indicates this bill will have no fiscal impact on state, county and local revenue or expenditures. Thus, the Finance Committee supports the decision of the policy committee, Executive Departments and Administration, and the previous vote by the House. Vote 19-4.

HB 89-FN-A, making an appropriation for a department of transportation study of the state house complex to evaluate space needs. OUGHT TO PASS WITH AMENDMENT

Rep. Kenneth L. Weyler for Finance: Both the Public Works and Finance committees see the need for this study to begin soon. The amendment delineates the six buildings (Capitol, L.O.B., Annex, State Library, Upham-Walker, and Justice/Bank) but allows consideration of adjacent areas. The amendment also changes funding from a new appropriation to \$50,000 of the remainder from a previous borrowing authority. Study will include space use and assignment, and also adequacy of current systems for electricity, air handling, etc., as well as traffic flow, parking, related issues. Vote 25-0.

HB 294-FN-L, relative to state aid to municipalities for closure of certain municipal incinerators. OUGHT TO PASS

Rep. Jeffrey C. MacGillivray for Finance: This bill expands the state's 20% grant program for closure costs of municipal unlined solid waste landfills to also include closure costs of 18 municipal solid waste incinerators. Half of these 18 have already closed, and the rest are expected to close in the next few years. The cost per capita of incinerator closure is far less than the cost per

capita of landfill closure, so the additional cost of providing parity in state grant funds will be far less than the total long-term cost of landfill closure grants. The long-term cost of this program is expected to be less than \$1,200,000 total over 20 years, with less than \$100,000 in each of fiscal years 2000 and 2001 – compared to current landfill closure grant expenditures of just under \$3,000,000 per year. Vote 23-1.

HB 311-FN-A, relative to grants made under the New Hampshire incentive program and making an appropriation therefor. OUGHT TO PASS WITH AMENDMENT

Rep. Charles L. Vaughn for Finance: The bill permits part-time students to be eligible for grants made under the New Hampshire incentive grant program: PAU 06-01-01, line 99. This bill increases state general fund expenditures by \$750,000 in FY 2000 and FY 2001. The committee removed the \$1.5 million from the bill, supporting the notion that an increase in this grant program be addressed during the review of the budget. Vote 21-4.

HB 608-FN-A, establishing a New Hampshire emergency management response and recovery fund and making an appropriation therefor. OUGHT TO PASS WITH AMENDMENT

Rep. Margaret A. Lynch for Finance: As introduced, this bill established an emergency management response and recovery fund at a cost of \$3,000,000 to the general fund in the year 2000. It was determined during the hearing process that the main concern of the director of emergency management was to have provided a source for the matching funds required, and which the director states that he has, as a commitment to secure Federal Emergency Management Agency relief assistance grants.

The amendment replaces the entire bill and establishes a non-lapsing Response and Recovery Fund, at an appropriation of \$100,000 from the general fund to meet the requirement for providing state matching funds. Vote 22-3.

HB 695-FN-A, providing an exemption under the interest and dividends tax for taxpayers on a limited income. INEXPEDIENT TO LEGISLATE

Rep. David J. Alukonis for Finance: This bill provides an alternative tax exemption to the interest and dividends tax for taxpayers on a limited income. As defined in the bill, limited income means that the taxpayer's income from all sources does not exceed 200 percent of the most recent federal poverty guidelines. The Legislative Budget Assistant, Department of Revenue, and the Finance Committee agree that the fiscal impact of this bill cannot be estimated at this time as information on taxpayers' other (non interest and dividend) income is not collected. Being unable to determine this impact, the committee recommends that the bill be found Inexpedient to Legislate. Additionally, the Finance Committee is continuing its review of HB 235, which increases currently existing exemptions to the interest and dividends tax. The Finance Committee prefers to use HB 235 as the fiscal impacts of altering already existing exemptions can be readily and easily estimated. Vote 23-2.

HB 715-FN-A-L, granting responsibility for court security and custody and control of prisoners while in a courthouse to the county sheriff and abolishing certain court security officer positions. OUGHT TO PASS WITH AMENDMENT

Rep. Jeffrey C. MacGillivray for Finance: This bill makes the county sheriffs, through their deputies and bailiffs, responsible for providing court security in all state courts, except the supreme court. The bill also abolishes the judicial employee positions currently performing these functions. Estimated savings of enacting this bill are approximately \$600,000 per year.

This bill is a reenactment with modifications of the part of 1998 HB 204 that was ruled unconstitutional, by clearly stating that the sheriffs' employees performing these duties "shall be subject to the specific directives of the presiding justice."

The amendment removes proposed transfers of FY 1999 appropriations which are no longer relevant due to the passage of time. The amendment also removes contingency language which would take effect if this bill were also declared unconstitutional; this issue will be handled in other legislation. Vote 22-2.

HB 723-FN, relative to standby and emergency guardianship proxies. OUGHT TO PASS

Rep. Marjorie K. Smith for Finance: The policy committee voted Ought to Pass, 13-0, concluding that the "bill would reduce the turmoil and potential trauma to children in times of family crises, especially when parents die unexpectedly or are incapacitated due to illness or accident."

The Finance Committee concluded that there was no fiscal impact on Health and Human Services, and no impact on state, county and local revenue. There may or may not be a slight positive or negative impact on probate court expenditures. Vote 22-1.

HB 738-FN, transferring funds from the judicial branch to the department of administrative services for the purpose of reimbursing counties for providing prisoner custody in courthouses. **OUGHT TO PASS WITH AMENDMENT**

Rep. Susan W. Almy for Finance: Last year with the passage of HB 204 the state assumed financial responsibility for the costs of both prisoner custody and courtroom security in superior and district courts. These costs were to be reimbursed to the county sheriffs and paid out of transfers from the judicial branch budget to the Department of Administrative Services budget. The court ruled the courtroom security and budget transfers unconstitutional. This bill appropriates money to pay the county bills for custody costs from HB 204's effective date of 1/1/99 until the end of this fiscal year. The amendment reduces the cost to \$308,000, that actually needed according to the Sheriffs' Association, and takes the money from funds otherwise not appropriated rather than, at this late date, from the judicial branch budget Vote 24-0.

JUDICIARY

HB 297-FN, permitting a jury trial in the superior court for violations of the state law against discrimination for a certain time period or with the written assent of the commission for human rights after an action has been filed with the commission. **OUGHT TO PASS WITH AMENDMENT**

Rep. Loren J. Jean for Judiciary: Allowing the truism that justice is and ought to be blind, this bill is long overdue in that it allows for jury trials to both parties who have cases dealing with civil rights actions under 354-A:1. The bill in its original form would have granted jury trials only to the plaintiff; this amended version levels the playing field to allow respondents to also request a jury trial. It gives true meaning to Art. 20, Part I of the Bill of Rights, NH Constitution regarding jury trials. "This method of procedure shall be held sacred." Vote 12-3.

HB 470, relative to settlement of personal actions. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Jane Wood for the Majority of Judiciary: A structured settlement is an amount payable to an injured party, in settlement of a law suit, that provides for structured periodic payments rather than one large sum. An investment of the agreed-upon sum is normally made in an annuity. There are various cases when this is preferable, especially where there are ongoing or recurring expenses. An injured adult may need to be covered over a long period of time. (Children are covered under a different statute.) If a structured settlement is agreed upon through the court process, the interest earned on the investment is not taxable. This is an added benefit to the injured party (the plaintiff, who filed the law suit). This legislation would give the plaintiff the exclusive right to choose or designate a structured settlement broker (the one who will actually invest the injured party's money. The plaintiff would also have the exclusive right to designate the insurance company or other entity to which settlement proceeds, or any portion thereof, are to be paid to fund structured periodic payments. The committee felt that the plaintiff should have the option to choose, giving the injured party greater control over his/her financial future. The legislation is basically consumer protection for the injured party. Presently, they normally rely on the defendant's insurance company, which may choose a subsidiary to be its broker. This arrangement usually results in a rebate payment to the insurance company. Most of the members questioned the motives of the insurance company. They could offer a deal with a high interest rate but with a company not very stable. The plaintiff would be more likely to choose a highly rated company, in an effort to minimize the risk involved. Vote 9-3.

Rep. John M. Pratt for the Minority of Judiciary: In the judgment of the minority of the committee, the effect of this bill, if passed, would be either (a) to decrease dramatically the number of structured settlements arrived at through the normal plaintiff/defendant negotiation process, causing a corresponding increase in the number of cases going to trial, or (b) to lower significantly the dollar amount of structured settlements which defendants will offer to plaintiffs. Either result harms the very people structured settlements were designed to serve.

HB 605-FN, affirming sovereign immunity as it relates to the state's computers and computer software and programs and granting the state board of claims jurisdiction over claims against the state arising out of computer-related problems. **OUGHT TO PASS WITH AMENDMENT**

Rep. Janet G. Wall for Judiciary: This bill was recommitted back to the committee recognizing the complexity and uncertainty of the year 2000 compliance issue. The sub-committee essentially rewrote the bill to focus on technical aspects only for equipment readiness for the Y2K problem. In this amended version of the bill, the state of New Hampshire and its political subdivisions, including municipalities, will be granted limited liability if errors occur due to mechanical errors in system failures, program failure, and the generation of erroneous information. Every department in the state has an individual responsibility for oversight in upgrading equipment. While employee responsibilities in job performance are addressed elsewhere in law, this bill

is narrowly focused on technological operations. Currently, quarterly reports on the state's readiness are issued. This bill does not address any other problems regarding the year 2000 such as 9/9/99, leap year, or the 100th day of the year, which has already passed without any computer problems. Vote 18-1.

HB 707-FN, relative to the family division of the courts. OUGHT TO PASS WITH AMENDMENT

Rep. Andrew R. Peterson for Judiciary: This bill, as amended, achieved the unanimous support of the committee, and is endorsed by representatives of the New Hampshire District, Superior, and Supreme courts, the New Hampshire Bar Assn. and other interested parties. The amendment expands the existing Family Division now existing in Rockingham and Grafton counties to two additional counties, Sullivan and Belknap, by 2001. It also creates a chartered study committee to consider the best method of implementing the family division statewide. This important bill offers the opportunity to provide enhanced legal services to the citizens of the granite state when dealing with such difficult matters as divorce, abuse and neglect, children in need of services, adoption and domestic violence cases. Vote 17-0.

LEGISLATIVE ADMINISTRATION

HB 303-FN-A, relative to the preservation of and access to legislative records and making an appropriation therefor. OUGHT TO PASS

Rep. John E. Tholl, Jr. for Legislative Administration: This bill was the request of a study committee on the preservation and access to legislative records established in 1998. This bill will provide for the entire record of any bill in the possession of the clerks of the House and Senate to be transferred to the Division of Records Management and Archives to be microfilmed and scanned for electronic access or otherwise preserved. This will make the records more accessible to the public and legislators in the future. This bill has a fiscal impact on state finances on the short term for equipment and long term for one data librarian. The Fiscal Note reflects an appropriation of \$140,000 for the biennium. Vote 14-0.

PUBLIC WORKS AND HIGHWAYS

HB 25-FN-A, making appropriations for capital improvements. OUGHT TO PASS WITH AMENDMENT

Rep. William E. Leber for Public Works and Highways: The committee spent several days receiving testimony from various state agencies and heard about many necessary projects. Then the committee spent several weeks researching and learning more details about the projects. The treasurer provided the financial status of the state and suggested a bonding limit of \$50 million for the general fund. Since the Laws of 1998 provided a \$33 million appropriation for the new prison, the committee accepted \$50 million as the limit, and met the challenge by recommending a \$49.9 million General Fund capital budget for FY 2000-01 (about \$20 million less than FY 1998-99). This appropriation will generate \$20.8 million of federal funds for the approved projects. The Highway Fund projects total \$8.7 million, and the Fish and Game projects total \$1.04 million. The final bill balances the needs of the state, provides the greatest benefits and serves the greater number of citizens within the limited bonding. There were worthy projects not included that had some support, and there were many projects that would be 'nice to have' but funding limits this year did not permit their inclusion. There is concern among many members of this committee that too many projects are being proposed as capital projects that more appropriately should be funded in the operating budget. This practice causes delay in the funding of truly needed improvements or expansion of the state's crumbling infrastructure. An effort was made to 'weed out' such projects in this budget; but more effort is needed earlier in the budgeting process. The final version of this bill was passed by unanimous vote of the committee. Vote 19-0.

HB 630-FN-LOCAL, relative to the Skyhaven airport transfer plan. OUGHT TO PASS WITH AMENDMENT

Rep. Winston H. McCarty for Public Works and Highways: Skyhaven Airport, located in Rochester, is the only airport in this state owned and managed by the state of New Hampshire, other than the Pease Airport, which is managed by an authority. This bill endeavors to make possible the formulation of the mechanics to transfer Skyhaven to a local or regional entity. The objective is for better management and a more beneficial airport. The amendment specifies that revenues from hangars 2, 3 & 4 not needed for bond repayment shall be deposited for use in the operating fund. This bill calls for a plan to be developed by the Long Range Capital Planning and Utilization Committee and the Skyhaven Airport Operation Commission. This bill was the result of a study done last summer. This bill does not require that any city, town or other public entity take title; it does however, require that a plan be developed. Vote 16-1.

STATE FEDERAL RELATIONS AND VETERANS AFFAIRS

SB 12-FN-A, relative to the World War II memorial campaign and making an appropriation therefor. OUGHT TO PASS

Rep. George R. Rubin for State-Federal Relations and Veterans Affairs: This bill asks an appropriation of \$1 for each NH citizen who served in W.W.II to help fund the construction of a W.W.II memorial on the national wall in Washington DC. This memorial will be the first national memorial dedicated to all who served in the Armed Forces and Merchant Marine of the US during W.W.II. In 1993, Congress passed legislation authorizing the building of the national W.W.II memorial. The Fiscal Note calls for a total appropriation of \$60,000. Vote 13-0.

LAIID ON TABLE

CACR 12, relating to a 4-year term for the office of governor. Providing that beginning in the year 2002, the governor shall be elected every 4 years. (Pending question is on ought to pass.)

HB 116-FN-A-L, establishing an alternative consumption tax as a source of funding for education and making an appropriation therefor. (Pending question is on re-refer to committee.)

HB 549-L, relative to the minimum vote required for bond issues by municipalities. (Pending question is on inexpedient to legislate.)

HB 550-LOCAL, relative to the date town reports must be made available in towns which have adopted the official ballot referenda form of meeting. (Pending question is on inexpedient to legislate.)

HR 10, affirming revenue estimates for fiscal year 1999. (Pending question is ordering to third reading.)

HOUSE BILLS AMENDED BY THE HOUSE

HB 109-FN-A-L, establishing a flat rate education income tax and a statewide education property tax to fund public education and making an appropriation therefor. (House Nonconcurrent 3/30/99)

HB 112-FN-A, relative to state taxes and other sources of revenue for funding an adequate education; authorizing electronic games of chance at racetracks, grand hotels, and resort hotels; relative to establishing the cost of an adequate education, and relative to creating a commission to study the methodology used in establishing the cost of an adequate education, and making an appropriation therefor. (House Nonconcurrent 4/1/99)

HB 117-FN-A-L, establishing a uniform education property tax and a utility property tax, increasing the business profit and real estate transfer taxes, and including other sources of revenue to provide funding for an adequate public education and making an appropriation therefor. (House Nonconcurrent; C-of-C 4/22/99)

HB 206, relative to restrooms in restaurants. (SJ 16)

HB 207-FN-A, directing the office of state planning to conduct a study of the effects of sprawl in the state and making an appropriation therefor. (House Concurred 4/22/99)

HB 210, reinstating the corporate charter of C. A. B. Real Estate Inc. (House Concurred 4/29/99)

HB 249, relative to the membership of the rivers management advisory committee. (House Concurred 4/14/99)

HB 358, relative to the term of office for members of the state board of education. (House Concurred 4/29/99)

COMMITTEE MEETINGS

MONDAY, MAY 10

DEVELOPMENTAL DISABILITY WAITLIST FUND ALLOCATION OVERSIGHT COMMITTEE, (RSA 171-A:1-b),
Room 205, LOB

9:00 a.m. Regular meeting.

ELDERLY AFFAIRS COMMITTEE (RSA 17-H:2), Room 205, LOB

1:00 p.m. Regular meeting.

FINANCE - (DIVISION I), Room 212, LOB

9:30 a.m. Work and executive session on the budget and other pending legislation.

FINANCE - (DIVISION II), ROOM 209, LOB

10:00 a.m. Work and executive sessions on the budget and other pending legislation may be held throughout the day.

FINANCE - (DIVISION III), ROOM 210-211, LOB

9:00 a.m. Work and executive session on the budget and other pending legislation.

PERINATAL ALCOHOL TOBACCO AND OTHER DRUG USE TASK FORCE (RSA 132:19), Room 101, LOB

9:00 a.m. Regular meeting.

TUESDAY, MAY 11

CHILDREN AND FAMILY LAW

10:30 a.m. Informational meeting at YDC, North River Road, Manchester.

COMMERCE, Room 302, LOB

9:00 a.m. Subcommittee work session on **HB 443**, allowing certain beverage manufacturers to distribute products directly to retailers, **HB 732**, relative to nonpayment of member dues and fees and access to financial records of condominium associations and **HB 252**, establishing a procedure for separation of condominium units at the Commons at Merrimack.

9:30 a.m. Subcommittee work session on **HB 662-FN**, relative to the duties of the liquor commission.

9:45 a.m. Subcommittee work session on **HB 640-FN**, relative to grievance procedures of managed care organizations.

10:00 a.m. Executive session on pending legislation.

1:15 p.m. **SB 93**, relative to self-storage facility liens.

2:00 p.m. **SB 104**, making a variety of changes in certain insurance laws.

2:15 p.m. **SB 107**, relative to fees for examination of domestic societies and foreign societies.

Executive session on pending legislation may be held throughout the day, time permitting, from the time the committee is initially convened.

CRIMINAL JUSTICE AND PUBLIC SAFETY, Room 204, LOB

10:00 a.m. **SB 163**, establishing a commission to study methods for reducing violent incidents involving children and guns.

11:00 a.m. **SB 29-L**, relative to the proper sheltering of dogs.

11:30 a.m. **SB 59-L**, relative to bonding of animal owners convicted of animal cruelty.

Executive session on pending legislation may be held throughout the day, time permitting, from the time the committee is initially convened.

EDUCATION, Room 207, LOB

10:00 a.m. Full committee work and executive session on pending legislation.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 202, LOB

9:00 a.m. Subcommittee work session on **HB 720-FN**, relative to the practice of midwifery and **HB 586**, clarifying certain terms relative to the practice of chiropractic.

9:30 a.m. Subcommittee work session on **HB 599-FN-A**, relative to initiating a centralized voter checklist and making an appropriation therefor.

10:30 a.m. Executive session on pending legislation.

FINANCE, Rooms 210-211, LOB

1:00 p.m. Executive session on pending legislation.

FINANCE - (DIVISION I), Room 212, LOB

9:30 a.m. Work and executive session on the budget and other pending legislation.

FINANCE - (DIVISION II), ROOM 209, LOB

9:00 a.m. Public hearing on **HB 577**, relative to the power of a school district to expend catastrophic special education funds and relative to the exemption of certain unexpected catastrophic special education expenses from the provisions of the municipal budget law. (A)

Work and executive sessions on the budget and other pending legislation may be held throughout the day.

FINANCE - (DIVISION III), ROOM 210-211, LOB

9:00 a.m. Public hearing on **HB 553-FN-A**, establishing a commission on the status of men, and making an appropriation therefor.

9:45 a.m. Public hearing on **HB 726-FN**, relative to the credentialing of personnel in early care and education programs.

Work and executive session on the budget and other pending legislation.

HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS, Room 205, LOB

10:00 a.m. Rescheduled executive session on **HB 657-FN**, relative to the health services planning and review board.

HISTORICAL COMMITTEE (RSA 17-I), Room 201, LOB

3:00 p.m. Regular meeting.

JUDICIARY, Room 208, LOB

10:00 a.m. **SB 26**, establishing a committee to study trustee process.

11:00 a.m. **SB 111**, relative to requirements for acknowledgments and jurats by justices of the peace.

Executive session on pending legislation may be held throughout the day, time permitting, from the time the committee is initially convened.

1:00 p.m. Subcommittee work session on **SB 67**, limiting liability resulting from the use of automatic external defibrillation.

LEGISLATIVE ADMINISTRATION, Room 205, LOB

1:30 p.m. Executive session on pending legislation.

MUNICIPAL AND COUNTY GOVERNMENT, Room 301, LOB

10:00 a.m. ***SB 188-L***, allowing school districts operating under the official ballot form of meeting to have more than one special meeting per year through court petition on an appropriation question or issue.

Executive session on pending legislation may be held throughout the day, time permitting, from the time the committee is initially convened.

RESOURCES, RECREATION AND DEVELOPMENT, Room 305, LOB

11:00 a.m. Subcommittee work session on ***SB 135-FN***, relative to water supply land protection grants.

SCIENCE, TECHNOLOGY AND ENERGY, Room 304, LOB

10:00 a.m. Subcommittee work session on ***HB 464***, relative to economic development and retention rates and special contracts and ***HJR 8***, urging the Federal Energy Regulatory Commission to change the structure of the New England Individual Service Organization

10:30 a.m. Executive session on pending legislation.

1:00 p.m. ***SB 70***, changing the safe drinking water standard for MTBE.

2:00 p.m. ***SB 124***, establishing a committee to study the integration of technology at the state and municipal level.

Executive session on pending legislation may be held throughout the day, time permitting, from the time the committee is initially convened.

WEDNESDAY, MAY 12

COMMERCE, Room 302, LOB

10:00 a.m. ***SB 11-FN-A***, relative to the filing fee for securities in a combined prospectus offered for sale in New Hampshire by a mutual fund.

11:00 a.m. ***SB 222-FN-A-L***, relative to guarantee of loans to local development organizations.

1:15 p.m. ***SB 78***, relative to contract requirements between a paid solicitor and a charitable trust.

2:30 p.m. ***SB 118***, relative to requirements for retail installment contracts for motor vehicle sales.

Executive session on pending legislation may be held throughout the day, time permitting, from the time the committee is initially convened.

CRIMINAL JUSTICE AND PUBLIC SAFETY, Room 204, LOB

9:30 a.m. Executive session on pending legislation. (Please note time change.)

EDUCATION, Room 207, LOB

1:00 p.m. Full committee work and executive session on pending legislation.

ENVIRONMENT AND AGRICULTURE, Room 303, LOB

1:00 p.m. Subcommittee work session on ***SB 92-FN***, relative to education grants funded by the companion animal neutering fund.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 202, LOB

10:30 a.m. Executive session on pending legislation.

FINANCE, Rooms 210-211, LOB

1:00 p.m. Executive session on pending legislation.

FINANCE - (DIVISION I), Room 212, LOB

9:30 a.m. Work and executive session on the budget and other pending legislation.

FINANCE - (DIVISION II), ROOM 209, LOB

9:00 a.m. Work and executive sessions on the budget and other pending legislation may be held throughout the day.

FINANCE - (DIVISION III), ROOM 210-211, LOB

9:00 a.m. Work and executive session on the budget and other pending legislation.

HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS, Room 205, LOB

10:30 a.m. Subcommittee work session on ***SB 192***, relative to vital records.

JUDICIARY, Room 208, LOB

10:30 a.m. ***SB 146***, granting district courts exclusive jurisdiction over actions involving certain real estate purchase deposits held in escrow accounts.

2:00 p.m. ***SB 168***, adopting a model statute included in the tobacco litigation master settlement agreement.

Executive session on pending legislation may be held throughout the day, time permitting, from the time the committee is initially convened.

LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES, Room 306, LOB

9:00 a.m. Executive session on pending legislation , including ***HB 636-FN***, relative to public safety employee collective bargaining negotiations under the public employee labor relations act.

PUBLIC WORKS AND HIGHWAYS, Room 201, LOB

1:00 p.m. Rescheduled executive session on pending legislation.

STATE FEDERAL RELATIONS AND VETERANS AFFAIRS, Room 206, LOB (Please note room change.)

10:00 a.m. Subcommittee work session on ***HCR 8***, urging nonimplementation of the articles of the Kyoto Protocol on global climate change.

WILDLIFE AND MARINE RESOURCES, Room 307, LOB

9:00 a.m. Full committee work session on ***HB 280-FN***, establishing a point system for the annual moose permit lottery.

Presentation by Ms. Kris Bontaites, Moose Project Manager, Fish and Game Department on the NH Moose Hunt and the NH Moose Hunt Lottery System.

1:00 p.m. Full committee work session on the ad hoc crossbow study.

THURSDAY, MAY 13

CHILDREN AND FAMILY LAW, Room 206, LOB

9:15 a.m. Subcommittee work session on **SB 24**, extending the application of certain provisions of the child protection act to all children in out-of-home placements.

Noon Subcommittee work session on **SB 112**, relative to the guardianship of minors.

FINANCE - (DIVISION I), Room 212, LOB

9:30 a.m. Work and executive session on the budget and other pending legislation.

FINANCE - (DIVISION II), ROOM 209, LOB

9:00 a.m. Work and executive sessions on the budget and other pending legislation may be held throughout the day.

FINANCE - (DIVISION III), ROOM 210-211, LOB

9:00 a.m. Work and executive session on the budget and other pending legislation.

MUNICIPAL AND COUNTY GOVERNMENT, Room 301, LOB

Immediately following the House session executive session on pending legislation, if necessary.

FRIDAY, MAY 14

FINANCE - (DIVISION I), Room 212, LOB

9:30 a.m. Work and executive session on the budget and other pending legislation.

FINANCE - (DIVISION II), ROOM 209, LOB

9:00 a.m. Work and executive sessions on the budget and other pending legislation may be held throughout the day.

JOINT COMMITTEE ON ADDRESS, Rooms 206-208, LOB

9:00 a.m. All day public hearing on **HA 1**, for the removal of David A. Brock, chief justice of the New Hampshire supreme court, from his said office.

MONDAY, MAY 17

FINANCE - (DIVISION I), Room 212, LOB

9:30 a.m. Work and executive session on the budget and other pending legislation.

TUESDAY, MAY 18

JUDICIARY, Room 208, LOB

10:00 a.m. **SB 64**, relative to powers of appointment.

11:00 a.m. **SB 141**, relative to information not subject to the right-to-know law.

Executive session on pending legislation may be held throughout the day, time permitting, from the time the committee is initially convened.

SCIENCE, TECHNOLOGY AND ENERGY, Room 304, LOB

10:00 a.m. Subcommittee work session on **HB 733**, relative to a state master plan for the deployment of personal wireless service facilities.

WEDNESDAY, MAY 19

RESOURCES, RECREATION AND DEVELOPMENT

10:00 a.m. Educational study trip to the Amoskeag Fishway Ladder at Amoskeag Falls in Manchester for an update on the progress of the reclamation and restoring of the salmon and shad to the Merrimack River Watershed.

WILDLIFE AND MARINE RESOURCES

10:00 a.m. Educational study trip to the Amoskeag Fishway Ladder at Amoskeag Falls in Manchester for an update on the progress of the reclamation and restoring of the salmon and shad to the Merrimack River Watershed.

FRIDAY, MAY 21

ADMINISTRATIVE RULES (RSA 541-A:2), Rooms 306-308, LOB

9:00 a.m. Regular meeting.

BOARD OF MANUFACTURED HOUSING (RSA 205-A:25), Room 201, LOB

1:00 p.m. Complaint hearing.

MONDAY, MAY 24

NEW PUBLIC-PRIVATE PARTNERSHIP TO CONSERVE NEW HAMPSHIRE'S NATURAL, CULTURAL, AND HISTORICAL RESOURCES FEASIBILITY STUDY COMMISSION (SB 493, Chapter 161:2, Laws of 1998), Room 308, LOB

1:00 p.m. Regular meeting.

OIL FUND DISBURSEMENT (RSA 146-D:4), Room 305, LOB

9:30 a.m. Regular meeting.

WEDNESDAY, JUNE 2

FISCAL COMMITTEE (RSA 14:30-a), Rooms 210-211, LOB

9:00 a.m. Regular business.

9:30 a.m. Audits: State of New Hampshire Liquor Commission audit report for the year ended June 30, 1998

WILDLIFE AND MARINE RESOURCES, Room 307, LOB

9:00 a.m. Ad hoc crossbow study committee work session.

FRIDAY, JUNE 4

OSTEOPOROSIS ADVISORY COUNCIL (RSA 126-I:3), Room 205, LOB

9:00 a.m. Regular meeting.

WORKERS' COMPENSATION ADVISORY COUNCIL (RSA 281-A:62), Room 306, LOB

9:00 a.m. Regular meeting.

MONDAY, JUNE 7

COLLEGE TUITION SAVINGS PLAN ADVISORY COMMISSION (RSA 195-H:2), Room 103, State House

9:30 a.m. Regular meeting.

TUESDAY, JUNE 8

**NUCLEAR DECOMMISSIONING ELECTRIC GENERATING FACILITIES COMMITTEE, (RSA 162-F:15),
Selectmen's Meeting Room, Town Office Building, Route 1, Seabrook**

7:00 p.m. Public hearing.

FRIDAY, JUNE 11

BOARD OF CLAIMS (RSA 541-B:3), Room 202, LOB

8:30 a.m. Regular meeting.

MONDAY, JUNE 14

**NEW PUBLIC-PRIVATE PARTNERSHIP TO CONSERVE NEW HAMPSHIRE'S NATURAL, CULTURAL, AND
HISTORICAL RESOURCES FEASIBILITY STUDY COMMISSION (SB 493, Chapter 161:2, Laws of 1998), Room 308,
LOB**

1:00 p.m. Regular meeting.

PERINATAL ALCOHOL TOBACCO AND OTHER DRUG USE TASK FORCE (RSA 132:19), Room 101, LOB

9:00 a.m. Regular meeting.

FRIDAY, JUNE 18

ADMINISTRATIVE RULES (RSA 541-A:2), Rooms 306-308, LOB

9:00 a.m. Regular meeting.

OFFICIAL NOTICES

COUNTY DELEGATION NOTICE

The Belknap County Delegation will meet on Monday, May 10th at the County Complex for the purpose of voting on the Gunstock bonding and budget for 1999.

Rep. Gordon E. Bartlett, Chairman

Belknap County Delegation

COUNTY DELEGATION NOTICE

The Executive Committee of the Merrimack County Delegation will meet on Monday, May 10th at 10:00 a.m. at the Merrimack County Administration Building, 4 Court Street, Concord in the lower level conference room.

Rep. Ray F. Langer, Chairman

Merrimack County Executive Committee

A summary of the March meeting of the Judicial Conduct Committee is available at the Sergeant-at-Arms counter for those interested.

Donna Sytek, Speaker

The Sergeant-at-Arms Office can reuse the large manila 10"x13" clasp envelopes that the House Calendars are mailed out in. Any that are brought in will be put to good use.

Rob Johnson, Sergeant-at-Arms

A reminder to Representatives to please keep personal belongings, briefcases, carrying bags etc. under their seats during House sessions. This is in order to keep the floor unobstructed for your row mates moving to and from their seats. Thank you.

Rob Johnson, Sergeant-at-Arms

The Office of Legislative Services has a number of extra copies of softbound volumes of the 1997 Session Laws. They will be available for distribution to House and Senate members on a first come, first served basis in Room 109 of the State House.

Carol J. Holahan, Deputy Director

Office of Legislative Services

REVISED AMENDED FISCAL NOTES

The following HBs have a revised or amended fiscal note: HBs 66, 67, 69, 108, 109, 116, 118, 119, 120, 124, 224, 237, 245, 274, 395, 453, 477, 494, 495, 522, 537, 546, 549, 565, 574, 579, 601, 602, 616, 620, 624, 625, 639, 641, 650, 652, 655, 672, 676, 685, 689, 692, 693, 694, 695, 696, 698, 715, 719, 722, 727, 733, 734, 735 and 738.

Leo J. Callahan, Assistant Clerk

When the House Clerk's Office is aware of House Members who are hospitalized or homebound by serious illness, we will publish a list of names and addresses so that their colleagues who so desire may send cards and greetings.

Judy A. Courchesne, 282 Conant Street, Manchester, New Hampshire 03102-4348

Philip J. McColgan, Jr., 162 Old Gage Road, Pelham, New Hampshire 03076-2635

Karen O. Wadsworth, Clerk of the House

MEMBERS' NOTICES

The following notices are published in the House record as a courtesy to the member(s) requesting publication. These are not official public notices and will be limited to legislative policy or social activities and political meetings or events. Publication should not be construed as support for either the events listed or the view espoused by the individual or organization sponsoring the event.

Members who would like more information on media and violence can check out the web site produced by the National Institute on Media and the Family, www.mediafamily.org. The Institute put on an all day conference for school administrators in NH this winter and they have a free brochure called "12 Tips for Taming the Tube and Safety Tips for Surfing the Net." Their toll free phone number is 888-672-5437.

Rep. Susan B. Durham

The Ranking Democrats will be meeting each Wednesday in Room 101 of the LOB at 9:00 a.m.

Rep. Marion L. Copenhaver

There are a limited amount of new issue "Troopers Are Your Best Protection" bumper stickers donated by the NH Trooper's Association. These bumper stickers are available and may be obtained from Sandy Wheeler, LOB Receptionist.

Rep. Robert J. L'Heureux

In recognition of your support, the New Hampshire Law Enforcement Officers Memorial Committee cordially invites you to the annual New Hampshire Law Enforcement Officers Memorial Ceremony. The ceremony will be held on Monday, May 10th beginning promptly at 6:00 p.m. on the memorial site in front of the Legislative Office Building. The ceremony will proceed rain or shine. Refreshments will be served immediately following the event. Please contact Lt. Timothy J. Acerno of the Fish and Game Department at 271-3129 or Chief John Curran of the Meredith Police Department at 279-4561 if you have any questions.

Rep. John E. Tholl, Jr.

All legislators are invited to attend the Annual Gun Owners of NH Legislative Orientation Day Monday, May 10th at the

Sunset Mountain Fish and Game Club in Canterbury (Exit 18 off I-93). Sign up and breakfast start at 9:00 a.m. and activities will run until 4:00 p.m. Lunch will be provided. This is an excellent opportunity for legislators and their guests to learn about the various aspects of firearms ownership and recreation and to fire a number of firearms at a range. Call Reps. Fran Wendelboe at 968-7988 or Loren Jean at 886-1992 for additional information.

Rep. Francine Wendelboe

Legislators for Limited Spending will meet at noon at the Upham Walker House on Tuesday, May 11th and on Tuesday, May 25th. Coffee will be served.

Rep. Sylvia A. Holley

The Public Works and Highway Committee executive session scheduled for Tuesday, May 11 at 10:00 a.m. has been cancelled and rescheduled for Wednesday, May 12 at 1:00 p.m.

Rep. Edwin O. Smith

The House Republican Alliance will meet at the Upham Walker House (Park Street across from the State House) at 9:00 a.m. on the following Wednesdays: May 12, May 26, June 9 and June 23. Refreshments will be served.

Rep. Paul M. Mirski

Pro choice legislators are invited to meet on Wednesday, May 12 at 4:00 p.m. in Room 208, LOB.

Reps. Sandra B. Keans and Terie T. Norelli

The physicians and staff of Access Sports Medicine and Orthopedics cordially invite the Rockingham County Legislative Delegation to an information session regarding the role of ambulatory surgical centers in our healthcare delivery system and for a tour of our new facility at the newly renovated former Rockingham County Courthouse Building, 1 Hampton Road, Exeter at 5:00 p.m. on Wednesday, May 12. Cocktails and hors d'oeuvres will served. Kindly RSVP by May 11 to 778-0708 ext. 3010.

Rep. Walter D. Ruffner

All legislators and staff are invited to a reception hosted by Jefferson Pilot at the Historical Society on Wednesday, May 12th from 5:00 p.m. to 7:00 p.m. Refreshments, food and fun to help us relax after our work on "Claremont".

Reps. Gene G. Chandler and Peter H. Burling

The New Hampshire Order of Women Legislators will meet during the session lunch break on Thursday, May 13th in Room 307, LOB to discuss the June 9th Installation Banquet. Bring a lunch.

Rep. Betsy McKinney

The Clarence Ferry Award Dinner, honoring former Senator Eleanor Podles, former Representatives Bill Golding and Mike Morello and the Hon. Francoise Elise, will be held at the Backroom Restaurant, Pappas Room on Wednesday, May 19. Social hour 6:00 p.m. Dinner 6:30 p.m. Tickets \$16. Tickets are available from Reps. Marc Pappas and Winston McCarty.

Rep. Winston H. McCarty

All legislators, staff and friends are invited to the NH Women's Lobby's "Spring Celebs '99 Awards Celebration" on Wednesday, May 19 from 4:30 to 6:30 p.m. at the Holiday Inn, Concord. The NH Women's Lobby will be honoring Rep. Sandra Keans, recipient of the Meritorious Service Award; Mary Ann Manoogian, recipient of the Volunteer Award; New Hampshire Public Radio, recipient of the Media Award for its work on the "NH Tax Challenge"; and Kathy Bogle Shields for her work on the Providian Child Care Initiative and the Governor's Commission on Child Care and Early Education. Tickets are available from Rep. Marjorie Smith or Sen. Katherine Wheeler, or other lobby members. Also, for additional information or tickets, call the lobby office at 224-9105.

Rep. Marjorie K. Smith

The Arthritis Foundation, Northern New England Chapter, in conjunction with National Arthritis Awareness Week, will hold an Arthritis Information Day for legislators on Thursday, May 20th from 8:30 a.m. to 1:30 p.m. in the basement of the Legislative Office Building. Become more aware of the resources and programs available for people with arthritis. Light refreshments. Please stop by.

Rep. Leslie Mendenhall

Strafford County Republicans will hold a meeting every third Tuesday at 7:00 p.m. Location will be the Gateway II Restaurant, Somersworth.

Rep. Robert E. McKinley

The Second Annual Golf Tournament to benefit the New Hampshire Veterans Home will be held Saturday, May 22nd in Tilton. Join in a day of fun, food and golf for a good cause. Contact Rep. Fran Wendelboe for details (968-7988).

Rep. Francine Wendelboe

The New Hampshire Center for Constitutional Studies, Inc. invites all legislators to a seminar featuring David Barton, a world-renowned researcher and lecturer on the Constitution. This event will take place on Friday, June 4th at 7:00 p.m. at St. Anthony's Parish Hall, Main Street Sanbornville and on Saturday, June 5th at the Grace Tabernacle Church, Route 125, Brentwood. The cost is \$10 (includes refreshments). The doors open at 6:30 p.m. For more information and tickets contact Rep. Ronald Nowe at 679-5977.

Rep. Ronald J. Nowe

The New Hampshire Republican Women's Club Annual Lilac Luncheon will be held Monday, June 14th at the Center of New Hampshire. Texas Governor George W. Bush will be the featured speaker. For tickets (\$25) see Reps. Sandy Reeves, Vivian Desmarais or Betsy McKinney.

Rep. Betsy McKinney

NOTICE

The **26th Annual Bill White Memorial Legislative Golf Tournament** is scheduled for Monday, June 21 at the White Mountain Country Club in Ashland. The entry fee for this annual tourney is \$60 per person and includes greens fee, cart, dinner and prizes. A *shot-gun* start is scheduled for 9:00 a.m. The format is "Captain and Crew." Sign-up as a foursome or sign-up by yourself and be placed in a foursome. A maximum of 120 players will be allowed. Please return your entry and payment no later than June 8th to Sandy Wheeler at the LOB Lobby Desk. Please make checks payable to Legislative Golf Tournament, care of David S. Saltmarsh.

Reps. Gene G. Chandler and Peter H. Burling

26th Annual Bill White Memorial Legislative Golf Tournament

Names (1)_(2)

(3)_(4)

Telephone No: _____ Amount Enclosed: _____

As a convenience to the members of the NH General Court, the Visitors' Center offers the following schedule of schools and other groups visiting the State House in May, 1999. These listings replace individual notifications in an effort to reduce paper usage and to ensure all members are notified in a timely manner. Please contact the Visitors' Center for further information. Thank you for your continued participation with your School Visitation Program.

Kenneth Leidner, Director

DATE TIME GROUP CLASS/Size

5/10 9:15, 10:30 & 11:45 Presentation of Mary Aca. – Hudson 4/75

5/11 9:30 & 10:45 Jaffrey Grade School 4/65

- 5/11 12:00 Salisbury Elem. 4/16
- 5/11 12:00 Webster Elem. 4/20
- 5/12 9:00 & 10:15 Towle School – Newport 4/50
- 5/12 12:00 New Franklin School – Portsmouth 4/45
- 5/13 9:30 & 10:30 Parker Varney School – Manchester 4/60
- 5/13 12:00 Henniker Community School 4/26
- 5/14 9:30 & 10:30 Parker Varney School 4/60
- 5/14 11:45 Maple Street School – Contoocook 4/44
- 5/14 2:00 Amateur Ham Radio Grp – Ctr. Harbor Adults/20
- 5/17 9:00 Kimball Elem. – Concord 4/25
- 5/17 10:00 & 11:30 Lincoln Street Elem. – Exeter 4/75
- 5/18 9:00 Kimball Elem. – Concord 4/25
- 5/18 10:00 & 11:30 Lincoln Street Elem. – Concord 4/50
- 5/18 1:00 Newington Public School 3-6/34
- 5/18 2:30 U.S. Express Tours Adults/45
- 5/19 9:00 Kimball Elem. – Concord 4/25
- 5/19 10:15 Barnstead Elem. 4/43
- 5/20 9:30 & 11:00 Thornton's Ferry – Merrimack 4/50
- 5/21 10:00 Gilmanton Elem. – Gilmanton Ironworks 4/42
- 5/21 11:00 & 12:30 Lakeway Elem. – Littleton 4/90
- 5/21 1:30 Pierce Elem. – Bennington 4/17
- 5/24 9:30 & 11:00 Thornton's Ferry – Merrimack 4/50
- 5/24 1:00 & 2:00 McClelland School – Rochester 4/45
- 5/25 9:30 & 11:00 Thornton's Ferry – Merrimack 4/50
- 5/25 1:00 & 2:00 McClelland School – Rochester 4/45
- 5/26 10:00 & 11:00 Fred C. Underhill School – Hooksett 3/50
- 5/26 12:30 Greenfield Elem. – Greenfield 4/20
- 5/27 9:00 St. John's School – Concord 4/30
- 5/27 11:00 & 12:00 Little Harbor School – Portsmouth 4/40
- 5/28 10:00 Lyndeboro Central Elem. 5/25
- 5/28 11:00 & 12:00 Little Harbor School – Portsmouth 4/40
- 5/28 1:30 Conway Elem. 4/55

The Department of Transportation will hold the following meetings:

May 10 – Ossipee Town Hall, 6:30 p.m. Pilot study wrap-up, Ossipee pilot study.

May 10 – Belmont Town Hall, 6:00 p.m. Selectmens meeting, Belmont, alternatives for US 3/NH11/Union Road intersection improvements.

May 11 – Alvrine High School, Hudson, 4:00–8:00 p.m. Scoping workshop, Nashua-Hudson, circumferential highway.

May 12 – Weston School Gymnasium, 1066 Hanover Street, Manchester, 7:00 p.m. Public hearing (Commission), Manchester, Candia Road.

May 12 – Hinsdale Town Hall, 11 Main Street, Hinsdale, 7:00 p.m. Public informational/officials meeting, Hinsdale, Route 63/Kilburn Brook.

May 12 – Belmont Town Hall, 8:45 a.m. Resource Agency Field Review, Belmont, NH 140 Bypass.

May 13 – City Hall Auditorium, Nashua, 4:00–8:00 p.m. Scoping workshop, Nashua-Hudson, circumferential highway.

May 17 – Ossipee Town Hall, 6:30 p.m. Land use regulation workshop, Ossipee pilot study.

May 24 – Rye Town Hall, 10 Central Road, Rye, 6:30 p.m. Public informational meeting, Rye, Foyes Corner intersection.

May 24 - Ossipee Town Hall, 6:30 p.m. Land use regulation workshop, visitor center workshop.

May 25 – Vic Geary Center, 18 Greenough Road, Plaistow, 7:00 p.m. Public informational meeting, Plaistow, replacement of the NH 121 Bridge over B&M Railroad.

May 27 – Sheraton Wayfarer Inn, Bedford, 8:00 a.m. Statewide bike/pedestrian meeting, bicycle/pedestrian conference.

May 27 – Auburn Town Hall, 47 Chester Road, Auburn, 7:00 p.m. Public informational meeting, Auburn, replacement of NH 28 bypass bridge over Lake Massabesic.

June 2 - Vic Geary Center, 18 Greenough Road, Plaistow, 7:00 p.m. Public informational meeting, Plaistow, replacement of the Kingston Road Bridge over B&M Railroad.

June 3 – Green Acres School , Gymnasium, 10 Aurora Avenue, off Mammoth Road, Manchester, 7:00 p.m. Combined public officials/public informational meeting, Manchester, rehabilitation of I-293 including new bridges over Brown Avenue.

June 8 – James R. Morrill Municipal Building (Gym), NH Route 10, Haverhill, 7:30 p.m. Combined public officials/public informational meeting, Haverhill, improvements to NH Route 116.

June 12 – Tamworth Elementary , Tamworth, 9:00 a.m. Charette, Tamworth, pilot study.

Rep. Edwin O. Smith, Chairman

Public Works and Highways

THURSDAY, MAY 13

AMENDMENTS

(LISTED IN NUMERICAL ORDER)

1999-0830h

Amendment to CACR 21

Proposed by the Committee on Executive Departments and Administration - R

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

RELATING TO: gender neutral language in the constitution.

PROVIDING THAT: all references to persons in the constitution shall be gender neutral.

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

I. That article 1 of the first part of the constitution be amended to read as follows:

[Art.] 1. [Equality of ~~Men~~ **People**; Origin and Object of Government.] All ~~men~~ **people** are born equally free and independent; therefore, all government of right originates from the people, is founded in consent, and instituted for the general good.

II. That article 2 of the first part of the constitution be amended to read as follows:

[Art.] 2. [Natural Rights.] All ~~men~~ **people** have certain natural, essential, and inherent rights - among which are, the enjoying and defending life and liberty; acquiring, possessing, and protecting, property; and, in a word, of seeking and obtaining happiness. Equality of rights under the law shall not be denied or abridged by this state on account of race, creed, color, sex or national origin.

III. That article 3 of the first part of the constitution be amended to read as follows:

[Art.] 3. [Society, its Organization and Purposes.] When ~~men~~ **people** enter into a state of society, they surrender up some of their natural rights to that society, in order to ensure the protection of others; and, without such an equivalent, the surrender is void.

IV. That article 5 of the first part of the constitution be amended to read as follows:

[Art.] 5. [Religious Freedom Recognized.] Every individual has a natural and unalienable right to worship God according to the dictates of ~~his~~ **one's** own conscience, and reason; and no subject shall be hurt, molested, or restrained, in ~~his~~ person, liberty, or estate, for worshipping God in the manner and season most agreeable to the dictates of ~~his~~ **an individual's** own conscience; or for ~~his~~ **one's** religious profession, sentiments, or persuasion; provided ~~he~~ **such individual** ~~doth~~ **shall** not disturb the public peace or disturb others in their religious worship.

V. That article 6 of the first part of the constitution be amended to read as follows:

[Art.] 6. [Morality and Piety.] As morality and piety, rightly grounded on high principles, will give the best and greatest security to government, and will lay, in the hearts of ~~men~~ **all people**, the strongest obligations to due subjection; and as the knowledge of these is most likely to be propagated through a society, therefore, the several parishes, bodies, corporate, or religious societies shall at all times have the right of electing their own teachers, and of contracting with them for their support or maintenance, or both. But no person shall ever be compelled to pay towards the support of the schools of any sect or denomination. And every person, denomination or sect shall be equally under the protection of the law; and no subordination of any one sect, denomination or persuasion to another shall ever be established.

VI. That article 10 of the first part of the constitution be amended to read as follows:

[Art.] 10. [Right of Revolution.] Government being instituted for the common benefit, protection, and security, of the whole community, and not for the private interest or emolument of any one ~~man~~ **individual**, family, or class ~~of men~~; therefore, whenever the ends of government are perverted, and public liberty manifestly endangered, and all other means of redress are ineffectual, the people may, and of right ought to reform the old, or establish a new government. The doctrine of nonresistance against arbitrary power, and oppression, is absurd, slavish, and destructive of the good and happiness of mankind.

VII. That article 11 of the first part of the constitution be amended to read as follows:

[Art.] 11. [Elections and Elective Franchises.] All elections are to be free, and every inhabitant of the state of 18 years of age and upwards shall have an equal right to vote in any election. Every person shall be considered an inhabitant for the purposes of voting in the town, ward, or unincorporated place where ~~he has his domicile~~ **one is domiciled**. No person shall have the right to vote under the constitution of this state who has been convicted of treason, bribery or any willful violation of the election laws of this state or of the United States; but the supreme court may, on notice to the attorney general, restore the privilege to vote to

any person who may have forfeited it by conviction of such offenses. The general court shall provide by law for voting by qualified voters who at the time of the biennial or state elections, or of the primary elections therefor, or of city elections, or of town elections by official ballot, are absent from the city or town of which they are inhabitants, or who by reason of physical disability are unable to vote in person, in the choice of any officer or officers to be elected or upon any question submitted at such election. Voting registration and polling places shall be easily accessible to all persons including disabled and elderly persons who are otherwise qualified to vote in the choice of any officer or officers to be elected or upon any question submitted at such election. The right to vote shall not be denied to any person because of the non-payment of any tax. Every inhabitant of the state, having the proper qualifications, has equal right to be elected into office.

VIII. That article 12 of the first part of the constitution be amended to read as follows:

[Art.] 12. [Protection and Taxation Reciprocal.] Every member of the community has a right to be protected by it, in the enjoyment of ~~[his]~~ life, liberty, and property; ~~[he is]~~ **everyone is** therefore bound to contribute ~~[his]~~ **one's** share in the expense of such protection, and to yield ~~[his]~~ personal service when necessary. But no part of ~~[a man's]~~ **an individual's** property shall be taken ~~[from him]~~, or applied to public uses, without ~~[his]~~ **one's** own consent, or that of the representative body of the people. Nor are the inhabitants of this state controllable by any other laws than those to which they, or their representative body, have given their consent.

IX. That article 14 of the first part of the constitution be amended to read as follows:

[Art.] 14. [Legal Remedies to be Free, Complete, and Prompt.] Every subject of this state is entitled to a certain remedy, by having recourse to the laws, for all injuries ~~[he]~~ **an individual** may receive ~~[in his]~~ **to** person, property, or character; to obtain right and justice freely, without being obliged to purchase it; completely, and without any denial; promptly, and without delay; conformably to the laws.

X. That article 15 of the first part of the constitution be amended to read as follows:

[Art.] 15. [Right of Accused.] No subject shall be held to answer for any crime, or offense, until the same is fully and plainly, substantially and formally, described to him **or her**; or be compelled to accuse or furnish evidence against ~~[himself]~~ **oneself**. Every subject shall have a right to produce all proofs that may be favorable to ~~[himself]~~ **oneself**; to meet the witnesses against ~~[him]~~ **oneself** face to face, and to be fully heard in ~~[his]~~ **one's own** defense, ~~[by himself]~~ **personally**, and **by** counsel. No subject shall be arrested, imprisoned, despoiled, or deprived of ~~[his]~~ property, immunities, or privileges, put out of the protection of the law, exiled or deprived of ~~[his]~~ life, liberty, or estate, but by the judgment of ~~[his]~~ **one's** peers, or the law of the land; provided that, in any proceeding to commit a person acquitted of a criminal charge by reason of insanity, due process shall require that clear and convincing evidence that the person is potentially dangerous to himself **or herself**, or to others, and that the person suffers from a mental disorder must be established. Every person held to answer in any crime or offense punishable by deprivation of liberty shall have the right to counsel at the expense of the state if need is shown; this right ~~[he]~~ **an individual** is at liberty to waive, but only after the matter has been thoroughly explained by the court.

XI. That article 19 of the first part of the constitution be amended to read as follows:

[Art.] 19. [Searches and Seizures Regulated.] Every subject hath a right to be secure from all unreasonable searches and seizures of ~~[his]~~ **one's** person, ~~[his]~~ houses, ~~[his]~~ papers, and all ~~[his]~~ possessions. Therefore, all warrants to search suspected places, or arrest a person for examination or trial in prosecutions for criminal matters, are contrary to this right, if the cause or foundation of them be not previously supported by oath or affirmation; and if the order, in a warrant to a civil officer, to make search in suspected places, or to arrest one or more suspected persons or to seize their property, be not accompanied with a special designation of the persons or objects of search, arrest, or seizure; and no warrant ought to be issued; but in cases and with the formalities, prescribed by law.

XII. That article 35 of the first part of the constitution be amended to read as follows:

[Art.] 35. [The Judiciary; Tenure of Office, etc.] It is essential to the preservation of the rights of every individual, ~~[his]~~ **such person's** life, liberty, property, and character, that there be an impartial interpretation of the laws, and administration of justice. It is the right of every citizen to be tried by judges as impartial as the lot of humanity will admit. It is therefore not only the best policy, but for the security of the rights of the people, that the judges of the supreme judicial court should hold their offices so long as they behave well; subject, however, to such limitations, on account of age, as may be provided by the constitution of the state; and that they should have honorable salaries, ascertained and established by standing laws.

XIII. That article 7 of the second part of the constitution be amended to read as follows:

[Art.] 7. [Members of Legislature Not to Take Fees or Act as Counsel.] No member of the general court shall take fees, be of counsel, or act as advocate, in any cause before either branch of the legislature; and upon due proof thereof, such member shall forfeit his *or her* seat in the legislature.

XIV. That article 14 of the second part of the constitution be amended to read as follows:

[Art.] 14. [Representatives, How Elected, Qualifications of.] Every member of the house of representatives shall be chosen by ballot; and, for two years, at least, next preceding ~~his~~ *the representative's* election shall have been an inhabitant of this state; shall be, at the time of ~~his~~ election, an inhabitant of the town, ward, place, or district ~~he~~ *the representative* may be chosen to represent and shall cease to represent such town, ward, place, or district immediately on ~~his~~ ceasing to be qualified as aforesaid.

XV. That article 21 of the second part of the constitution be amended to read as follows:

[Art.] 21. [Privileges of Members of Legislature.] No member of the house of representatives, or senate shall be arrested, or held to bail, on mesne process, during ~~his~~ *the legislator's* going to, returning from, or attendance upon, the court.

XVI. That article 22 of the second part of the constitution be amended to read as follows:

[Art.] 22. [House to Elect Speaker and Officers, Settle Rules of Proceedings, and Punish Misconduct.] The house of representatives shall choose their own speaker, appoint their own officers, and settle the rules of proceedings in their own house; and shall be judge of the returns, elections, and qualifications, of its members, as pointed out in this constitution. They shall have authority to punish, by imprisonment, every person who shall be guilty of disrespect to the house, in its presence, by any disorderly and contemptuous behavior, or by threatening, or illtreating, any of its members; or by obstructing its deliberations; every person guilty of a breach of its privileges, in making arrests for debt, or by assaulting any member during ~~his~~ *the member's* attendance at any session; in assaulting or disturbing any one of its officers in the execution of any order or procedure of the house; in assaulting any witness, or other person, ordered to attend, by and during ~~his~~ *the individual's* attendance of the house; or in rescuing any person arrested by order of the house, knowing them to be such.

XVII. That article 24 of the second part of the constitution be amended to read as follows:

[Art.] 24. [Journals and Laws to be Published; Yeas and Nays, and Protests.] The journals of the proceedings, and all public acts of both houses, of the legislature, shall be printed and published immediately after every adjournment or prorogation; and upon motion made by any one member, duly seconded, the yeas and nays, upon any question, shall be entered, on the journal: And any member of the senate, or house of representatives, shall have a right, on motion made at the time for that purpose to have ~~his~~ *the member's* protest, or dissent, with the reasons, against any vote, resolve, or bill passed, entered on the journal.

XVIII. That article 29 of the second part of the constitution be amended to read as follows:

[Art.] 29. [Qualifications of Senators.] Provided nevertheless, that no person shall be capable of being elected a senator, who is not of the age of thirty years, and who shall not have been an inhabitant of this state for seven years immediately preceding ~~his~~ election, and at the time thereof ~~he~~ *the individual* shall be an inhabitant of the district for which he *or she* shall be chosen. Should such person, after election, cease to be an inhabitant of the district for which ~~he~~ *the senator* was chosen, ~~he~~ *such person* shall be disqualified to hold said position and a vacancy shall be declared therein.

XIX. That article 30 of the second part of the constitution be amended to read as follows:

[Art.] 30. [Inhabitant Defined.] And every person, qualified as the constitution provides, shall be considered an inhabitant for the purpose of being elected into any office or place within this state, in the town, or ward, where ~~he~~ *one* is domiciled.

XX. That article 32 of the second part of the constitution be amended to read as follows:

[Art.] 32 [Biennial Meetings, How Warned, Governed, and Conducted; Return of Votes, etc.] The meetings for the choice of governor, council and senators, shall be warned by warrant from the selectmen, and governed by a moderator, who shall, in the presence of the selectmen (whose duty it shall be to attend) in open meeting, receive the votes of all the inhabitants of such towns and wards present, and qualified to vote for senators; and shall, in said meetings, in presence of the said selectmen, and of the town or city clerk, in said meetings, sort and count the said votes, and make a public declaration thereof, with the name of every person voted for, and the number of votes for each person; and the town or city clerk shall make a fair record of the same at large, in the town book, and shall make out a fair attested copy thereof, to be ~~by him~~ sealed up *by the town or city clerk* and directed to the secretary of state, within five days following the election, with a superscription expressing the purport

thereof.

XXI. That article 33 of the second part of the constitution be amended to read as follows:

[Art.] 33. [Secretary of State to Count Votes for Senators and Notify Persons Elected.] And that there may be a due meeting of senators and representatives on the first Wednesday of December, biennially, the secretary of state shall, as soon as may be, examine the returned copy of such records; and fourteen days before the first Wednesday of December, ~~[he]~~ **the secretary of state** shall issue ~~[his]~~ **a** summons to such persons as appear to be chosen senators and representatives, by a plurality of votes, to attend and take their seats on that day.

XXII. That article 38 of the second part of the constitution be amended to read as follows:

[Art.] 38. [Senate to Try Impeachments; Mode of Proceeding.] The senate shall be a court, with full power and authority to hear, try, and determine, all impeachments made by the house of representatives against any officer or officers of the state, for bribery, corruption, malpractice or maladministration, in office; with full power to issue summons, or compulsory process, for convening witnesses before them: But previous to the trial of any such impeachment, the members of the senate shall respectively be sworn truly and impartially to try and determine the charge in question, according to evidence. And every officer, impeached for bribery, corruption, malpractice or maladministration in office, shall be served with an attested copy of the impeachment, and order of the senate thereon with such citation as the senate may direct, setting forth the time and place of their sitting to try the impeachment; which service shall be made by the sheriff, or such other sworn officer as the senate may appoint, at least fourteen days previous to the time of trial; and such citation being duly served and returned, the senate may proceed in the hearing of the impeachment, giving the person impeached, if ~~[he]~~ **such person** shall appear, full liberty of producing witnesses and proofs, and of making ~~[his]~~ **a** defense, **personally** and **by** counsel, and may also, upon ~~[his]~~ **such individual** refusing or neglecting to appear hear the proofs in support of the impeachment, and render judgment thereon, ~~[his]~~ **such person's** nonappearance notwithstanding; and such judgment shall have the same force and effect as if the person impeached had appeared and pleaded in the trial.

XXIII. That article 41 of the second part of the constitution be amended to read as follows:

[Art.] 41. [Governor; Supreme Executive Magistrate.] There shall be a supreme executive magistrate, who shall be styled the Governor of the State of New Hampshire, and whose title shall be His **or Her** Excellency. The executive power of the state is vested in the governor. The governor shall be responsible for the faithful execution of the laws. ~~[He]~~ **The governor** may, by appropriate court action or proceeding brought in the name of the state, enforce compliance with any constitutional or legislative mandate, or restrain violation of any constitutional or legislative power, duty, or right, by any officer, department or agency of the state. This authority shall not be construed to authorize any action or proceedings against the legislative or judicial branches.

XXIV. That article 42 of the second part of the constitution be amended to read as follows:

[Art.] 42. [Election of Governor, Return of Votes; Electors; If No Choice, Legislature to Elect One of Two Highest Candidates; Qualifications for Governor.] The governor shall be chosen biennially in the month of November; and the votes for governor shall be received, sorted, counted, certified and returned, in the same manner as the votes for senators; and the secretary shall lay the same before the senate and house of representatives, on the first Wednesday following the first Tuesday of January to be by them examined, and in case of an election by a plurality of votes through the state, the choice shall be by them declared and published. And the qualifications of electors of the governor shall be the same as those for senators; and if no person shall have a plurality of votes, the senate and house of representatives shall, by joint ballot elect one of the two persons, having the highest number of votes, who shall be declared governor. And no person shall be eligible to this office, unless at the time of ~~[his]~~ election, ~~[he]~~ **the person** shall have been an inhabitant of this state for 7 years next preceding, and unless ~~[he]~~ **the person** shall be of the age of 30 years.

XXV. That article 43 of the second part of the constitution be amended to read as follows:

[Art.] 43. [In Cases of Disagreement Governor to Adjourn or Prorogue Legislature; If Causes Exist, May Convene Them Elsewhere.] In cases of disagreement between the two houses, with regard to the time or place of adjournment or prorogation, the governor, with advice of council, shall have a right to adjourn or prorogue the general court, not exceeding ninety days at any one time, as ~~[he]~~ **the governor** may determine the public good may require, and ~~[he]~~ **the governor** shall dissolve the same on the first Wednesday of December biennially. And, in cases whereby dangers may arise to the health or lives of the members from their attendance at the general court at any place, the governor may direct the session to be holden at some other the most convenient place within the state.

XXVI. That article 44 of the second part of the constitution be amended to read as follows:

[Art.] 44. [Veto to Bills.] Every bill which shall have passed both houses of the general court, shall, before it becomes a law, be presented to the governor, if ~~[he approve]~~ **approved**, ~~[he]~~ **the governor** shall sign it, but if not, ~~[he]~~ **the governor** shall return it, with ~~[his]~~ objections, to that house in which it shall have originated, who shall enter the objections at large on their journal, and proceed to reconsider it; if after such reconsideration, two-thirds of that house shall agree to pass the bill, it shall be sent, together with such objections, to the other house, by which it shall likewise be reconsidered, and, if approved by two-thirds of that house, it shall become a law. But in all such cases the votes of both houses shall be determined by yeas and nays, and the names of persons, voting for or against the bill, shall be entered on the journal of each house respectively. If any bill shall not be returned by the governor within five days (Sundays excepted) after it shall have been presented to ~~[him]~~ **the governor**, the same shall be a law in like manner as if ~~[he]~~ **the governor** had signed it unless the legislature, by their adjournment, prevent its return, in which case it shall not be a law.

XXVII. That article 45 of the second part of the constitution be amended to read as follows:

[Art.] 45. [Resolves to Be Treated Like Bills.] Every resolve shall be presented to the governor, and before the same shall take effect, shall be approved by ~~[him]~~ **the governor**, or being disapproved by ~~[him]~~ **the governor**, shall be repassed by the senate and house of representatives, according to the rules and limitations prescribed in the case of a bill.

XVIII. That article 49 of the second part of the constitution be amended to read as follows:

[Art.] 49. [President of Senate, etc., To Act as Governor When Office Vacant; Speaker of House to Act When Office of President of Senate Is Also Vacant.] In the event of the death, resignation, removal from office, failure to qualify, physical or mental incapacity, absence from the state, or other incapacity of the governor, the president of the senate, for the time being, shall act as governor until the vacancy is filled or the incapacity is removed; and if the president of the senate, for any of the above-named causes, shall become incapable of performing the duties of governor, the same shall devolve upon the speaker of the house of representatives, for the time being, or in the case of the like incapacity of the speaker, upon the secretary of state, or in case of ~~[his]~~ like incapacity **of the secretary of state**, upon the state treasurer, each of whom, in that order, shall act as governor, as hereinabove provided, until the vacancy is filled or the incapacity removed. Whenever a vacancy for the duration or remainder of the governor's term of office occurs before the commencement of the last year of such term, a special election for governor shall take place to fill the vacancy, as provided by law. Whenever the speaker of the house acts as governor, ~~[he]~~ **the speaker of the house** shall act as such only until such time as the vacancy is filled or the incapacity removed in either the office of governor or of president of the senate, whichever occurs first. Whenever either the secretary of state or the treasurer acts as governor, ~~[he]~~ **such person** shall act as such only until such time as the vacancy is filled or the incapacity removed in the offices of governor, of president of the senate or of speaker of the house, whichever occurs first. While acting as governor under this article, the president of the senate, speaker of the house, secretary of state or state treasurer, as the case may be, shall be styled Acting Governor, shall not be required to take an additional oath of office, shall have and exercise all the powers, duties and authorities of, and receive compensation equal to that of the office of governor; and the capacity of each such officer to serve as president of the senate as well as senator, speaker of the house of representatives as well as representative, secretary of state, or state treasurer, as the case may be, or to receive the compensation of such office, shall be suspended only. While the governor or an acting governor is absent from the state on official business, ~~[he]~~ **such person** shall have the power and authority to transact such business.

XXIX. That article 49-a of the second part of the constitution be amended to read as follows:

[Art.] 49-a. [Prolonged Failure to Qualify; Vacancy in Office of Governor Due to Physical or Mental Incapacity, etc.] Whenever the governor transmits to the secretary of state and president of the senate ~~[his]~~ **a** written declaration that ~~[he]~~ **the governor** is unable to discharge the powers and duties of ~~[his]~~ **such** office by reason of physical or mental incapacity and until ~~[he]~~ **the governor** transmits to them a written declaration to the contrary, the president of the senate, for the time being, shall act as governor as provided in article 49, subject to the succession provisions therein set forth. Whenever it reasonably appears to the attorney general and a majority of the council that the governor is unable to discharge the powers and duties of ~~[his]~~ **such** office by reason of physical or mental incapacity, but the governor is unwilling or unable to transmit ~~[his]~~ **a** written declaration to such effect as above provided, the attorney general shall file a petition for declaratory judgment in the supreme court requesting a judicial determination of the ability of the governor to discharge the powers and duties of ~~[his]~~ **such** office. After notice and hearing, the justices of the supreme court shall render such judgment as they find warranted by a preponderance of the evidence; and, if the court holds that the governor is unable to discharge the powers and duties of ~~[his]~~ **such** office, the president of the senate, for the time being, shall act as governor as provided in article 49, subject to the succession provisions therein set forth, until such time as the disability of the governor is removed or a newly elected governor is inaugurated. Such disability,

once determined by the supreme court, may be removed upon petition for declaratory judgment to the supreme court by the governor if the court finds, after notice and hearing, by a preponderance of the evidence that the governor is able to discharge the powers and duties of ~~[his]~~ **such** office. Whenever such disability of the governor, as determined by ~~[his]~~ **a** written declaration or by judgment of the supreme court, has continued for a period of 6 months, the general court may, by concurrent resolution adopted by both houses, declare the office of governor vacant. Whenever the governor-elect fails to qualify by reason of physical or mental incapacity or any cause other than death or resignation, for a period of 6 months following the inauguration date established by this constitution, the general court may, by concurrent resolution adopted by both houses, declare the office of governor vacant. The provisions of article 49 shall govern the filling of such vacancy, either by special election or continued service of an acting governor. If the general court is not in session when any such 6-month period expires, the acting governor, upon written request of at least 1/4 of the members of each house, shall convene the general court in special session for the sole purpose of considering and acting on the question whether to declare a vacancy in the office of governor under this article.

XXX. That article 51 of the second part of the constitution be amended to read as follows:

[Art.] 51. [Powers and Duties of Governor as Commander-in-Chief.] The governor of this state for the time being, shall be commander-in-chief of all the military forces of the state; and shall have full power, ~~[by himself]~~ **personally** or ~~[by]~~ **through** any chief commander, or other officer or officers, from time to time, to train, instruct, exercise and govern the militia; to call forth the militia and to put in warlike posture the inhabitants of the state; to execute the laws of the state and of the UnitedStates; to suppress insurrection and to repel invasion; and, in fine, the governor is hereby entrusted with all other powers incident to the office of commander-in-chief to be exercised agreeably to the rules and regulations of the constitution and the laws of the land.

XXXI. That article 62 of the second part of the constitution be amended to read as follows:

[Art.] 62. [Subsequent Vacancies; Governor to Convene; Duties.] If any person thus chosen a councilor, shall be elected governor or member of either branch of the legislature, and shall accept the trust; or if any person elected a councilor, shall refuse to accept the office, or in case of the death, resignation, or removal of any councilor out of the state, the governor may issue a precept for the election of a new councilor in that county where such vacancy shall happen and the choice shall be in the same manner as before directed. And the governor shall have full power and authority to convene the council, from time to time, at ~~[his]~~ **the governor's** discretion; and, with them, or the majority of them, may and shall, from time to time hold a council, for ordering and directing the affairs of the state, according to the laws of the land.

XXXII. That article 64 of the second part of the constitution be amended to read as follows:

[Art.] 64. [Secretary to Record Proceedings of Council.] The resolution and advice of the council shall be recorded by the secretary, in a register, and signed by all members present agreeing thereto; and this record may be called for at any time, by either house of the legislature; and any member of the council may enter ~~[his]~~ **an** opinion contrary to the resolutions of the majority, with the reasons for such opinion.

XXXIII. That article 68 of the second part of the constitution be amended to read as follows:

[Art.] 68. [State Records, Where Kept; Duty of Secretary.] The records of the state shall be kept in the office of the secretary, and ~~[he]~~ **the secretary of state** shall attend the governor and council, the senate and representatives, in person, or by deputy, as they may require.

XXXIV. That article 69 of the second part of the constitution be amended to read as follows:

[Art.] 69. [Deputy Secretary.] The secretary of the state shall, at all times, have a deputy, to be ~~[by him]~~ appointed **by the secretary of state**; for whose conduct in office ~~[he]~~ **the secretary of state** shall be responsible: And, in case of the death, removal, or inability of the secretary, ~~[his]~~ **the** deputy shall exercise all the duties of the office of secretary of this state, until another shall be appointed.

XXXV. That article 70 of the second part of the constitution be amended to read as follows:

[Art.] 70. [Secretary to Give Bond.] The secretary, before ~~[he enters]~~ **entering** upon the business of ~~[his]~~ **such** office, shall give bond, with sufficient sureties, in a reasonable sum, for the use of the state, for the punctual performance of ~~[his]~~ **the secretary's** trust.

XXXVI. That article 73 of the second part of the constitution be amended to read as follows:

[Art.] 73. [Tenure of Office To Be Expressed in Commissions; Judges to Hold Office During Good Behavior, etc.; Removal.] The tenure that all commissioned officers shall have by law in their offices shall be expressed in their respective commissions, and all judicial officers duly appointed, commissioned and sworn, shall hold their offices during good behavior except those for whom a different provision is made in this constitution. The governor with consent of the council may remove any commissioned officer for reasonable cause upon the address of both houses of the legislature, provided nevertheless that the cause for removal shall be stated fully and substantially in the address and shall not be a cause which is a sufficient ground for impeachment, and provided further that no officer shall be so removed unless ~~he~~ **the officer** shall have had an opportunity to be heard in ~~his~~ **the officer's** defense by a joint committee of both houses of the legislature.

XXVII. That article 73-a of the second part of the constitution be amended to read as follows:

[Art.] 73-a. [Supreme Court, Administration.] The chief justice of the supreme court shall be the administrative head of all the courts. ~~He~~ **The chief justice** shall, with the concurrence of a majority of the supreme court justices, make rules governing the administration of all courts in the state and the practice and procedure to be followed in all such courts. The rules so promulgated shall have the force and effect of law.

XXVIII. That article 75 of the second part of the constitution be amended to read as follows:

[Art.] 75. [Justices of Peace Commissioned for Five Years.] In order that the people may not suffer from the long continuance in place of any justice of the peace who shall fail in discharging the important duties of ~~his~~ office with ability and fidelity, all commissions of justice of the peace shall become void at the expiration of five years from their respective dates, and upon the expiration of any commission, the same may if necessary be renewed or another person appointed as shall most conduce to the well being of the state.

XXXIX. That article 78 of the second part of the constitution be amended to read as follows:

[Art.] 78. [Judges and Sheriffs, When Disqualified by Age.] No person shall hold the office of judge of any court, or judge of probate, or sheriff of any county, after ~~he~~ **one** has attained the age of seventy years.

XL. That article 79 of the second part of the constitution be amended to read as follows:

[Art.] 79. [Judges and Justices Not to Act as Counsel.] No judge of any court, or justice of the peace, shall act as attorney, or be of counsel, to any party, or originate any civil suit, in matters which shall come or be brought before ~~him~~ **such person** as judge, or justice of the peace.

XLI. That article 81 of the second part of the constitution be amended to read as follows:

[Art.] 81. [Judges and Registers of Probate Not to Act as Counsel.] No judge, or register of probate, shall be of counsel, act as advocate, or receive any fees as advocate or counsel, in any probate business which is pending, or may be brought into any court of probate in the county of which ~~he~~ **such person** is judge or register.

XLII. That article 82 of the second part of the constitution be amended to read as follows:

[Art.] 82. [Clerks of Courts, by Whom Appointed.] The judges of the courts (those of probate excepted) shall appoint their respective clerks to hold their office during pleasure: And no such clerk shall act as an attorney or be of counsel in any cause in the court of which ~~he~~ **the person** is clerk, nor shall ~~he~~ **such clerk** draw any writ originating a civil action.

XLIII. That article 84 of the second part of the constitution be amended to read as follows:

[Art.] 84. [Oath of Civil Officers.] Any person chosen governor, councilor, senator, or representative, military or civil officer, (town officers excepted) accepting the trust, shall, before ~~he~~ **such person** proceeds to execute the duties of ~~his~~ office, make and subscribe the following declaration, viz. -

I, A.B. do solemnly swear, that I will bear faith and true allegiance to the United States of America and the state of New Hampshire, and will support the constitution thereof. So help me God.

I, A.B. do solemnly and sincerely swear and affirm that I will faithfully and impartially discharge and perform all duties incumbent on me as, according to the best of my abilities, agreeably to the rules and regulations of this constitution and laws of the state of New Hampshire. So help me God.

Any person having taken and subscribed the oath of allegiance, and the same being filed in the secretary's office, [~~he~~] shall not be obliged to take said oath again.

Provided always, when any person chosen or appointed as aforesaid shall be of the denomination called Quakers, or shall be scrupulous of swearing, and shall decline taking the said oaths, such person shall take and subscribe them, omitting the word "swear," and likewise the words "So help me God," subjoining instead thereof, "This I do under the pains and penalties of perjury."

XLIV. That article 95 of the second part of the constitution be amended to read as follows:

[Art.] 95. [Incompatibility of Certain Offices.] No person holding the office of judge of any court, (except special judges) secretary, treasurer of the state, attorney general, register of deeds, sheriff, collectors of state and federal taxes, members of Congress or any person holding any office under the United States, including any person in active military service, shall at the same time hold the office of governor, or have a seat in the senate, or house of representatives, or council; but [~~his~~] **such person** being chosen and appointed to, and accepting the same, shall operate as a resignation of [~~his~~] **such person's** seat in the chair, senate, or house of representatives, or council; and the place so vacated shall be filled up. No member of the council shall have a seat in the senate or house of representatives.

XLV. That the subdivision heading preceding article 84 of the constitution be amended as follows:

OATHS AND SUBSCRIPTIONS – EXCLUSION FROM OFFICES – COMMISSIONS – WRITS – CONFIRMATION OF LAWS – HABEAS CORPUS – THE ENACTING STYLE – CONTINUANCE OF OFFICERS – PROVISION FOR FUTURE REVISION OF THE CONSTITUTION – **GENDER NEUTRAL LANGUAGE** - ETC.

XLVI. That the second part of the constitution be amended by inserting after article 101 the following new article:

[Art.] 102. Gender Neutral Language Required. All references to specific persons in the constitution shall be gender neutral.

XLVII. That the above amendment proposed to the constitution be submitted to the qualified voters of the state at the state general election to be held in November, 2000.

XLVIII. That the selectmen of all towns, cities, wards and places in the state are directed to insert in their warrants for the said 2000 election an article to the following effect: To decide whether the amendments of the constitution proposed by the 1999 session of the general court shall be approved.

XLIX. That the wording of the question put to the qualified voters shall be:

Are you in favor of amending the Constitution to make it more inclusive by changing specific references to people to gender neutral terms recognizing that this will in no way alter the meaning or effect of the constitution?

L. That the secretary of state shall print the question to be submitted on a separate ballot or on the same ballot with other constitutional questions. The ballot containing the question shall include 2 squares next to the question allowing the voter to vote "Yes" or "No." If no cross is made in either of the squares, the ballot shall not be counted on the question. The outside of the ballot shall be the same as the regular official ballot except that the words "Questions Relating to Constitutional Amendments proposed by the 1999 General Court" shall be printed in bold type at the top of the ballot.

LI. That if the proposed amendment is approved by 2/3 of those voting on the amendment, it becomes effective when the governor proclaims its adoption.

AMENDED ANALYSIS

This constitutional amendment-concurrent resolution removes all gender-specific language from the constitution and provides that all references to persons in the constitution shall be gender neutral.

1999-0917h

Amendment to HB 25-FN-A

Proposed by the Committee on Public Works and Highways - R

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

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

I. Adjutant General.

A. NHSVC maintenance building and equipment completion \$ 610,000

Less federal -610,000

Net state appropriation subparagraph A \$ 0

B. Replacement of information technology

hardware systems & applications * 62,000

Total state appropriation paragraph I \$ 62,000

II. Department of Administrative Services, Division of Plant and Property Management.

A. Bureau of General Services.

1. Life safety code compliance – Johnson Hall building \$ 170,000

2. Defective elec. wiring & panel replacement,

health and human services building 148,500

3. Replace defective cooling tower legislative office building 66,000

4. Flash & coat (2) stair towers – health and

human services building 88,000

5. Repair building foundation – Storrs St. warehouse 52,000

6. Renovate existing facility – 61 South Spring St. 1,580,800

7. Communications equipment upgrade * 200,000

8. Executive/legislative budget system * 294,000

9. Information technology plan consultants * 250,000

10. Equipment upgrade-DASD * 200,000

11. Business continuity plan * 250,000

12. Consulting service-asset tracking system * 750,000

13. VSE to MSV Conversion * 200,000

14. Bridges House roof and structural rehabilitation 125,000

15. Light replacement – health and human services * 389,050

16. Light replacement – safety * 177,000

Net state appropriation subparagraph A \$ 4,940,350

B. Bureau of Court Facilities.

1. Carroll County courthouse construction \$ 1

Net state appropriation subparagraph B \$ 1

Total state appropriation paragraph II \$ 4,940,351

III. Department of Agriculture, Markets, and Food.

A. Laboratory equipment \$ 195,000

Total state appropriation paragraph III \$ 195,000

IV. Community-technical college system.

A. Alan B. Shepard memorial wing development,

Christa McAuliffe planetarium – Concord \$ 100,000

B. Library accreditation compliance 4,700,000

C. Maintenance/critical repairs 1,365,000

D. General science laboratory upgrade 600,000

E. Computer systems/hardware * 132,500

Total state appropriation paragraph IV \$ 6,897,500

V. Department of Corrections.

A. Replace boiler plant – women's prison \$ 200,000

B. New halfway house – southern 1,500,000

C. Year 2000 equipment replacement/upgrade * 146,000

D. Expansion of department WAN * 126,000

Total state appropriation paragraph V \$ 1,972,000

VI. Department of Education.

A. Computer applications expansion/replacement * \$ 300,000

Total state appropriation paragraph VI \$ 300,000

VII. Department of Environmental Services.

A. Drinking water state revolving fund matching funds \$ 2,946,780

B. Wastewater state revolving fund matching funds 270,314

C. Hazardous waste superfund match 3,140,000

D. Storage building for emergency response equipment 540,000

Less federal -432,000

Net state appropriation subparagraph E 108,000

E. Natural resources mapping 304,000

Less federal -124,000

Net state appropriation subparagraph E 180,000

F. Bedrock aquifer program 215,515

G. Implementation of information technology plan * 317,104

Total state appropriation paragraph VII \$ 7,177,713

VIII. Department of Health and Human Services Commissioner's Office.

A. Laboratory safety improvements \$ 242,000

B. Laundry and bathing equipment – Glencliff 80,000

C. APS kitchen floor & window repairs – N.H. Hospital 100,000

D. Laundry equipment replacement – N.H. Hospital 180,000

E. Main Bldg./Annex 1 roof replacement –behavioral health 1,210,000

F. Laconia developmental services campus –

designated receiving facility renovations –

developmental services 500,000

G. Philbrook fire safety improvements – N.H. Hospital 115,000

H. Information technology * \$ 20,500,000

Less federal -13,000,000

Net state appropriation subparagraph H 7,500,000

Total state appropriation paragraph VIII \$ 9,927,000

The funds appropriated in subparagraph VIII, H for information technology programs shall not be committed, contracted for, or expended, without the prior written approval of the governor.

IX. Office of Emergency Management.

A. Telephone system replacement \$ 218,800

Total state appropriation paragraph IX \$ 218,800

X. Liquor Commission.

A. Renovate store #73, Hampton – southbound \$ 1,425,000

Total state appropriation paragraph X \$ 1,425,000

XI. Port Authority.

A. Security monitoring system \$ 140,000

B. Building improvements 300,000

Total state appropriation paragraph XI \$ 440,000

XII. Department of Resources and Economic Development.

A. ADA compliance for parks facilities \$ 150,000

B. Statewide radio system 650,000

Less federal -150,000

Net state appropriation subparagraph B 500,000

C. Construct 15 recreational vehicle sites – Moose Brook 100,000

D. Septic gray water system – Mount Washington 150,000

E. Install power – Crawford Notch 150,000

Total state appropriation paragraph XII \$ 1,050,000

XIII. Department of Safety.

A. Carpeting at 10 Hazen Drive, Concord * \$ 154,000

B. Design and construct Troop D barracks/DMC training 86,850

C. Paving and roof replacement at troop stations 15,200

D. Video surveillance system – troop stations/Hayes bldg. 9,500

Total state appropriation paragraph XIII \$ 265,550

XIV. Department of Transportation.

A. Match for FAA projects \$ 500,000

B. Match for public transit bus replacement 290,000

C. Match for regional aircraft fire training facility 700,000

D. Acquisition for abandoned railroads & airports 1,450,000

E. Concord rail bridge 650,000

F. Compliance, governor's commission on disability –

All general fund agencies 1,000,000

Total state appropriation paragraph XIV \$ 4,590,000

XV. N.H. Veterans Home.

A. Design and build new facility \$ 10,000,000

Less federal -6,500,000

Net state appropriation subparagraph A 3,500,000

Total state appropriation paragraph XV \$ 3,500,000

XVI. Youth Development Services.

A. King cottage renovations – design only – YDC \$ 27,000

B. Safe rooms for Tobey building – construction – YDC 245,000

C. Purchase 4 generators * 210,000

D. Phase I – preparation for agency networking * 225,000

Total state appropriation paragraph XVI \$ 707,000

Total state appropriation section 1 \$ 43,667,914

* The bonds issued for these projects shall be 5-year bonds.

2 Appropriation; University System of New Hampshire. The sums hereinafter detailed are hereby appropriated for the projects specified:

- A. Pettee Hall general renovation \$4,300,000
- B. New Hampshire public television equipment 2,000,000

Total state appropriation section 2 \$ 6,300,000

3 Appropriation; Department of Fish and Game. The sums hereinafter detailed are hereby appropriated for the projects specified:

- A. Broodfish facility – Milford \$ 180,000
- B. Repair & replacement of fish rearing containers 350,000
- C. Water line repair/replacement 200,000
- D. Central boat/equipment storage – Concord 210,000
- E. Barry conservation camp building replacement 100,000

Total state appropriation section 3 \$ 1,040,000

4 Appropriation; Department of Transportation and Department of Safety. The sums hereinafter detailed are hereby appropriated for the projects specified:

I. Department of Transportation.

- A. Paint storage & transfer building \$ 415,000
- B. Roof repair/Stickney Ave. 630,000
- C. Patrol shed – Exeter 600,000
- D. Additions & modifications to building B – traffic 325,000
- E. Energy & environmental renovations – statewide 1,000,000
- F. Conway rest area 500,000
- G. Morton building 3,000,000
- H. CAD/D transition * 552,000
- I. PC & Server & Software Upgrade * 603,000

Total state appropriation paragraph I \$ 7,625,000

II. Department of Safety.

- A. Design and construct Troop D barracks/DMC training \$823,150
- B. Paving and roof replacement at troop stations 64,800
- C. Video surveillance system – troop stations/Hayes bldg. 40,500

Total state appropriation paragraph II \$ 928,450

Total state appropriation section 4 \$ 8,553,450

* The bonds issued for these projects shall be 5-year bonds.

5 Expenditures; General. The appropriations made for the purposes mentioned in sections 1, 3, and 4 and the sums available for

those projects shall be expended by the trustees, commissions, commissioner, or department head of the institutions and departments referred to herein; provided that all contracts and projects and plans and specifications therefor shall be awarded in accordance with the provisions of RSA 228.

6 Expenditures; University System of New Hampshire.

I. The appropriations made for the purposes mentioned in section 2 and the sums available for these projects shall be expended by the trustees of the university system of New Hampshire. All contracts for the construction of all or any part of said buildings or facilities shall be let only after competitive sealed bids have been received and only after an advertisement calling for such bids has been published at least once in each 2 successive calendar weeks in a newspaper of general circulation in New Hampshire or in a trade journal known to be circulated among the contractors from whom bids will be sought with the state of New Hampshire or elsewhere in the area. The first publication of such advertisement shall be not less 30 days prior to the date the bids will be received. All conditions considered, wherever possible, it is recommended that the services of New Hampshire architectural and construction firms be considered within the discretion of the trustees.

II. The appropriations made in section 2 are available for all costs incidental to the completion of the projects enumerated including the costs of the services of architects, engineers, and other consultants of such kind and capacity as the university system board of trustees, in its discretion, may wish to employ on such terms and conditions as the board determines. These moneys shall be spent under the direction of the university system board of trustees.

III. If, in the judgment of the trustees of the university system, just cause exists indicating the lowest bid should be rejected, then the contract may be awarded to the next lowest bidder; or, if the next lowest bid should be rejected, the contract may be awarded to the third lowest bidder.

IV. The board of trustees of the university system has the right to reject any and all bids and, if the lowest bid is in excess of the appropriation, the board has the right to negotiate with the low bidder or with the 3 lowest bidders for a contract for the construction upon terms considered most advantageous to the university. If only one bid is received, the board of trustees may negotiate a contract for the construction on terms considered most advantageous to the university system and to the state. Any authorization contained in this act which is at variance with the requirements of applicable federal law and regulations shall be controlled by the terms of the federal law and regulations.

V. Notwithstanding paragraphs I, III, and IV, the sums appropriated by section 2, paragraph A of this act for the Pettee Hall general renovation, may be expended and awarded by the trustees of the university system; provided that all contracts for all or any part of the building or facilities shall follow construction management procurement procedures and guidelines. If the trustees select construction management pursuant to this paragraph, paragraphs I, III, and IV shall not apply and the trustees shall retain the right to reject or negotiate following accepted construction management practices.

7 Land Acquisition. Any land acquired under the appropriations made in sections 1, 3, and 4 of this act, except such land, if any, as may be acquired under the appropriation for the department of environmental services, shall be purchased by the commissioner of the department of transportation with the approval of governor and council.

8 Bonds Authorized. To provide funds for the total of the appropriations of state funds made in sections 1, 2, 3, and 4 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$59,561,364 and for said purposes may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with the provisions of RSA6-A.

9 Payments.

I. The payment of principal and interest on bonds and notes issued for the projects in sections 1 and 2 shall be made when due from the general funds in the state.

II. The payment of principal and interest on bonds issued for the projects in:

(a) Section 3 shall be made when due from the fish and game fund.

(b) Section 4 shall be made when due from the highway fund.

10 Liquidation. The state treasurer is authorized to deduct from the fund accruing to the university under RSA 187-A:7, or appropriation in lieu therefor, for each fiscal year such sum as may be necessary to meet interest and principal payments in accordance with the terms and conditions of bonds and notes issued for the purpose of section 2.

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

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

II. To accept any federal funds which are, or become available for any project under sections 1, 3, and 4 beyond the estimated amounts. The net appropriation of state funds for any project for which such additional federal funds are accepted shall be reduced by the amount of such additional funds, and the amount of bonding authorized by section 8 shall be reduced by the same amount.

12 Transfers. The individual project appropriations provided in sections 1, 2, 3, and 4 of this act shall not be transferred or expended for any other purposes; provided that if there is a balance remaining after an individual project, which is fully funded by state funds, is completed, accepted, and final payment made, said balance or any part thereof may be transferred by governor and council, or for expenditures made pursuant to section 6 by the trustees of the university system, to any other individual project or projects, which are also fully funded by state funds, within the same section and from the same funding source, provided that prior approval of the capital budget overview committee is obtained.

13 Reduction of Appropriation and Bonding Authority. If the net appropriation of state funds for any project provided for by sections 1, 3, and 4 is determined on the basis of an estimate of anticipated federal, local, or other funds, and if the amount of such funds actually received or available is less than said estimate, then the total authorized cost for such projects and the net appropriation of state funds thereof shall be reduced by the same proportion as the proportion by which federal, local, or other funds are reduced. The amount of bonding authorized by section 8 shall be reduced by the amount that the appropriation of state funds is reduced pursuant to this section.

14 Information Technology Equipment and Software. Individual project appropriations for information technology equipment provided for by sections 1, 3, or 4, or for any other agency in any budget bill enacted during the 1999 legislative session, shall not be spent, obligated, or encumbered until such time as the agency's information technology plans are reviewed by the division of information technology management pursuant to RSA 21-I:67 and approved by the capital budget overview committee. The division of information technology management shall review any such agency technology plans within 90 days. An agency may request an extension of time from the capital budget overview committee.

15 Youth Development Services; Capital Budget Overview Committee Approval. Amend 1997, 351:68, as amended by 1998, 372:2, to read as follows:

351:68 Expenditure of Funds Appropriated for Construction and Renovations - YDC in HB 25-A. The appropriation for construction and renovations - YDC made to the department of youth development services in section 1, paragraph XVI, D of HB 25-A of the 1997 legislative session shall be set aside for a match for any federal funds which are now or may be made available for the construction or renovation costs of facilities for juvenile offenders and shall not be spent, obligated, or encumbered until such time as **the department receives approval from** the capital budget overview committee ~~[approves the consultant's survey authorized under section 67 of this act]~~.

16 Regional Community-Technical Colleges; Early Childhood Laboratory School Fund Established. Amend RSA 188-F by inserting after section 20 the following new section:

188-F:20-a Early Childhood Laboratory School Fund. There is established the early childhood laboratory school fund which shall be administered by the department of regional community-technical colleges. Moneys received from private donations or from federal or other sources shall be deposited into the fund. The purpose of the fund is to provide for payment of the cost of bonds and notes on the early childhood laboratory school on the Concord campus, and to enhance academic programs in parent education. The fund shall be continually appropriated to the department of regional community-technical colleges and shall be nonlapsing.

17 Appropriation; Payment of Bonds and Notes; Regional Community-Technical Colleges; Early Childhood Laboratory School.

I. The sum of \$427,400 is appropriated to the regional community-technical colleges for the purpose of the construction of the early childhood laboratory school on the Concord campus.

II. To provide funds for the appropriation made in paragraph I the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$427,400 and for said purpose may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with RSA 6-A. Payments of principal and interest on the bonds and notes

shall be made from the early childhood laboratory school fund established in RSA 188-F:20-a.

18 Appropriation Purpose Amended; Resources and Economic Development; Cannon Ski Area. Amend 1995, 309:1, XII, A, 2 to read as follows:

2. ~~[Sunapee/]~~Cannon lift and ski area repairs \$ 527,000

19 Lapse Date Eliminated; Resources and Economic Development; New Hampshire Economic Development Fund. Amend 1991, 4:22 as amended by 1992, 289:26, 1993, 358:18 and 1995, 285:1, and as extended by 1997, 349:34, II to read as follows:

4:22 Appropriation. The sum of \$5,750,000 is hereby appropriated to the department of resources and economic development for the purpose of carrying out the provisions of section 21 of this act. These funds shall be in addition to any other funds appropriated to the department and ~~[on June 30, 1997, all unexpended and unencumbered balances]~~ shall **not** lapse.

20 Lapse Date Eliminated; Resources and Economic Development; New Hampshire Economic Development Fund. Amend 1993, 349:18, III as inserted by 1995, 285:2 and as amended by 1997, 349:18 to read as follows:

III. The appropriation contained in paragraph I shall not lapse ~~[until June 30, 1999]~~. Any balances remaining ~~[as of June 30, 1997]~~ shall be allocated by the review committee or budgeted within the state operating budget for the purposes of paragraph I or other economic initiatives and programs.

21 Capital Appropriation to Department of Safety; Amount Increased. Amend 1997, 349:4, II, A as amended by 1998, 276:4 to read as follows:

A. Dover Point substation addition, ~~[\$390,000]~~ **\$460,000**

Warehouse/Epping station

22 Capital Budget; 1997 HB 25-A; Total Appropriation Increased; Highway Funds. Amend 1997, 349:4, total state appropriation section 4 to read as follows:

Total state appropriation section 4 ~~[\$ 4,790,000]~~ **\$4,860,000**

23 Capital Budget; 1997 HB 25-A; Total Increased. Amend 1997, 349:8 to read as follows:

349:8 Bonds Authorized. To provide funds for the total of the appropriations of state funds made in sections 1, 2, 3, and 4 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of ~~[\$67,998,437]~~ **\$68,068,437** and for said purposes 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.

24 Lapse Dates Extended to June 30, 2001. The following appropriations are hereby extended to June 30, 2001.

I. The appropriation made to the department of transportation in 1989, 367:1, XII, A, 1, as amended by 1991, 351:27, II(l) and 1992, 289:60, as extended by 1993, 359:20, V, 1995, 309:32, VII, 1996, 215:3, I, and 1997, 349:34, I for improvements at the Keene Dillant-Hopkins airport.

II. The appropriation made to the department of environmental services in 1993, 359:1, IV, B for the state revolving fund match.

III. The appropriation made to the department of transportation in 1993, 359:1, XII, A, 1, as extended by 1994, 171:1, 1996, 215:3, III, and 1997, 349:34, X for land acquisition for navigation beacons.

IV. The appropriation made to the department of administrative services in 1995, 309:1, II, A, 1, as extended by 1997, 349:34, XI for the health and human services building and laboratory HVAC renovations.

V. The appropriation made to the department of administrative services in 1995, 309:1, II, B, 3, as extended by 1997, 349:34, XIV for the study and design of court facility on county donated land – Carroll County Superior Court.

VI. The appropriation made to the department of corrections in 1995, 309:1, IV, K, as amended by 1997, 349:29, and as extended by 1997, 349:34, XVII for preliminary design of expanded correctional facilities, including land acquisition, in accordance with federal crime bill grants.

VII. The appropriation made to the department of corrections in 1995, 309:1, IV, L and as amended by 1997, 349:34, XVIII for

the construction of boilers, N.H. state prison for women, Goffstown.

VIII. The appropriation made to the department of environmental services in 1995, 309:1, VI, A as extended by 1997, 349:34, XIX for the state revolving fund program – wastewater.

IX. The appropriation made to the department of health and human services in 1995, 309:1, VII, B, I as extended by 1997, 349:34, XXIII for RSA 171-B mentally retarded criminal offenders.

X. The appropriation made to the department of health and human services in 1995, 309:1, VII, C, 1 as extended by 1997, 349:34, XXIV for life and safety renovations – Glencliff.

XI. The appropriation made to the department of resources and economic development in 1995, 309:1, XII, A, 2 as amended by section 18 of this act and as extended by 1997, 349:34, XXVIII for Cannon lift and ski area repairs.

XII. The appropriation made to the department of resources and economic development in 1997, 335:3 for the purchase and development of property in Piermont, New Hampshire on Lake Tarleton.

XIII. The appropriation made to the department of administrative services in 1997, 349:1, II, A, 3 and 4 for roof repairs – supreme court and health and human services building.

XIV. The appropriation made to the department of administrative services in 1997, 349:1, II, A, 9 for repair of drainage system – state library.

XV. The appropriation made to the department of administrative services in 1997, 349:1, II, A, 10 and 11 for parking garage repairs – legislative office building and Storrs street.

XVI. The appropriation made to the department of administrative services in 1997, 349:1, II, A, 12 for the emergency repairs, contingency fund.

XVII. The appropriation made to the department of administrative services in 1997, 349:1, II, A, 13 for the life safety, renovations – health and human services building.

XVIII. The appropriation made to the department of administrative services in 1997, 349:1, II, B, 1-3 for LAN hardware and site preparation, year 2000 financial support system, and check processing and mailing system.

XIX. The appropriation made to the department of administrative services in 1997, 349:1, II, C, 1 for the bureau of court facilities Dover/Durham/Somersworth District Court.

XX. The appropriation made to the community technical college system in 1997, 349:1, IV, A for telephone systems and roof projects- Manchester, Claremont, Nashua, and Concord.

XXI. The appropriation made to the community technical college system in 1997, 349:1, IV, C for critical laboratory support for N.H. industries.

XXII. The appropriation made to the community technical college system in 1997, 349:1, IV, E for upgrade of general science laboratories.

XXIII. The appropriation made to the department of environmental services in 1997, 349:1, VI, A for the waste water state revolving fund match.

XXIV. The appropriation made to the department of environmental services in 1997, 349:1, VI, B for the drinking water state revolving fund match.

XXV. The appropriation made to the department of environmental services in 1997, 349:1, VI, D for the bedrock aquifer assessment.

XXVI. The appropriation made to the department of environmental services in 1997, 349:1, VI, F for dam removal.

XXVII. The appropriation made to the department of health and human services commissioner's office in 1997, 349:1, VII, F and as amended in 1998, 276:1 for the Brown Building addition and renovation – Glencliff.

XXVIII. The appropriation made to the port authority in 1997, 349:1, IX, D for the maintenance dredging Hampton/Seabrook

harbor.

- XXIX. The appropriations made to the department of resources and economic development in 1997, 349:1, X, B-D for repair Rocky Bend seawall, replace bath house – Sunapee, and replace bridge – Lafayette campground.
- XXX. The appropriation made to the department of transportation in 1997, 349:1, XIV, A for 5-10 percent match FAA airport projects.
- XXXI. The appropriation made to youth development services in 1997, 349:1, XVI, D as amended by 1997, 351:68 and 1998, 372:2, 3 and as amended by section 15 of this act for construction and renovations – YDC.
- XXXII. The appropriation made to the department of transportation in 1997, 349:4, I, A for John O. Morton building renovation.
- XXXIII. The appropriation made to the department of safety in 1997, 349:4, II, A as amended by 1998, 276:4 and as amended by section 21 of this act for warehouse/Epping station.
- XXXIV. The appropriation made to the department of safety in 1997, 349:4, II, B as amended by 1998, 276:4 for microwave system upgrade.
- XXXV. The appropriation made to the department of corrections in 1998, 223:2 for the design and construction of the new medium security prison and for furnishings and equipment for inmates of the new prison.

25 Effective Date.

- I. Section 24 of this act shall take effect June 30, 1999.
- II. The remainder of this act shall take effect July 1, 1999.

1999-1086h

Amendment to HB 89-FN-A

Proposed by the Committee on Finance - R

Amend the bill by replacing section 1 with the following:

1 Study of State House Complex Space Needs. The general court recognizes that a thorough evaluation of the state house complex's current and future space needs must be conducted, including, but not limited to, an appraisal of the requirements of the state library, legislative office building, state house, state house annex, Upham Walker building, and department of justice building. Therefore, the general court hereby directs the department of transportation to retain the services of an architectural firm to conduct such a study.

Amend the bill by replacing section 3 with the following:

3 Appropriation. The sum of \$50,000 is hereby appropriated from the funds authorized by 1991, 355:115 and 1998, 226:1 to the department of transportation for the fiscal year ending June 30, 2000, for the purposes of section 2 of this act.

AMENDED ANALYSIS

This bill requires the department of transportation to hire an architectural consultant to conduct a study of the state house complex's space needs. This bill makes an appropriation to the department of transportation for the purposes of the study from funds authorized by 1991, 355:115 and 1998, 226:1.

1999-0590h

Amendment to HB 97

Proposed by the Committee on Environment and Agriculture - R

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

AN ACT relative to the right to farm.

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

1 Purpose. The purpose of this act is to clarify the requirements of RSA 672:1, III-b, that farming and agriculture, as defined in RSA 21:34-a, shall not be unreasonably limited by the use of municipal planning and zoning powers.

2 Purposes of Zoning Ordinances. Amend RSA 674:17, I(g) and (h) to read as follows:

(g) To facilitate the adequate provision of transportation, solid waste facilities, water, sewerage, schools, parks, child day care; [~~and~~]

(h) To assure proper use of natural resources and other public requirements[~~;~~]; **and**

(i) To preserve agricultural land and buildings for agricultural use.

3 New Subdivision; Agricultural Uses of Land. Amend RSA 674 by inserting after section 32 the following new subdivision:

Agricultural Uses of Land

674:32-a Presumption. In accordance with RSA 672:1, III-d, whenever agricultural activities are not explicitly addressed with respect to any zoning district or location, they shall be deemed to be permitted there, as either a primary or accessory use, so long as conducted in accordance with best management practices adopted by the commissioner of agriculture, markets, and food and with federal and state laws, regulations, and rules.

674:32-b Existing Agricultural Uses. Any agricultural use which exists pursuant to RSA 674:32-a, or which was legally established prior to the enactment of restrictive regulations:

I. May be re-established after any period of disuse.

II. May without restriction be expanded, altered to meet changing technology or markets, or changed to another agricultural use, as set forth in RSA 21:34-a, so long as any such expansion, alteration, or change complies with all federal and state laws, regulations, and rules, including best management practices adopted by the commissioner of agriculture, markets, and food; subject, however, to the following limitations:

(a) Any new establishment, re-establishment after disuse, or significant expansion of an operation involving the keeping of livestock, poultry, or other animals may be made subject to special exception, building permit, or other local land use board approval.

(b) Any new establishment, re-establishment after disuse, or significant expansion of a farm stand, retail operation, or other use involving on-site transactions with the public, may be made subject to applicable special exception, building permit, or other local land use board approval and may be regulated to the extent necessary to prevent traffic and parking from adversely impacting adjacent property, streets and sidewalks, or public safety.

674:32-c Other General Provisions.

I. The tilling of soil and the growing and harvesting of crops and horticultural commodities, as a primary or accessory use, shall not be prohibited in any district.

II. Nothing in this subdivision shall exempt new, re-established, or expanded agricultural operations from generally applicable building and site requirements such as dimensional standards, setbacks, driveway and traffic regulations, parking requirements, noise, odor, or vibration restrictions or sign regulations; provided, however, that in circumstances where their literal application would effectively prohibit an agricultural use allowed by this subdivision, or would otherwise be unreasonable in the context of an agricultural use, the board of adjustment, building code board of appeals, or other applicable local board, after due notice and hearing, shall grant a waiver from such requirement to the extent necessary to reasonably permit the agricultural use, unless such waiver would have a demonstrated adverse effect on public health or safety, or the value of adjacent property. Such waiver shall continue only as long as utilized for the permitted agricultural use.

III. Nothing in this subdivision shall apply to any aspect of an agricultural operation determined to be injurious to public health or safety under RSA 147. Nothing in this subdivision shall be deemed to modify or limit the duties and authority of the department of environmental services under RSA 485 or RSA 485-A or the commissioner of the department of agriculture, markets, and food under title XL.

IV. Nothing in this subdivision shall be deemed to affect the regulation of sludge or septage.

4 Effective Date. This act shall take effect July 1, 1999.

AMENDED ANALYSIS

This bill provides protections for agricultural activities by creating a presumption that unless explicitly addressed through zoning, such activities are deemed permitted if conducted in accordance with best management practices adopted by the commissioner of agriculture, markets, and food and all applicable laws and regulations.

1999-0761h

Amendment to HB 216

Proposed by the Committee on Criminal Justice and Public Safety - C

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

1 New Paragraph; Release of Defendant Pending Trial. Amend RSA 597:2 by inserting after paragraph III the following new paragraph:

III-a. If a person is charged with a domestic violence related crime, stalking, or violation of a protective order, the court or justice may order preventive detention without bail, or, in the alternative, restrictive conditions including but not limited to electronic monitoring and supervision, if there is clear and convincing evidence that the person poses a danger to another. The court or justice may consider, but shall not be limited to considering, any of the following conduct as evidence of posing a danger:

- (a) Threats of suicide.
- (b) Acute depression.
- (c) History of violating protective orders.
- (d) Possessing or attempting to possess a deadly weapon in violation of an order.
- (e) Death threats or threats of possessiveness toward another.
- (f) Stalking behavior, as defined in RSA 633:3-a.
- (g) Cruelty to or violence directed toward pets.

2 Review and Appeal of Release or Detention Order. Amend RSA 597:6-e, II to read as follows:

II. The person or the state may file with the superior court a motion for revocation of the order or amendment of the conditions of release set by a municipal or district court, by a justice or by a bail commissioner. The motion shall be determined promptly. ***In cases where a district court justice has made findings of dangerousness in a domestic violence related crime, stalking, or a protective order violation, the superior court shall, after notification to both parties and the victim, conduct a hearing and make written findings supporting any modifications and reasons for new conditions or changes from the district court order. The reviewing court shall take into consideration the district court's written findings, orders, pleadings, or transcript when making a modification.***

1999-0973h

Amendment to HB 274-FN

Proposed by the Committee on Finance - C

Amend RSA 363:28, I as inserted by section 2 of the bill by replacing it with the following:

I. The office of the consumer advocate shall be an independent agency administratively attached to the public utilities commission pursuant to RSA 21-G:10. The office shall consist of the following:

- (a) A consumer advocate, appointed by the ~~[attorney general]~~ ***governor and council***, who shall be ~~[a full-time classified~~

~~employee and~~ a qualified attorney admitted to practice in this state. ***The consumer advocate shall serve a 4-year term and until a successor is appointed and qualified.***

(b) An assistant consumer advocate appointed by the ~~[attorney general]~~ ***consumer advocate***, who shall be a full-time classified employee ~~[and a qualified attorney admitted to practice in this state]~~.

(c) A secretary ***appointed by the consumer advocate.***

(d) Two additional staff people~~[-, who may be a rate analyst and an economist]~~ ***appointed by the consumer advocate. When filling these positions, the consumer advocate should consider appointing rate analysts or economists.***

Amend RSA 363:28-a, V(c) as inserted by section 3 of the bill by replacing it with the following:

(c) Prior to the expiration of the consumer advocate's term, the board shall recommend to the governor and council whether to reappoint the consumer advocate. If the board does not recommend reappointment or the governor and council do not accept the board's recommendation to reappoint, the board shall then recommend 3 persons to the governor and council to fill the position.

AMENDED ANALYSIS

This bill establishes the residential ratepayers advisory board to advise the office of the consumer advocate. This bill changes the appointing authority for the consumer advocate from the attorney general to the governor and council. This bill also provides that the consumer advocate shall serve a 4-year term.

1999-1065h

Amendment to HB 297-FN

Proposed by the Committee on Judiciary - R

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

AN ACT permitting a jury trial in the superior court for alleged violations of the state law against discrimination for a certain time period or with the written assent of the commission for human rights after an action has been filed with the commission.

Amend the bill by replacing section 1 with the following:

1 New Section; Filing Action in Superior Court. Amend RSA 354-A by inserting after section 22 the following new section:

354-A:22-a Filing Action in Superior Court.

I. Notwithstanding any law to the contrary, any party alleging to be aggrieved by or alleged to have committed any practice made unlawful under this chapter may, at the expiration of 90 days after the timely filing of a complaint with the commission, or sooner if the commission assents in writing, but not later than 3 years after the alleged unlawful practice occurred, bring a civil action for damages or injunctive relief, or both, in the superior court for the county in which the alleged unlawful practice occurred or in the county of residence of the party, to the same extent as damages and injunctive relief could be awarded by the commission in a complaint not removed. However, a superior court trial shall not be available to any party if the hearing before the commission has begun or has concluded pursuant to RSA 354-A:21, II(b). The party is entitled to a trial by jury on any issue of fact in an action for damages regardless of whether the party seeks equitable relief.

II. The party shall notify the commission of the filing of the superior court action. The commission shall then dismiss the complaint without prejudice, if the superior court action is filed by the complainant. A party electing to file a civil action with the superior court under paragraph I shall be barred from bringing any subsequent complaint before the commission based upon the same alleged unlawful discriminatory practice.

AMENDED ANALYSIS

This bill permits a jury trial in the superior court for alleged violations of the state law against discrimination for a certain time period or with the written assent of the commission for human rights after an action has been filed with the commission.

1999-0876h

Amendment to HB 311-FN-A

Proposed by the Committee on Finance - R

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

AN ACT relative to grants made under the New Hampshire incentive program.

Amend the bill by deleting section 2 and renumbering the original section 3 to read as section 2.

AMENDED ANALYSIS

This bill permits part-time students to be eligible for grants made under the New Hampshire incentive grant program.

1999-0175h

Amendment to HB 414-FN

Proposed by the Committee on Executive Departments and Administration - C

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

AN ACT establishing a committee to study the unclassified salary structure for state officers.

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

1 Committee Established. There is established a committee to study the unclassified salary structure for state officers.

2 Membership and Compensation.

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

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

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

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

3 Duties. The committee shall study the unclassified salary structure for state officers pursuant to RSA 94:1-a, I, and any other matters related to the unclassified salary structure deemed necessary by the committee.

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

5 Report. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the senate president, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 1999.

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

AMENDED ANALYSIS

This bill established a committee to study the unclassified salary structure of state officers.

1999-0856h

Amendment to HB 451

Proposed by the Committee on Commerce - R

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

AN ACT establishing a committee to study first and second mortgage home loans.

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

1 Committee Established. There is established a committee to study first and second mortgage home loans.

2 Membership and Compensation.

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

(a) Three members of the house of representatives, at least 2 of whom shall be members of the commerce committee, appointed by the speaker of the house.

(b) Three members of the senate, at least 2 of whom shall be members of the banks committee, appointed by the president of the senate.

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

3 Duties. The committee shall review the provisions of RSA 397-A, relative to nondepository first mortgage bankers and brokers, and RSA 398-A, relative to second mortgage home loans, as they relate to the computation of interest payments on first and second mortgage home loans and prepayment penalties.

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

5 Report. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the senate president, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 1999.

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

AMENDED ANALYSIS

This bill establishes a committee to study first and second mortgage home loans.

1999-0639h

Amendment to HB 470

Proposed by the Majority of the Committee on Judiciary - R

Amend RSA 524:6-b as inserted by section 1 of the bill by replacing it with the following:

524:6-b Settlement of Personal Actions. In any action for personal injury or wrongful death where the parties have agreed to settlement, and where the parties have agreed that all or part of the settlement proceeds be used to provide for structured periodic payments, upon making such agreement:

I. The plaintiff shall have the exclusive right to designate a structured settlement broker to place the structured settlement; and

II. The plaintiff shall have the exclusive right to designate the insurance company or other entity to which settlement proceeds, or any portion thereof, are to be paid to fund structured periodic payments.

AMENDED ANALYSIS

This bill permits plaintiffs in personal injury or wrongful death actions, where the parties have agreed to a structured settlement, to designate a structured settlement broker and an entity to receive the structured payments.

1999-1024h

Amendment to HB 486-FN

Proposed by the Committee on Finance - C

Amend the bill by replacing section 2 with the following:

2 Authorization for Fee; Appropriation for 2000 and 2001.

I. The fee of \$10 authorized in RSA 329:13-b as inserted by section 1 of this act shall be in addition to the fees established by the board of medicine in effect as of the effective date of this act. The total fees assessed shall be established to provide revenues of \$40,000 over and above those estimated by the board of medicine for fiscal years 2000 and 2001 of \$1,239,574 in support of the board's budget request for the biennium.

II. The sum of \$40,000 is hereby appropriated to the board of medicine for each of fiscal years 2000 and 2001 from the general fund for the purpose of this act. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

3 Effective Date. This act shall take effect July 1, 1999.

1999-0589h

Amendment to HB 487

Proposed by the Committee on Education - R

Amend RSA 33:8 as inserted by section 1 of the bill by replacing it with the following:

33:8 Town or District Bonds or Notes. Except as otherwise specifically provided by law, the issue of bonds or notes by any municipal corporation, except a city or a town which has adopted a charter pursuant to RSA 49-B, without a budgetary town meeting, ***and except a school district or municipality which has adopted official ballot voting procedures pursuant to RSA 40:13*** shall be authorized by a vote by ballot of 2/3, and the issue of tax anticipation notes, by a vote of a majority, of all the voters present and voting at an annual or special meeting of such corporation, called for the purpose. ***The issue of notes or bonds by a school district or municipality which has adopted official ballot voting procedures pursuant to RSA 40:13 shall be authorized by a vote of 3/5.*** No such action taken at any special meeting shall be valid unless a majority of all the legal voters are present and vote at such special meeting, unless the governing board of any municipality shall petition the superior court for permission to hold an emergency special meeting, which, if granted, shall give said special meeting the same authority as an annual meeting. The warrant for a special meeting shall be published once in a newspaper having a general circulation in the municipality within one week after the posting of such special meeting. The warrant for any such annual or special meeting shall be served or posted at least 14 days before the date of such special meeting. Every warrant shall be deemed to have been duly served or posted, if the return on the warrant shall so state, and it shall be certified by the officer or officers required to serve or post the same. All bonds or notes, authorized in accordance with this chapter, shall be signed by the governing board, or a majority of the governing board, and countersigned by the treasurer of the municipality, and shall have the corporate seal, if any, affixed to it. The discretion of fixing the date, maturities, denominations, the interest rate, or discount rate in the case of notes, the place of payment, the form and other details of said bonds or notes and of providing for the sale of such bonds or notes, may be delegated to the governing board or to the treasurer and shall, to the extent provision therefor shall not have been made in the vote authorizing the same, be deemed to have been delegated to the governing board.

AMENDED ANALYSIS

This bill provides that a 3/5 majority vote shall be required to adopt bonds or notes in school districts and municipalities which have adopted official ballot voting procedures.

1999-0692h

Amendment to HB 584-FN

Proposed by the Committee on Criminal Justice and Public Safety - C

Amend the bill by replacing section 3 with the following:

3 Administrative Review and Hearings. Amend RSA 265:91-b, I(c) to read as follows:

(c) If the request is for a hearing, the request shall also indicate whether or not the person desires to have the law enforcement officer present. ***If the person requires that the law enforcement officer be present at the hearing, the person shall be responsible for paying an attendance and travel fee. The fees for law enforcement officers whose presence is necessary to address the issues raised by the person which are to be challenged at the hearing shall be paid in***

accordance with RSA 516:16. The attendance and travel fee shall be paid prior to the date of the scheduled hearing and failure to pay the fee shall result in a waiver of the requirement that the officer be present at the hearing. When a person is unable to pay attendance and travel fees, the person may file a request for a waiver of these fees with the director. Such request shall be accompanied by a financial affidavit listing the person's income and expenses. The waiver shall be granted if the director concludes the person cannot pay these fees due to financial hardship. The hearing shall be held within 20 days after the filing of the request unless the person requests a continuance. A request for a continuance by the person shall not stay the order of suspension or revocation. The hearing shall be recorded, and be conducted by the department's designated agent. The hearing may be conducted upon a review of the law enforcement officer's report if there is no request to have the officer present. If there is a request that the law enforcement officer be present at the hearing and the officer fails to appear without good cause shown, the case shall be dismissed and the order rescinded. If the person requesting the hearing fails to appear without good cause shown, the right to a hearing shall be waived and the order sustained.

Amend the bill by replacing section 5 with the following:

5 Appeal or Review. Amend RSA 265:91-d to read as follows:

265:91-d Appeal ***or Review.***

I. Within 15 days following the examiner's ruling, a person whose license has been suspended or revoked, or a law enforcement officer, may petition the director for a review of the ruling. The filing of the petition shall not stay a suspension or revocation of the person's driver's license or privilege to drive if imposed, or the restoration of the person's driver's license or privilege to drive. After a review of the petition, the director shall issue a written finding either affirming or denying the petition, or issuing any other order, within 15 days.

II. Any person aggrieved by a decision of the department under this section, after the administrative review or hearing, may appeal the decision as provided in RSA 263:75. ***The filing of an appeal shall not stay the action taken by the director.***

1999-1096h

Amendment to HB 605-FN

Proposed by the Committee on Judiciary - R

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

AN ACT affirming sovereign immunity for the state and its political subdivisions as it relates to the "year 2000 problem".

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

1 New Section; Defense and Indemnification of the State, its Political Subdivisions; and Public Officers and Employees; Damages Arising From Computer-Related Problems. Amend RSA 99-D by inserting after section 8 the following:

99-D:9 Claims Arising Out of Computer-Related Problems. Notwithstanding any other provision of law to the contrary, the state hereby asserts for itself and its officers, legislators, employees, agents, and political subdivisions sovereign immunity with respect to any cause of action or claim for judicial relief or remedy brought or pending against the state or any of its political subdivisions or any of their respective officers, legislators, employees or agents arising out of any failure or problem related to the "year 2000" problem, as defined in RSA 541-B:1, VII.

2 New Paragraph; Actions Against Governmental Units; Definitions; Year 2000 Problem. Amend RSA 541-B:1 by inserting after paragraph VI the following new paragraph:

VII.(a) "Year 2000 problem" means an error resulting from or caused by a failure to recognize the year 2000, including an incorrect date or incorrect mechanical or electronic interpretation of a date, that is produced, calculated, or generated by any equipment, system, or process, that is owned or leased by the state, that is controlled, operated, or in any way impacted by interaction with any method of computer or automated data processing.

(b) For the purposes of this paragraph, "error" shall include, but not be limited to, system failure, program failure, and the generation of erroneous information.

3 New Subparagraph; Computer Error Immunity. Amend RSA 541-B:19, I by inserting after subparagraph (d) the following new subparagraph:

(e) Any claim arising out of an error produced, calculated, or generated by a computer or information system, the cause of which is the year 2000 problem.

4 New Section; Liability of Governmental Units for Certain Computer Errors. Amend RSA507-B by adding after section 2-b the following new section:

507-B:2-c Immunity for Certain Computer Errors. A governmental unit shall not be held liable for damages from any claim arising out of an error produced, calculated, or generated by a computer or information system, the cause of which is the year 2000 problem, as defined in RSA 541-B:1, VII, provided that the error is not the result of performing duties in a wanton, reckless, or grossly negligent manner.

5 Severability. In the event any of these sections are found to be unconstitutional, the provisions of RSA 541-B, relative to claims against the state, and RSA 507-B, relative to claims against governmental units, shall apply.

6 Applicability. The provisions of this act shall apply to all actions and causes of action brought after the effective date of this act.

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

AMENDED ANALYSIS

This bill affirms sovereign immunity for the state and its political subdivisions as it relates to the "year 2000" problem.

1999-1035h

Amendment to HB 608-FN-A

Proposed by the Committee on Finance - R

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

1 New Hampshire Emergency Response and Recovery Fund. RSA 107-C:15 is repealed and reenacted to read as follows:

107-C:15 New Hampshire Emergency Response and Recovery Fund. There is hereby established a New Hampshire emergency response and recovery fund. The fund shall provide a source for the matching funds required as a commitment to secure Federal Emergency Management Agency relief assistance grants for costs incurred in disasters declared by the President of the United States. The fund shall be non-lapsing and continually appropriated.

2 Appropriation. The sum of \$100,000 is hereby appropriated to the governor's office of emergency management for the fiscal year ending June 30, 2000, for the purpose of funding the emergency response and recovery fund established in section 1 of this act. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

3 Effective Date. This act shall take effect July 1, 1999.

1999-0987h

Amendment to HB 609

Proposed by the Committee on Public Works and Highways - C

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

1 Certain Land in the City of Claremont. Notwithstanding any other law to the contrary, the land now owned by one Edward MacGlaflin, with certain property rights possessed by the state pursuant to the land conservation investment program under RSA 162-C, identified in the city's records as tax map 19, parcels 24 and 48, may be used by Sullivan County for the purpose of laying a segment of 6-inch sewer force main below the surface of said land. The proposed sewer line running from the Sullivan County Complex in the town of Unity to the Claremont sewer system shall be used for wastewater treatment solely from the complex and no additional private tie-ins, hook-ups, or similar non-public connections shall be allowed.

2 The general court hereby affirms its long term commitment to preserving the natural beauty, landscape, rural character, and natural resources of New Hampshire consistent with the enabling legislation of the land conservation investment program. The

general court recognizes that in this specific instance, use of said protected land for the purposes described in section one of this act will not impair any of the conservation values for which such conservation easement was purchased, nor will installation impair continuing private agricultural activities. As such, the general court finds that this legislation balances the public purposes of providing clean, efficient, and reasonably priced sewer service to the Sullivan County Complex in Unity, with the need to ensure that the public's investment in conservation lands through the land conservation investment program is not diminished over time.

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

AMENDED ANALYSIS

This bill allows Sullivan County to lay a segment of a sewer force main below land in Claremont with certain property rights owned by the state under the land conservation investment program.

The sewer line shall be used solely for wastewater treatment from the Sullivan County complex in the town of Unity and no additional tie-ins, hook-ups, or connections shall be allowed.

1999-0400h

Amendment to HB 630-FN-LOCAL

Proposed by the Committee on Public Works and Highways - R

Amend RSA 422:49, III as inserted by section 3 of the bill by replacing it with the following:

III. Rental revenues from Hangars 2, 3 and 4 at Skyhaven airport which are not needed for bond repayment or required to be deposited in the Skyhaven hangar sinking fund account shall be deposited in this fund. All other revenues from Skyhaven airport rentals, leases, fees, and the sale of goods and services at Skyhaven airport shall be deposited in this fund.

1999-0983h

Amendment to HB 658-FN

Proposed by the Committee on Executive Departments and Administration - C

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

AN ACT relative to certification, registration, and insurance requirements for recovery agents who assist bail agents and sureties.

Amend RSA 597:7-b, II and III as inserted by section 1 of this act by replacing them with the following:

II. Any person who operates as a recovery agent in this state shall be trained and certified through a program approved by the Professional Bail Agents of the United States and shall register annually with the secretary of state. The secretary of state shall issue to each registered recovery agent proof of such registration. Effective July 1, 2000, each bail agency operating in this state shall annually provide to the secretary of state proof of liability insurance coverage in the amount of \$300,000 for bail recovery activities of the agency's bail agents and bail recovery agents. This proof of insurance coverage shall be provided before the agency's bail agents are licensed or relicensed, and before the agency's bail recovery agents are registered or reregistered. Bail recovery agents acting as independent contractors shall provide proof of liability insurance coverage in the amount of \$300,000 to the secretary of state before registration or reregistration. Any person who operates as a recovery agent in this state without meeting such certification, insurance, and registration requirements shall be guilty of a class A misdemeanor.

III. A bail agent or recovery agent searching for a person who has violated conditions of release shall notify a municipality's chief law enforcement officer if the search is to be conducted in the municipality's jurisdiction. A bail agent or recovery agent who violates the provisions of this paragraph shall be guilty of a class A misdemeanor.

AMENDED ANALYSIS

This bill requires recovery agents who assist bail agents and sureties in the apprehension, surrender, and surveillance of defendants to be trained and certified through a program approved by the Professional Bail Agents of the United States and to provide proof of insurance to and be registered with the secretary of state.

1999-0838h

Amendment to HB 670

Proposed by the Committee on Executive Departments and Administration - C

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

1 New Section; "Webster" Advisory Board Established. Amend RSA 201-A by inserting after section 26 the following new section:

201-A:27 "Webster" Advisory Board Established.

I. There is hereby established a board to advise the state librarian and to study the future direction of "Webster," the state of New Hampshire's automated information system Internet site.

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

- (a) One house member, appointed by the speaker of the house.
- (b) One senator, appointed by the senate president.
- (c) One member representing the judicial branch, appointed by the chief justice of the supreme court.
- (d) The state librarian, or designee
- (e) The director of information technology management, or designee.
- (f) The state archivist, or designee.
- (g) One member representing the governor's office, appointed by the governor.
- (h) One public member, appointed by the governor, who shall be an end user of the information available on Webster.

III. The terms of the members appointed pursuant to subparagraphs II(c) and (h) shall be 3 years; the terms of all other members shall be coterminous with their terms in office. In the event of a vacancy, a new member shall be appointed for the unexpired term in the same manner as the original appointment.

IV. Members of the board shall serve without compensation. Members of the legislature shall receive mileage at the legislative rate when attending to the duties of the commission.

V. The board shall advise the state librarian on matters pertaining to the state's web site known as Webster, examine models from other states, coordinate Internet information content activities on an interagency basis, and recommend standards to the state librarian for electronic publications and other electronic information dissemination issues.

VI. The members of the board shall elect a chairperson from among the members. The first meeting of the board shall be called by the first-named house member and shall be held within 45 days of the effective date of this section. The board shall meet quarterly or as needed and shall make an annual report on or before November 1 of each year which shall be submitted to the speaker of the house of representatives, the president of the senate, the governor, and the state librarian.

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

1999-1099h

Amendment to HB 707-FN

Proposed by the Committee on Judiciary - R

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

1 Intent. It is the intent of the general court that a family court be implemented statewide in a manner which most expeditiously achieves the goal of providing enhanced services to parties involved in cases relating to divorce, custody, children, domestic violence, and other family law matters. The general court finds that this area of law requires the skills and attention of

experienced and committed individuals who are dedicated to serving families and to the appropriate, timely resolution of family law cases in a manner which best services the public interest. The goals of the family division are the respectful treatment of all citizens by justices, marital masters and other family division staff, the prompt and fair resolution of family issues by justices and marital masters specially selected and trained to deal effectively with such issues, the use of alternative dispute resolution to reduce the adversarial nature of proceedings involving families, and the assignment of all family matters of a single family to one family division justice or marital master located in a family division that is geographically accessible to the family.

2 New Subdivision; Family Division Established. Amend RSA 490 by inserting after section 31 the following new subdivision:

Family Division

490:32 Family Division.

I. There is hereby established a family division which shall be a permanent component of the judicial branch under the administrative authority of the supreme court in the counties of Rockingham and Grafton on the effective date of this subdivision. All matters under the jurisdiction of the family division shall be transferred from other state courts no later than 6 months after the effective date of this section.

II. The family division shall be expanded to the counties of Carroll and Belknap during the biennium ending June 30, 2001.

III. In establishing the family division, the supreme court shall:

(a) Designate the courthouses within each county which will house the family division.

(b) Select and designate judges, marital masters, and other court personnel from the district, probate and superior courts to serve in the family division, based on their expertise in, and commitment to, family law matters;

(c) Designate an administrative judge for the family division by selecting, from among the district and probate court judges serving in the family division, a jurist who has demonstrated an interest in legal issues affecting the family and a commitment to the values, objectives, and ideals of the family division.

490:33 Jurisdiction. Notwithstanding any law to the contrary, for each county in which the family division is established, jurisdiction over the following matters shall be exclusively exercised through the family division as jurisdiction was previously exercised in the superior, district and municipal and probate courts:

I. Petitions and libels of divorce, and petitions of nullity of marriage, alimony, custody of children, support, and to establish paternity.

II. Actions for support or custody for children of unwed parties.

III. Actions under RSA 169-B, relating to delinquent children.

IV. Actions under RSA 169-C, relating to abused and neglected children.

V. Actions under RSA 169-D, relating to children in need of services.

VI. Actions under RSA 173-B, relating to protection of persons from domestic violence except for concurrent jurisdiction with the superior and district and municipal courts to enter temporary protective orders under RSA173-B:6.

VII. The adoption of children.

VIII. The guardianship of the person of minors.

IX. The termination of parental rights.

X. The change of names of persons who apply therefor in matters relating to jurisdiction in paragraphs I-IX.

490:34 Equity Jurisdiction. Notwithstanding any law to the contrary and for each county in which the family division is established, the family division shall have the powers of a court of equity in cases where subject matter jurisdiction lies with the family division. Suits in equity where subject matter jurisdiction lies with the family division including, but not limited to, petitions and libels of divorce, and petition of nullity of marriage, alimony, custody of children, support, and other similar proceedings may be heard upon oral testimony or depositions, or both, or when both parties consent, or service having been

made and a notice of the time and place of the hearing having been given, when both parties appear. Such suits may be heard by any justice of the family division at any time, but nothing contained in this section shall be construed as limiting the power of the family division to have issues of fact framed and tried by a jury, according to the rules in equity, or the course of such proceedings at common law.

490:35 Judges and Marital Masters.

I. With the understanding of the special nature of matters within the family division, judges and marital masters selected to serve shall possess the following qualifications:

(a) Willingness to serve in the family division;

(b) Professional experience in family law matters;

(c) Legal and personal qualities including, but not limited to:

(1) Knowledge of family matters, including related matters such as tax and pension law;

(2) Personal maturity so as to understand and make decisions on matters before the court; and

(3) Personal qualities of patience and understanding of the difficult personal matters which are the subject of the division and a willingness to deal with complex family matters in a non-adversarial manner.

II. The governor shall nominate and the council shall confirm all new marital masters. The governor and council shall approve those seeking a renewed contract term and the terms and conditions of the marital master contract.

3 Committee Established. There is established a committee to study procedures for implementation of a statewide family division.

4 Membership and Compensation.

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

(a) Three members of the house, each of whom shall be a member of either the judiciary committee or the children and family law committee, appointed by the speaker of the house.

(b) Three members of the senate, who shall be members of the judiciary committee, appointed by the senate president.

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

5 Duties. The committee shall study and recommend the best method of establishing procedures for implementing a statewide family division.

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

7 Report. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the senate president, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 1999.

8 Transfer of Funds and Personnel. Funds within the judicial branch operating budget and court personnel shall be transferred to the family division from the superior court and other courts as necessary.

9 Effective Date.

I. Sections 3-8 of this act shall take effect upon its passage.

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

AMENDED ANALYSIS

This bill establishes a family division of the courts in Rockingham and Grafton counties and requires the supreme court to expand the family division to Carroll and Belknap counties. The bill also establishes a committee to study implementation of a statewide family division.

1999-1105h

Amendment to HB 715-FN-A-LOCAL

Proposed by the Committee on Finance - R

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

AN ACT granting responsibility for court security to the county sheriff and abolishing certain court security officer positions.

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

7 Repeal. The following are repealed:

I. 1998, 297:1, relative to a statement of intent with regard to court security.

II. 1998, 297:8-11, relative to the abolishment of court security positions and transfer of funds.

8 Severability. If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity does not effect other provisions or applications of this act which can be given effect without the invalid provisions or applications, and, to this end the provisions of this act are severable.

9 Effective Date. This act shall take effect July 1, 1999.

AMENDED ANALYSIS

This bill makes the county sheriffs, through their deputies and bailiffs, responsible for providing adequate security in all state courts, except the supreme court. The bill abolishes judicial employee positions, except for court security officer positions at the supreme court.

The bill provides that when sheriffs are providing security in the state courts, they are subject to the specific directives of the presiding justice when actually performing this duty in areas of courthouses where trials or other adjudicatory functions are undertaken.

1999-0954h

Amendment to HB 722-FN

Proposed by the Committee on Criminal Justice and Public Safety - C

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

1 Statement of Purpose.

I. It is the public policy of this state to prevent and deter domestic violence through equal enforcement of the criminal laws and the provision of judicial relief for domestic violence victims.

II. It is the purpose of this act to preserve and protect the safety of the family unit for all family or household members by entitling victims of domestic violence to immediate and effective police protection and judicial relief. This act shall be liberally construed to the end that its purpose may be fulfilled.

2 Cross Reference Revised; Department of Safety Investigations. Amend RSA159-C:2, I(a) to read as follows:

(a) Review its criminal history records and any protective order records in its possession, if any, to determine if the potential buyer or transferee is prohibited from receipt or possession of a handgun pursuant to state or federal law or protective order under RSA ~~[173-B:6]~~ **173-B**;

3 Chapter Revised; Protection of Persons From Domestic Violence. RSA 173-B is repealed and reenacted to read as follows:

CHAPTER 173-B

PROTECTION OF PERSONS FROM DOMESTIC VIOLENCE

173-B:1 Definitions. In this chapter:

I. "Abuse" means the commission or attempted commission of one or more of the following acts by a family or household member or current or former sexual or intimate partner and where such conduct constitutes a credible threat to the plaintiff's safety:

(a) Assault or reckless conduct as defined in RSA 631:1 through RSA 631:3.

(b) Criminal threatening as defined in RSA 631:4.

(c) Sexual assault as defined in RSA 632-A:2 through RSA 632-A:5.

(d) Interference with freedom as defined in RSA 633:1 through RSA 633:3-a.

(e) Destruction of property as defined in RSA 634:1 and RSA 634:2.

(f) Unauthorized entry as defined in RSA 635:1 and RSA 635:2.

(g) Harassment as defined in RSA 644:4.

II. "Applicant" means any private, town, city or regional agency or organization applying for funds under RSA 173-B:16.

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

IV. "Contact" means any action to communicate with another either directly or indirectly, including, but not limited to, using any form of electronic communication, leaving items, or causing another to communicate in such fashion.

V. "Coordinator" means the agency or organization appointed by the commissioner to administer the domestic violence grant program.

VI. "Cross orders for relief" means separate orders granted to parties in a domestic violence situation where each of the parties has filed a petition pursuant to this chapter on allegations arising from the same incident or incidents of domestic violence.

VII. "Deadly weapon" means "deadly weapon" as defined in RSA 625:11, V.

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

IX. "Domestic violence" means abuse as defined in RSA 173-B:1, I.

X. "Family or household member" means:

(a) Spouses, ex-spouses, persons cohabiting with each other, and persons who cohabited with each other but who no longer share the same residence.

(b) Parents and other persons related by consanguinity or affinity, other than minor children who reside with the defendant.

XI. "Firearm" means any weapon, including a starter gun, which will or is designed to or may readily be converted to expel a projectile by force of gunpowder.

XII. "Foreign protective order" means an order enforceable under RSA 173-B:13.

XIII. "Fund" means the special fund for domestic violence programs established by RSA 173-B:15.

XIV. "Grantee" means any private, town, city, or regional agency or organization receiving funds under RSA 173-B:16.

XV. "Intimate partners" means persons currently or formerly involved in a romantic relationship, whether or not such relationship was ever sexually consummated.

XVI. "Mutual order for relief" means an order restraining both parties from abusing the other originating from a petition filed by one of the parties and arising from the same incident or incidents of domestic violence.

XVII. "Program" means services or facilities provided to domestic violence victims.

173-B:2 Jurisdiction and Venue.

I. All district courts shall have concurrent jurisdiction with the superior court over all proceedings under this chapter.

II. If the plaintiff has left the household or premises to avoid further abuse, the plaintiff shall have the option to commence proceedings pursuant to RSA 173-B:3 in the county or district where the plaintiff temporarily resides.

III. Proceedings under this chapter may be transferred to another court upon the motion of any party or of the court as the interests of justice or the convenience of the parties may require.

IV. In any county where the family division is located, the family division shall have jurisdiction over domestic violence cases consistent with 1995, 152.

173-B:3 Commencement of Proceedings; Hearing.

I. Any person may seek relief pursuant to RSA 173-B:5 by filing a petition, in the county or district where the plaintiff or defendant resides, alleging abuse by the defendant. Any person filing a petition containing false allegations of abuse shall be subject to criminal penalties. Notice of the pendency of the action and of the facts alleged against the defendant shall be given to the defendant, either personally or as provided in paragraph III. The plaintiff shall be permitted to supplement or amend the petition only if the defendant is provided an opportunity prior to the hearing to respond to the supplemental or amended petition. All petitions filed under this section shall include the home and work telephone numbers of the defendant, if known. Notice of the whereabouts of the plaintiff shall not be revealed except by order of the court for good cause shown. Any answer by the defendant shall be filed with the court and a copy shall be provided to the plaintiff by the court.

II.(a) The minority of the plaintiff shall not preclude the court from issuing protective orders against a present or former intimate partner, spouse, or ex-spouse under this chapter.

(b) A minor plaintiff need not be accompanied by a parent or guardian to receive relief or services under this chapter.

III. No filing fee or fee for service of process shall be charged for a petition or response under this section, and the plaintiff or defendant may proceed without legal counsel. Either a peace officer or the sheriff's department shall serve process under this section. Any proceeding under this chapter shall not preclude any other available civil or criminal remedy.

IV. The clerks of the district and superior courts shall supply forms for petitions and for relief under this chapter designed to facilitate pro se proceedings. All such petitions shall contain the following words: I swear that the foregoing information is true and correct to the best of my knowledge. I understand that making a false statement on this petition will subject me to criminal penalties.

V. Upon entry of any action in a district court, where the court determines that there is pending in the superior court a cause of action involving the same parties arising out of the same situation on which the district court action is based, the case shall be transferred to the superior court to be heard as if originally entered in the superior court, unless the district court determines that the interests of justice or expediency require the district court to exercise jurisdiction. Any transfer to the superior court under this paragraph shall be made as soon as practicable following entry of the action.

VI. The findings of facts shall be final, but questions of law may be transferred from the district court to the supreme court in the same manner as from the superior court.

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

VIII. In any proceeding under this chapter, the court shall not be bound by the technical rules of evidence and may admit evidence which it considers relevant and material.

173-B:4 Temporary Relief.

I. Upon a showing of an immediate and present danger of abuse, the court may enter temporary orders to protect the plaintiff with or without actual notice to defendant. The court may issue such temporary orders by telephone or facsimile. Such telephonically issued orders shall be made by a district or superior court judge to a law enforcement officer, shall be valid in any jurisdiction in the state, and shall be effective until the close of the next regular court business day. Such orders shall be

returnable to the district court where the plaintiff resides or to which the plaintiff has fled, unless otherwise ordered by the issuing justice. If non-telephonic temporary orders are made ex parte, the party against whom such relief is issued may file a written request with the clerk of the court and request a hearing on such orders. Such hearing shall be held no less than 3 business days and no more than 5 business days after the request is received by the clerk. Such hearings may constitute the final hearing described in RSA 173-B:3, VII. Such temporary relief may direct the defendant to relinquish to a peace officer any and all firearms and ammunition in the control, ownership, or possession of the defendant, or any other person on behalf of the defendant for the duration of the protective order. Other temporary relief may include:

(a) Protective orders:

(1) Restraining the defendant from abusing the plaintiff.

(2) Restraining the defendant from entering the premises and curtilage where the plaintiff resides, except when the defendant is accompanied by a peace officer and, upon reasonable notice to the plaintiff, is allowed entry by the plaintiff for the sole purpose of retrieving toiletries, medication, clothing, business equipment, and any other items as determined by the court.

(3) Restraining the defendant from withholding items of the plaintiff's personal property which are specified in the order. A peace officer shall accompany the plaintiff in retrieving such property to protect the plaintiff.

(4) Awarding custody of minor children to either party or, upon actual notice, to the department when it is in the best interest of a child.

(5) Denying the defendant visitation, ordering that visitation shall be supervised, or ordering a specific visitation schedule. Visitation shall only be ordered on an ex parte basis where such order can be entered consistent with the following requirements. In determining whether visitation can be safely ordered, the court shall consider the following factors:

(A) The degree to which visitation exposes the plaintiff or the children to physical or psychological harm.

(B) Whether the risk of physical or psychological harm can be removed by ordering supervised visitation.

(C) Whether visitation can be ordered without requiring the plaintiff and defendant to have contact regarding the exchange of children.

(6) Restraining the defendant from contacting the plaintiff or entering the plaintiff's place of employment, school, or any specified place frequented regularly by the plaintiff or by any family or household member.

(7) Restraining the defendant from abusing the plaintiff, plaintiff's relatives, regardless of their place of residence, or plaintiff's household members in any way.

(8) Restraining the defendant from taking, converting, or damaging property in which the plaintiff may have a legal or equitable interest.

(9) Directing the defendant to relinquish to the peace officer, in addition to the relief specified in RSA 173-B:4, I, any and all deadly weapons specified in the protective order that are in the control, ownership, or possession of the defendant, or any other person on behalf of the defendant, for the duration of the protective order.

(b) Other relief, including but not limited to:

(1) Awarding to the plaintiff the exclusive use and possession of an automobile, home and household furniture, if the defendant has the legal duty to support the plaintiff or the plaintiff's minor children, or the plaintiff has contributed to the household expenses. The court shall consider the type and amount of contribution to be a factor.

(2) Restraining the defendant from taking any action which would lead to the disconnection of any and all utilities and services to the parties' household, or the discontinuance of existing business or service contracts, including, but not limited to, mortgage or rental agreements.

II. The defendant may be prohibited from purchasing, receiving, or possessing any deadly weapons and any and all firearms and ammunition for the duration of the order. The court may subsequently issue a search warrant authorizing the peace officer to seize any deadly weapons specified in the protective order and any and all firearms and ammunition, if there is probable cause to believe such firearms and ammunition and specified deadly weapons are kept on the premises or curtilage of the defendant and if the court has reason to believe that all such firearms and ammunition and specified deadly weapons have not been

relinquished by the defendant.

173-B:5 Relief.

I. A finding of abuse shall mean the defendant represents a credible threat to the safety of the plaintiff. Upon a showing of abuse of the plaintiff by a preponderance of the evidence, the court shall grant such relief as is necessary to bring about a cessation of abuse. Such relief shall direct the defendant to relinquish to the peace officer any and all firearms and ammunition in the control, ownership or possession of the defendant, or any other person on behalf of the defendant for the duration of the protective order. Other relief may include:

(a) Protective orders:

(1) Restraining the defendant from abusing the plaintiff.

(2) Restraining the defendant from entering the premises and curtilage where the plaintiff resides, except when the defendant is accompanied by a peace officer and is allowed entry by the plaintiff for the sole purpose of retrieving personal property specified by the court.

(3) Restraining the defendant from contacting the plaintiff or entering the plaintiff's place of employment, school, or any specified place frequented regularly by the plaintiff or by any family or household member.

(4) Restraining the defendant from abusing the plaintiff, plaintiff's relatives, regardless of their place of residence, or plaintiff's household members in any way.

(5) Restraining the defendant from taking, converting, or damaging property in which the plaintiff may have a legal or equitable interest.

(6) Directing the defendant to relinquish to the peace officer, in addition to the relief specified in RSA 173-B:5, I, any and all deadly weapons specified in the protective order that are in the control, ownership, or possession of the defendant, or any other person on behalf of the defendant.

(b) Other relief including, but not limited to:

(1) Granting the plaintiff the exclusive use and possession of the premises and curtilage of the plaintiff's place of residence, unless the defendant exclusively owns or leases and pays for the premises and the defendant has no legal duty to support the plaintiff or minor children on the premises.

(2) Restraining the defendant from withholding items of the plaintiff's personal property specified by the court. A peace officer shall accompany the plaintiff in retrieving such property to protect the plaintiff.

(3) Granting to the plaintiff the exclusive right of use and possession of the household furniture, furnishings, or a specific automobile, unless the defendant exclusively owns such personal property and the defendant has no legal duty to support the plaintiff or minor children.

(4) Ordering the defendant to make automobile, insurance, health care, utilities, rent, or mortgage payments.

(5) Awarding temporary custody of the parties' minor children to either party or, where appropriate, to the department, provided that:

(A) Where custody of the parties' minor children with the department may be appropriate, the department shall receive actual notice of the hearing 10 days prior to such hearing provided that, if necessary, such hearing may be continued 10 days to provide the department adequate notice.

(B) The department may move at any time to rescind its custody of the parties' minor children.

(6) Establishing visitation rights with regard to the parties' minor children. The court shall consider, and may impose on a custody award, conditions necessary to assure the safety of the plaintiff and minor children. This may include orders denying visitation or requiring supervised visitation, where such order can be entered consistent with the following requirements. In determining whether visitation shall be granted, the court shall consider whether visitation can be exercised by the non-custodial parent without risk to the plaintiff's or children's safety. In making such determination, the court shall consider, in addition to any other relevant factors, the following:

(A) The degree to which visitation exposes the plaintiff or the children to physical or psychological harm.

(B) Whether the risk of physical or psychological harm can be removed by ordering supervised visitation.

(C) Whether visitation can be ordered without requiring the plaintiff and defendant to have contact regarding the exchange of children.

(7) Directing the defendant to pay financial support to the plaintiff or minor children, unless the defendant has no legal duty to support the plaintiff or minor children.

(8) Directing the abuser to engage in a batterer's intervention program or personal counseling. If available, such intervention and counseling program shall focus on alternatives to aggression. The court shall not direct the plaintiff to engage in joint counseling services with the defendant. Court-ordered and court-referred mediation of cases involving domestic violence shall be prohibited.

(9) Ordering the defendant to pay the plaintiff monetary compensation for losses suffered as a direct result of the abuse which may include, but not be limited to, loss of earnings or support, medical and dental expenses, damage to property, out-of-pocket losses for injuries sustained, and moving and shelter expenses.

(10) Ordering the defendant to pay reasonable attorney's fees.

II. The defendant shall be prohibited from purchasing, receiving, or possessing any deadly weapons and any and all firearms and ammunition for the duration of the order. The court may subsequently issue a search warrant authorizing a peace officer to seize any deadly weapons specified in the protective order and any and all firearms and ammunition, if there is probable cause to believe such firearms and ammunition and specified deadly weapons are kept on the premises or curtilage of the defendant.

III. Reconciliation after a previous order, prior to filing the current action, shall not be grounds for denying or terminating a new or existing protective order. Furthermore, the court shall not deny the plaintiff protective orders based solely on a lapse of time between an act of domestic violence and the filing of a petition, provided that the underlying act presents a credible threat to the plaintiff's current safety.

IV. No order made under this section shall supersede or affect any court order pertaining to the possession of a residence; household furniture; custody of children pursuant to RSA 169-B, 169-C, or 169-D; support or custody made under RSA 458; or custody of children of unwed parents as determined by a superior court, probate court, or family division court, or title to real or personal property.

V.(a) Mutual orders for relief shall not be granted. A foreign mutual order for relief shall only be granted full faith and credit in New Hampshire if it meets the requirements set out in RSA173-B:13, VII.

(b) Cross orders for relief may be granted only if:

(1) The court has made specific findings that each party has committed abuse against the other; and

(2) The court cannot determine who is the primary physical aggressor.

VI. Any order under this section shall be for a fixed period of time not to exceed one year, but may be extended by order of the court upon a motion by the plaintiff, showing good cause, with notice to the defendant. A defendant shall have the right to a hearing on the extension of any order under this paragraph to be held within 30 days of the extension. The court shall retain jurisdiction to enforce and collect the financial support obligation which accrued prior to the expiration of the protective order.

VII. Both parties shall be issued written copies of any orders issued by the court, and all orders shall bear the following language: "A willful violation of this order is a crime, as well as contempt of court. Violations of the protective provisions shall result in arrest and may result in imprisonment." Orders shall clearly state how any party can request a further hearing and how the plaintiff may bring a criminal complaint if there is a violation of any court order.

VIII.(a) No order issued under this chapter shall be modified other than by the court. Temporary reconciliations shall not revoke an order.

(b) If either party wishes the defendant to be excused from any provisions of an order of protection, the remedy is to petition the court for modification of such order.

(c) A defendant who is restrained from contacting the plaintiff or entering the premises of the plaintiff is prohibited from doing so even if invited by the plaintiff unless the restraining order has been modified by the court.

(d) This paragraph shall give unequivocal direction to peace officers that orders for protection are to be enforced as written and that no action by a party relieves them of the duty to enforce the order.

IX.(a) A copy of each protective order issued under this chapter shall be transmitted to the administrative office of the courts by facsimile or computer. An emergency protective order issued telephonically shall be transmitted by telephone or facsimile to the department of safety.

(b) The administrative office of the courts shall enter information regarding the protective orders into the state database which shall be made available to police and sheriff departments statewide. The department of safety shall make available information regarding emergency protective orders issued telephonically to police and sheriff departments statewide.

(c) The administrative office of the courts shall update the database upon expiration or termination of a protective order.

(d) Notwithstanding any other provision of law, the administrative office of the courts or the department of safety, its employees and agents, and law enforcement officials shall not be held criminally or civilly liable for action taken under this chapter or RSA 458:16, provided they are acting in good faith and without gross negligence, and within the scope of their duties and authority.

X.(a) Within 15 days prior to the expiration of the protective orders, the defendant may request, by motion to the court, the return of any and all firearms and ammunition and specified deadly weapons held by the law enforcement agency while the protective order was in effect. Upon receipt of such a motion, the court shall schedule a hearing no later than 15 days after the expiration of the order. The court shall provide written notice to the plaintiff who shall have the right to appear and be heard, and to the law enforcement agency which has control of the firearms, ammunition, and specified deadly weapons. The scope of the hearing shall be limited to:

(1) Establishing whether the defendant is subject to any state or federal law or court order that precludes the defendant from owning or possessing a firearm; and

(2) Under circumstances where the plaintiff has requested an extension of the protective order, whether the plaintiff has established by a preponderance of the evidence that the defendant continues to represent a credible threat to the safety of the plaintiff.

(b) If the court finds that the defendant is not subject to any state or federal law or court order precluding the ownership or possession of firearms, or if the court denies the plaintiff's request to extend the protective order, the court shall issue a written order directing the law enforcement agency to return the requested firearms, ammunition, or deadly weapon to the defendant.

(c) Law enforcement agencies shall not release firearms and ammunition and specified deadly weapons without a court order granting such release. The law enforcement agency may charge the defendant a reasonable fee for the storage of any firearms and ammunition and specified deadly weapons taken pursuant to a protective order. The fee shall not exceed the actual cost incurred by the law enforcement agency for the storage of the firearms and ammunition and specified deadly weapons. The defendant may make alternative arrangements with a federally licensed firearms dealer for the storage of firearms, at the defendant's own expense, upon approval of the court. Such firearms shall be turned over to the appropriate law enforcement agency for transfer to the storage facility. Retrieval of such firearms shall be through the law enforcement agency responsible for their transfer to the storage facility pursuant to a court order as prescribed in this paragraph.

(d) No law enforcement agency shall be held liable for alleged damage or deterioration due to storage or transportation to any firearms and ammunition and specified deadly weapons held by a law enforcement agency, so long as due care is used.

173-B:6 Guardian Ad Litem. In all proceedings under this chapter, the court may appoint a guardian ad litem to represent the interests of the children of either or both parties. The guardian ad litem may continue to serve after the final disposition of the case.

173-B:7 Minority Not a Preclusion for Services. The minority of any individual seeking assistance from any domestic violence program, as defined by RSA 173-B:1, shall not preclude provision of such requested services.

173-B:8 Notification.

I. A copy of any order made under this chapter which prohibits any person from abusing another shall be promptly transmitted

to the local law enforcement agency having jurisdiction to enforce such order.

II. Temporary orders shall be promptly served on the defendant by a peace officer. Subsequent orders shall be sent to the defendant's last address of record. The defendant shall be responsible for informing the court of any changes of address. Law enforcement agencies shall establish procedures whereby a peace officer at the scene of an alleged violation of such an order may be informed of the existence and terms of such order.

III. Any court-ordered changes or modifications of the order shall be effective upon issuance of such changes or modifications, and shall be mailed or otherwise provided to the appropriate local law enforcement agency and transmitted to the department of safety within 24 hours of the entry of such changes or modifications.

173-B:9 Violation of Protective Order; Penalty.

I.(a) When the defendant violates either a temporary or permanent protective order issued or enforced under this chapter, peace officers shall arrest the defendant and ensure that the defendant is detained until arraignment. Such arrests may be made within 6 hours without a warrant upon probable cause, whether or not the violation is committed in the presence of a peace officer.

(b) Subsequent to an arrest, the peace officer shall seize any firearms and ammunition in the control, ownership, or possession of the defendant and any deadly weapons which may have been used, or were threatened to be used, during the violation of the protective order. The law enforcement agency shall maintain possession of the firearms, ammunition, or deadly weapons until the court issues an order directing that the firearms, ammunition, or deadly weapons be relinquished and specifying the person to whom the firearms and ammunition or deadly weapons will be relinquished.

II. The prosecution and sentencing for criminal contempt for a violation of a protective order shall not preclude the prosecution of or sentencing for other criminal charges underlying the contempt.

III. A person shall be guilty of a class A misdemeanor if such person knowingly violates a protective order issued under this chapter, or RSA 458:16, III, or any foreign protective order enforceable under the laws of this state. Charges made under this chapter shall not be reduced to a lesser charge, as permitted in other instances under RSA 625:9.

IV. Any person convicted under RSA 173-B:9, III, or who has been convicted in another jurisdiction of violating a protective order enforceable under the laws of this state, who, within 6 years of such conviction or the completion of the sentence imposed for such conviction, whichever is later, subsequently commits and is convicted of one or more offenses involving abuse may be charged with an enhanced penalty for each subsequent offense as follows:

- (a) There shall be no enhanced charge under this section if the subsequent offense is a class A felony or an unclassified felony;
- (b) If the subsequent offense would otherwise constitute a class B felony, it may be charged as a class A felony;
- (c) If the subsequent offense would otherwise constitute a class A misdemeanor, it may be charged as a class B felony;
- (d) If the subsequent offense would otherwise constitute a class B misdemeanor, it may be charged as a class A misdemeanor.
- (e) If the subsequent offense would otherwise constitute a violation, it may be charged as a class B misdemeanor.

V. A victim of domestic violence shall be entitled to all rights granted to victims of crime under RSA 21-M:8-k.

173-B:10 Protection by Peace Officers.

I. Whenever any peace officer has probable cause to believe that a person has been abused, as defined in RSA 173-B:1, that officer shall use all means within reason to prevent further abuse including, but not limited to:

- (a) Confiscating any deadly weapons involved in the alleged domestic abuse and any firearms and ammunition in the defendant's control, ownership, or possession.
- (b) Transporting or obtaining transportation for the victim and any child, to a designated place to meet with a domestic violence counselor, local family member, or friend.
- (c) Assisting the victim in removing toiletries, medication, clothing, business equipment, and any other items determined by the court.

(d) Giving the victim immediate and written notice of the rights of victims and of the remedies and services available to victims of domestic violence. The written notice shall include a statement substantially as follows:

"If you are the victim of domestic violence and you believe that law enforcement protection is needed for your physical safety, you have the right to request that the officer assist in providing for your safety, including asking for an emergency telephonic order for protection. You may also request that the officer assist you in obtaining from your premises and curtilage, toiletries, medication, clothing, business equipment, and any other items as determined by the court, and in locating and taking you to a local safe place including, but not limited to, a designated meeting place to be used as a crisis center, a family member's or friend's residence, or a similar place of safety. If you are in need of medical treatment, you have the right to request that the officer assist you in obtaining an ambulance. You may request a copy of the report filed by the peace officer, at no cost, from the law enforcement department."

II. Pursuant to RSA 594:10, an arrest for abuse may be made without a warrant upon probable cause, whether or not the abuse is committed in the presence of the peace officer. When the peace officer has probable cause to believe that the persons are committing or have committed abuse against each other, the officer need not arrest both persons, but should arrest the person the officer believes to be the primary physical aggressor. In determining who is the primary physical aggressor, an officer shall consider the intent of this chapter to protect the victims of domestic violence, the relative degree of injury or fear inflicted on the persons involved, and any history of domestic abuse between these persons if that history can reasonably be obtained by the officer.

173-B:11 Notice to the Victim.

I. Notwithstanding the peace officer's obligations in RSA 173-B:9 and RSA 173-B:10, all peace officers shall give victims of abuse immediate and adequate notice of their right to go to the district or superior court of their county to file a petition asking for protective orders against the abusive person and to seek a private criminal complaint.

II. The clerk of the court shall be responsible for advising victims of their right to request that the judge issue an order which may include removing any and all firearms and ammunition in the control, ownership, or possession of the defendant and may include:

(a) Restraining the defendant from abusing the victim.

(b) Directing the defendant to leave and stay away from the victim's premises and curtilage.

(c) Giving the victim custody of any minor children, denying the defendant visitation, or requiring that visitation be supervised to ensure safety for the victim and minor children.

(d) Directing the defendant to support the victim and any minor children if the defendant has the legal responsibility to support either or both.

(e) Restraining the defendant from contacting the victim, or entering the victim's place of employment, school, or any specified place frequented regularly by the victim or by any family or household member.

(f) Restraining the defendant from abusing, in any way, the victim, household members, or victim's relatives, regardless of their place of residence.

(g) Restraining the defendant from taking, converting, or damaging property in which the victim may have a legal or equitable interest.

(h) Directing the defendant to temporarily relinquish to the peace officer specific deadly weapons in the control, ownership or possession of the defendant which may have been used, or were threatened to be used, in an incident of abuse against the victim or any member of the victim's household.

(i) Ordering the defendant to pay the victim monetary compensation for losses suffered as a direct result of the abuse which may include, but not be limited to, loss of earnings or support, medical and dental expenses, damage to property, out-of-pocket losses for injuries sustained, and moving and shelter expenses.

(j) Ordering the defendant to pay reasonable attorney's fees.

173-B:12 Emergency Care; Limitation and Liability. Any act or omission of any peace officer rendering emergency care or assistance to a victim of domestic violence including, but not limited to transportation, shall not impose civil liability upon the

peace officer or the peace officer's supervisors or employer if the care or assistance is rendered in good faith, unless the act or omission is a result of gross negligence or willful misconduct.

173-B:13 Orders Enforceable.

I. Any protective order issued under this chapter shall be effective throughout the state.

II. Any protective order issued by any other state, tribal, or territorial court related to domestic or family violence, including an ex parte order, shall be deemed valid if the issuing court had jurisdiction over the parties and matter under the law of the state, tribe, or territory, and the person against whom the order was made was given reasonable notice and opportunity to be heard. There shall be a presumption of validity where an order appears facially valid.

III. Any valid protective order, as defined in paragraph II, shall be accorded full faith and credit throughout the state.

IV. A person entitled to protection under a foreign protective order, as defined in paragraph II, may file such order in any district or superior court by filing with the court a certified copy of the order. Such person shall swear under oath in an affidavit to the best of such person's knowledge that the order is presently in effect as written. Such filing shall be without fee or cost. The clerk of the district or superior court shall forward such order to the state police who shall enter such order in the state database. Such filing shall not be a precondition to arrest or enforcement of a foreign order.

V. A peace officer may rely upon a copy of any protective order issued under this chapter, or under RSA 458, or upon a copy of a foreign protective order, as defined in this section, which has been provided to the peace officer by any source.

VI. Law enforcement personnel may rely on the statement of the person protected by the order that the order remains in effect as written.

VII. A mutual protective order issued by any other state, tribal, or territorial court against one who has petitioned, filed a compliant, or otherwise filed a written pleading for protection relating to domestic or family violence shall be accorded full faith and credit only if:

(a) A cross or counter petition, complaint or other written pleading was filed seeking such protection order; and

(b) The court made specific findings of domestic or family violence by both parties and that each party was entitled to such order.

173-B:14 Orders of Support.

I. The superior court, in any action determining the obligation of the obligor to support the obligee or the parties' minor children including, but not limited to, actions for divorce or custody pursuant to RSA 458; paternity pursuant to RSA 168-A; child support pursuant to RSA 161-B, RSA 161-C, and RSA 458; reimbursement of public assistance pursuant to RSA 161-C; and the uniform interstate family support act pursuant to RSA 546-B; shall take judicial notice of any support obligation established pursuant to this chapter upon the filing of a certified copy of the district court order in the superior court by:

(a) Either party to the domestic violence proceeding.

(b) The department.

(c) Any other agency or person legally entitled to enforce the obligation of support for the minor children.

II. Any superior court order for financial support shall include enforcement of any duly filed district court order from the date of filing forward, and shall include enforcement of any arrears which have been:

(a) Reduced to judgment by the district court;

(b) Documented by the department pursuant to an order to make payable through the department; or

(c) Documented by the obligee in a notarized statement, provided that the obligor shall have 30 days to object and request a hearing on the issue of arrears.

173-B:15 Fund for Domestic Violence Grant Program. A special fund for domestic violence programs is established. The sole purpose of the fund shall be to provide revenues for the domestic violence program established in RSA 173-B:16, and shall not

be available for any other purpose. The state treasurer shall deposit all fees received by the department under RSA 457:29 in the fund. All moneys deposited in the fund shall be continually appropriated for the purposes of the domestic violence grant program and shall not lapse.

173-B:16 Grant Program Established. A grant program is established within the department for the allocation of grant money to New Hampshire programs which provide aid and assistance to victims of domestic violence. The grant program shall be funded by the fund established under RSA173-B:15.

173-B:17 Duties of the Commissioner. The commissioner shall:

I. Administer the grant program established in RSA 173-B:16 through a coordinator. The costs of administration shall be covered by the fund, and shall not exceed 2 percent.

II. Adopt rules, under RSA 541-A, relative to procedures under which interested NewHampshire programs may apply for funding.

III. Appoint the coordinator.

IV. Enter into a contract with the coordinator, subject to the approval of the governor and council.

173-B:18 Selection of Coordinator. The commissioner shall be satisfied that the organization or agency chosen as the coordinator shall be qualified to provide at least those services listed in RSA173-B:20.

173-B:19 Compensation for Coordinating Domestic Violence Grant Program. Compensation for the functions and duties of coordinating the program shall not exceed 30 percent of the total revenues of the fund.

173-B:20 Duties of Coordinator. The coordinator shall be a statewide organization or agency which has demonstrated its ability, at a minimum, to:

I. Serve as a clearinghouse for information relating to domestic violence.

II. Conduct educational programs on domestic violence, both for the general public and for specialized interest groups, such as law enforcement and medical personnel.

III. Provide technical assistance to local domestic violence programs in the areas of budget, management, and other such skills.

IV. Enlist the assistance of public and voluntary health, education, welfare, legal, and rehabilitation agencies in a concerted effort to prevent domestic violence.

V. Provide coordination and supervision of programs.

VI. Assist the commissioner in the administration of the fund.

VII. Publicize the availability of the fund and the date by which applications must be received, and act on all applications within 45 days of the application deadline.

VIII. Notify each appropriate agency or organization in writing whether or not it is eligible for funds, and specify the amount available.

IX. Publicize the availability of domestic violence programs to the public.

X. Provide training for court advocates and social services agency advocates to accompany domestic violence victims.

XI. Apply for and receive any federal funds for which this program may be eligible.

XII. Ensure, as far as possible, that grants are awarded on a reasonable geographical basis throughout the state.

XIII. Obtain and evaluate reports from each grantee, at least annually, on its operations under this chapter.

173-B:21 Criteria for Selection of Direct Service Grantees. The coordinator shall use all of the following criteria for selecting grantees:

I. A grantee's ability to provide direct services to victims of domestic violence as follows:

- (a) Shelter or safe homes on a 24-hours-a-day, 7-days-a-week basis.
- (b) A 24-hours-a-day, 7-days-a-week switchboard for crisis calls.
- (c) Temporary housing and food facilities.
- (d) Psychological support and peer counseling.
- (e) Referrals to existing services in the community and follow-up on the outcome of the referrals.
- (f) A drop-in center to assist victims of domestic violence who have not yet made the decision to leave their homes, or who have found other shelter but who have a need for support services.
- (g) Arrangements for school-aged children to continue their education during their stay at the center.
- (h) Emergency transportation to a shelter and, when appropriate, arrangements with local law enforcement for assistance in providing such transportation.
- (i) Trained court advocates and social service agency advocates to accompany domestic violence victims.

II. A grantee shall be a private or private nonprofit organization, or a public agency.

III. A grantee shall demonstrate the need for the services proposed by the program.

IV. A grantee shall establish its ability to secure community support and its efficiency of administration.

V. A grantee shall receive at least 50 percent of its funding from sources other than the fund, including town, city, county, federal, or private sources. Contributions in kind, whether material, commodities, transportation, office space, or personal services, may be evaluated and counted as part of the required non-state funding.

173-B:22 Confidentiality. All persons who are employed, appointed, or who volunteer under this chapter shall maintain confidentiality with regard to persons served by the coordinator and grantees and files kept by the coordinator and grantees, except for reasons of safety for other shelter residents or staff.

173-B:23 Referral. Where centers are available, any law enforcement officer who investigates an alleged incident of domestic violence shall advise the person subject to such violence of the availability of programs from which that person may receive services.

173-B:24 Rights Reserved. A person shall not be prejudiced by the court having jurisdiction under RSA 173-B for having left the residence or household with or without the children to avoid further domestic violence.

173-B:25 Severability. If any provision of this chapter or the application of such provision to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the chapter which can be given effect without the invalid provisions or applications, and to this end the provisions of this chapter are severable.

4 Cross Reference Revised; Definition of "Domestic Violence Center." Amend RSA 173-C:1, II to read as follows:

II. "Domestic violence center" means any organization or agency which would qualify as a direct service grantee under RSA ~~[173-B:19]~~ **173-B:21**.

5 Cross Reference Revised; Marriage License Fees. Amend RSA 457:29 to read as follows:

457:29 Marriage License Fee. The fee for the marriage license shall be \$45 to be paid by the parties entering into the marriage. The clerk shall forward \$38 from each fee to the department of health and human services for the purposes of RSA~~[173-B:13]~~ **173-B:15**. The clerk shall retain the remaining \$7 as ~~his~~ **the** fee for making the records of notice, issuing the certificate of marriage, and forwarding the \$38 portion of the marriage license fee.

6 Cross Reference Revised; Preparing Checklists. Amend RSA 654:25 to read as follows:

654:25 Preparing Checklist. The secretary of state shall issue and distribute guidelines for the composition and style of

checklists and for the maintenance of data related to checklists by which the supervisors of the checklist shall compile and correct the checklist. Such guidelines shall specify the information which will be maintained and updated by the supervisors. The secretary shall establish standard forms and procedures for the use of the supervisors for the maintenance of such information. The information to be maintained and updated shall include the full name, address and party affiliation, if any, of each voter on the checklist and such other information as the secretary requires. The supervisors shall use the information so maintained and updated to prepare the checklist for all state elections. Every checklist used at any state election shall contain as a minimum the full name, address, and mailing address if different, and party affiliation, if any, of each voter on the checklist. The address and mailing address, if different, of a voter shall not appear on the checklist at the request of the voter if the voter presents to the supervisors of the checklist a valid protective order pursuant to RSA~~[173-B:4]~~ **173-B**. A voter who presents a valid protective order may, however, request that a mailing address, if different, be maintained on the checklist. If a voter who presents a valid protective order requests that no address be maintained on the checklist, the supervisors of the checklist may nonetheless maintain a designation on the checklist which indicates that no address is required for that voter.

7 Effective Date. This act shall take effect January 1, 2000.

1999-1104h

Amendment to HB 738-FN

Proposed by the Committee on Finance - R

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

An Act making an appropriation to the department of administrative services for the purpose of reimbursing counties for providing prisoner custody in courthouses.

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

1 Appropriation; Department of Administrative Services. The sum of \$308, 000 is appropriated to the department of administrative services for the fiscal year ending June 30, 1999, for the purpose of reimbursing counties for providing prisoner custody in courthouses. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

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

AMENDED ANALYSIS

This bill appropriates funds to the department of administrative services for the purpose of reimbursing counties for providing prisoner custody in courthouses.

1999-0905h

Amendment to HCR 2

Proposed by the Committee on Legislative Administration - C

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

A RESOLUTION recognizing students who display good behavior in the public schools.

Amend the resolution by replacing all after the title with the following:

Whereas, the conduct of students who display good behavior, who lead by example, and who strive for excellence by putting forth their best effort in all that they do enhances the overall educational experience for all students; and

Whereas, students who consistently exhibit such behavior should be recognized in their schools and communities; and

Whereas, recognition of these students by the school principal shall reinforce the value and importance of such behavior in the schools and communities of the state; now therefore be it

Resolved by the House of Representatives, the Senate concurring:

That students who display good behavior, who lead by example, and who strive for excellence by putting forth their best effort in all that they do be recognized by school principals in their respective schools; and

That the school principal of each school, based on recommendations from school faculty, select 2 students from each school in the state to be recognized in their schools and communities; and

That the school principal issue a certificate of recognition to each student selected and that principals are encouraged to publicize this student recognition in the local newspapers and the local community; and

That the house clerk send copies of this resolution to the governor, the speaker of the house, the senate president, and the commissioner of the department of education.

AMENDED ANALYSIS

This house concurrent resolution encourages schools and communities to recognize students statewide who display good behavior, who lead by example, and who strive for excellence by putting forth their best effort in all that they do.

1999-0864h

Amendment to HCR 9

Proposed by the Committee on State-Federal Relations and Veterans Affairs - C

Amend the resolution by replacing the title of the resolution with the following:

A RESOLUTION encouraging greater health care choices for Medicare eligible citizens throughout NewHampshire.

Amend the resolution by replacing all after the resolving clause with the following:

That the general court of New Hampshire hereby urges the federal government to review Medicare policies and procedures to ensure that New Hampshire senior citizens retain all Medicare options. Specifically, the federal government should evaluate the Medicare environment in NewHampshire to ensure that:

- (a) Existing policies and procedures provide for citizens to have a choice of Medicare options;
- (b) Medicare reimbursement rates for physicians, hospitals, and home health care providers are sufficient to allow for access to needed care statewide and greater product choice in rural areas of the state;
- (c) Medicare premium rates for New Hampshire managed care products be set at a level that allows attractive benefit coverage to citizens;
- (d) Applications for Medicare insurance product introduction or expansions in NewHampshire receive high priority status by the federal government; and
- (e) Congress reviews the impact of the "Balanced Budget Act" of 1997 on the ability of Medicare health maintenance organizations and home health care providers to continue to operate in New Hampshire; and

That a copy of this resolution be forwarded by the house clerk to the President of the UnitedStates, the President of the United States Senate, the Speaker of the United States House of Representatives, and to each member of the New Hampshire delegation.

AMENDED ANALYSIS

This house concurrent resolution urges the federal government to review Medicare policies and procedures to ensure greater choice for Medicare eligible citizens throughout New Hampshire.

1999-1050h

Amendment to SB 60

Proposed by the Committee on Executive Departments and Administration - C

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

AN ACT establishing a committee to study the licensure of radiographers and radiologic technologists.

Amend the bill by replacing section 1 with the following:

1 Committee Established. There is established a committee to study the licensure of radiographers and radiologic technologists.

Amend the introductory paragraph of section 3 of the bill by replacing it with the following:

3 Duties. The committee shall study the licensure of radiographers, radiologic technologists, and the inclusion or exception for persons operating x-ray systems designed for the irradiation of any part of the human body for diagnostic or therapeutic purposes. The committee seek input from persons or representatives of the following:

AMENDED ANALYSIS

This bill establishes a committee to study the licensure of radiographers and radiologic technologists.

1999-1012h

Amendment to SB 75

Proposed by the Committee on Transportation - C

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

AN ACT establishing a committee to study the establishment of a permit system for vessels registered in another state temporarily using the waters of New Hampshire.

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

1 Committee Established. There is established a committee to study the establishment of a permit system for vessels registered in another state temporarily using the waters of New Hampshire.

2 Membership and Compensation.

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

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

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

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

3 Duties. The committee shall:

I. Study the feasibility of a permit system for vessels registered in another state temporarily using the waters of New Hampshire. The study shall include, but not be limited to:

(a) The effect of a permit system on interstate agreements.

(b) The effect of a permit system on New Hampshire boaters temporarily using the waters of other states.

(c) The appropriate administering body for a permit system.

(d) The appropriateness of a fee for the permits, and whether a fee should be used to fund the enforcement of restrictions on the discharge of sewage and graywater from boats and to fund education programs on safety laws and wildlife protection for out-of-state boaters, in addition to funding the costs of administering the permit system.

II. Seek input from the department of environmental services, the fish and game department, the department of resources and economic development, the department of safety, the New Hampshire Marine Trades Association, and the New Hampshire Lakes Association.

- 4 Chairperson; Quorum. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named senate member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Four members of the committee shall constitute a quorum.
- 5 Report. The committee shall report its findings and any recommendations for proposed legislation to the senate president, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library on or before November 1, 1999.
- 6 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill establishes a committee to study the establishment of a permit system for vessels registered in another state temporarily using the waters of New Hampshire.

1999-1043h

Amendment to SB 77

Proposed by the Committee on Education - C

Amendment to SB 77 Amend the bill by replacing section 2 with the following:

2 AREA Schools; Review of AREA Plan and Withdrawal Procedure. Amend RSA 195-A:14, VIII to read as follows:

VIII. The vote to withdraw from an area shall take effect on July 1 of the calendar year ~~[one year subsequent to]~~ **which shall be at least 2 years after** the date on which the withdrawal vote is adopted~~[, or as determined in the plan]~~. **The plan may provide for an earlier date.**

Amend the bill by deleting section 3 and renumbering the original section 4 to read as section 3.

AMENDED ANALYSIS

This bill provides for certain changes in the current area school law with regard to the length of an area agreement and the withdrawal of a district from an area agreement.

1999-0993h

Amendment to SB 117

Proposed by the Committee on Education - C

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

AN ACT relative to the duties of the board of trustees of the community-technical college system and relative to reports made to the commissioner of the regional community-technical college system.

Amend the bill by inserting after the enacting clause the following and renumbering the original sections 1-4 to read as sections 2-5 respectively:

1 Public Higher Education Study Committee; Report and Recommendation. Amend RSA 187-A:28-d to read as follows:

187-A:28-d Report and Recommendations. The committee shall submit a report to the general court by January 15 of each year. Copies of the report shall be submitted to the governor and council, the senate finance and education committees, the house of representatives finance and education committees, the board of trustees of the university system, **the commissioner of the regional community-technical college system**, and to any other individual or organization as the committee deems advisable.

AMENDED ANALYSIS

This bill adds certain duties to the board of trustees of the community-technical college system and makes certain technical revisions to the duties of the board of trustees. The bill also requires that reports and recommendations of the public higher

education study committee be sent to the commissioner of the regional community-technical college system.

1999-0978h

Amendment to SB 161

Proposed by the Committee on Municipal and County Government - C

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

AN ACT relative to amending the contributory pension system for employees of the city of Manchester and authorizing the town of Salem pension plan.

Amend the bill by replacing section 11 with the following:

11 Town of Salem; Pension Plan Authorized, Established, and Validated; Termination. The town of Salem is authorized to establish and maintain the Town of Salem Money Purchase Plan in that form in effect as of January 1, 1987, and as subsequently amended through to the effective date of this section. The adoption and amendment of the Town of Salem Money Purchase Plan is hereby confirmed by the New Hampshire legislature and validated by this act, provided that said Town of Salem Money Purchase Plan is terminated by the town of Salem not later than June 30, 1999, and that the benefits thereunder be distributed to the participants and beneficiaries thereof in accordance with the terms of said plan.

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

AMENDED ANALYSIS

This bill makes various changes to the law authorizing the contributory pension system of the employees of the city of Manchester. This bill also authorizes the town of Salem pension plan and validates the plan subject to its termination prior to June 30, 1999.

State of New Hampshire HOUSE RECORD

First Year of the 156th Session of the General Court

Calendar and Journal of the 1999 Session

Web Site Address: www.state.nh.us

Vol. 21 Concord N.H Friday, May 7, 1999 No. 48A

Contains: Corrected Committee Report, Committee Scheduling

ADDENDUM TO HOUSE CALENDAR
CORRECTED COMMITTEE REPORT

JUDICIARY (Regular Calendar)

, OUGHT TO PASS WITH AMENDMENT

Rep. for Judiciary: This bill, as amended, achieved the unanimous support of the committee, and is endorsed by representatives of the New Hampshire District, Superior, and Supreme courts, the New Hampshire Bar Assn. and other interested parties. The amendment expands the existing Family Division now existing in Rockingham and Grafton counties to two additional counties, Carroll and Belknap, by 2001. It also creates a chaptered study committee to consider the best method of implementing the family division statewide. This important bill offers the opportunity to provide enhanced legal services to the citizens of the granite state when dealing with such difficult matters as divorce, abuse and neglect, children in need of services, adoption and domestic violence cases. Vote .

COMMITTEE NOTICE
TUESDAY, MAY 11

TRANSPORTATION, Room 203, LOB

10:00 a.m. Executive session on pending legislation.