

State of New Hampshire HOUSE RECORD

First Year of the 157th Session of the General Court Calendar and Journal of the 2001 Session

Vol. 23 Concord NH Friday, March 23, 2001 No. 25

Contains: Reports and Amendments for March 29, Committee Hearings, Work Sessions and Notices

HOUSE CALENDAR

NOTICE

MEMBERS OF THE HOUSE:

The House will meet in session on Thursday, March 29 at 10:00 a.m. and Thursday, April 5 at 10:00 a.m. Please tentatively plan on Thursday, April 12 as a session day and definitely **Wednesday**, April 18 and Thursday, April 19.

I would like to thank Representatives Mert Dyer and Leon Calawa and former member Marion Copenhaver for initiating the successful introduction of the streaming audio on the legislative website. Additionally thanks go to Stan Kelly and his staff in the General Court Information Systems office as this would not have been made possible without their efforts. I believe this continued practice will be a valued resource for the education community and citizens of the state.

Members are reminded that during a House session all members should be in their seats. If members desire to stretch or have a discussion, please retire to the anteroom or other areas of the State House. Members are also reminded that House Rules prohibit the use of electronic devices including lap top computers and that reading of newspapers should be done in the anteroom.

Chairmen and Vice Chairmen will meet on Tuesday, March 27 at 9:00 a.m. in Room 205 LOB.

Gene G. Chandler, Speaker

NOTICE

There will be a Republican Caucus on Thursday, March 29 at 9:00 a.m. in Representatives Hall.
Rep. David M. Scanlan, Majority Leader

NOTICE

There will be a Democratic Caucus on Thursday, March 29 at 9:00 a.m. in Rooms 306-308 of the Legislative Office Building.
Rep. Peter H. Burling, Democratic Leader

NOTICE

House Continuing Education

TOPIC: Understanding the State Budget Process

PRESENTER: Mike Buckley
Legislative Budget Assistant

DATE: Wednesday, March 28, 2001

TIME: Noon

PLACE: Room 307, LOB

All forums will be Wednesdays from 12-1:30 p.m. in the LOB unless otherwise noted. Please bring your lunch.
Representative Douglass Teschner
Coordinator

THURSDAY, MARCH 29
CONSENT CALENDAR

COMMERCE

HB 563, requiring drivers to carry automobile insurance and permitting drivers to choose the amount of uninsured motorist insurance that they carry. **INEXPEDIENT TO LEGISLATE**

Rep. Leo W. Fraser, Jr. for Commerce: The committee has long recognized that the existing system of voluntary automobile coverage, mandatory uninsured/underinsured motorist coverage, and financial responsibility laws has provided highly competitive and affordable rates in New Hampshire. The number of uninsured motorists in New Hampshire is among the lowest in the country. The mandatory automobile insurance coverage required by this bill would impose substantial administrative and financial costs to the state and its citizens, and evidence has shown it would have little or no chance of lowering the percentage of uninsured motorists driving in New Hampshire. The second part of the bill related to the amount of uninsured motorist insurance and, despite the sponsor’s intent, would not have a great effect in reducing premiums, but would create more confusion for consumers and potentially expose them to unnecessary lack of appropriate insurance coverage. **Vote 13-0.**

CRIMINAL JUSTICE AND PUBLIC SAFETY

HB 210-FN, relative to the penalties for persons convicted of subsequent DWI offenses. **OUGHT TO PASS WITH AMENDMENT**

Rep. Stanley E. Stevens for Criminal Justice and Public Safety: This bill will increase the penalty for the 4th DWI conviction to a felony. The committee felt that a 4th DWI is definitely a public safety issue, and longer-term incarceration with mandated treatment during that incarceration should be an option for the courts. There were approximately 14 persons convicted of their 4th DWI in 2000. The committee also recognizes the seriousness of alcoholism as a disease, and the need for earlier intervention and better treatment programs to possibly even eliminate the incidences of 4th DWI convictions. There presently exists a legislative committee studying the complete issue of DWI, and the Criminal Justice and Public Safety Committee was assured that treatment intervention is a significant and serious subject in that study committee. This bill also increases the time period which is considered for prior offenses from 7 to 10 years. **Vote 13-1.**

HB 271, relative to criminal liability for the conduct of another. **OUGHT TO PASS WITH AMENDMENT**

Rep. Kathleen M. Flora for Criminal Justice and Public Safety: This bill specifically clarifies the legislative intent underlying RSA 626:8 IV, criminal liability for the conduct of another, to reflect the purpose expressed in the model penal code upon which it is based. Under HB 271, an accomplice can be charged as such if the result of his or her actions was reasonably foreseeable and the accomplice acted with the state of mind required for the offense. **Vote 15-1.**

HB 475, establishing a commission for the development of a statewide protocol for interviewing victims of sexual assault crimes. **OUGHT TO PASS WITH AMENDMENT**

Rep. Maxwell D. Sargent for Criminal Justice and Public Safety: House Bill 475 is the result of a 2-year statutory study on sex offender issues. Prosecuting attorneys and defense attorneys, their clients, and advocates on both sides of the issue, agree that a statewide protocol for interviewing alleged victims is a necessity. This bill, as amended, establishes a commission representing the interests of all parties to establish that protocol, which will include: procedures for avoiding multiple interviews; requiring that interviews are conducted by a certified forensic interviewer; procedures to ensure the audio taping and videotaping of the interviews; and other details important to an effective system ensuring the rights and sensitivities of all concerned. The commission will develop and design a state certification policy for forensic interviewers. This protocol, when put into effect, will go a long way toward protecting the rights of the accused, and in protecting the alleged victim from further psychological 'abuse' at the hand of an inexperienced interviewer. When the commission has completed its work, legislation will be filed to implement it. **Vote 16-0.**

EDUCATION

HB 349-L, relative to parental choice in public education. **INEXPEDIENT TO LEGISLATE**

Rep. Charles B. Yeaton for Education: The Education committee found several problems with this bill. There is the question as to whether it presents a 28-a problem. The bill also does not limit the abatements to non-sectarian schools, which could raise a question of constitutionality. By granting a fixed abatement of 10% of a resident's property tax, these abatements would give greater amounts to those who need it the least. There are others who object to providing public funds for private school education. **Vote 16-0.**

HB 355, relative to the contents of the department of education report on the condition of education statewide. **INEXPEDIENT TO LEGISLATE**

Rep. Brien L. Ward for Education: The committee in a bipartisan 16-2 vote believe the test scores of our school districts will be ranked by the media, even if the Department of Education is prohibited from doing so if this bill is enacted. School test scores should not be the only indicia considered in evaluating the quality of schools. However, the results should be disseminated to the communities our school districts serve. **Vote 16-2.**

HB 594, establishing a committee to study the law on justification for the use of physical force and its implications for teachers or other persons entrusted with the care and supervision of minors. **OUGHT TO PASS**

Rep. Charles E. Sova for Education: The committee felt that further study of this matter was warranted, especially since it involves not only educational issues, but criminal justice and juvenile law issues as well. The committee recommends that the Speaker appoint one House member from each of the Education, Criminal Justice and Public Safety and Children and Family Law Committees to the study committee so that each point of view is represented. **Vote 17-0.**

HB 692, relative to the use of psychological testing and psychiatric drugs in schools. **INEXPEDIENT TO LEGISLATE**

Rep. Russell N. Cox for Education: The testimony on this bill mostly concerned the use of the prescription drug Ritalin for school children. This subject is best considered by the existing subcommittee on a similar bill before the Health and Human Services Committee. The remainder of the bill provided an inappropriate balance between parental rights and school administration relating to academic policy. **Vote 17-0.**

HB 726-L, relative to change of school assignment and transfers of public school pupils. **OUGHT TO PASS WITH AMENDMENT**

Rep. John R. Alger for Education: This bill allows flexibility for superintendents to agree on moving a few students (less than 1% of a district), with parental support, between school districts or SAU's where it is in the best interest of the student. There was strong bipartisan support for the bill to help resolve the few student placements expeditiously without public hearings. School Boards are free to control the practice and the bill is deliberately set to be law on January 1, 2002, to give superintendents and school boards time to learn of the law before it becomes effective. **Vote 15-2.**

ELECTION LAW

CACR 18, relating to elections and elective franchises. Providing that the inhabitants having proper qualifications shall have an equal right to elect and be elected into office. **INEXPEDIENT TO LEGISLATE**

Rep. Michael S. Rollo for Election Law: This proposed constitutional amendment stated having the proper qualifications all inhabitants "shall have an equal right to elect and be elected into office." The committee felt that under Article 11 of the Part I of the NH Constitution guarantees that anyone eighteen and upwards the right to vote, providing they meet state qualifications. Accordingly, this matter would be better suited to statutory attention than changes to the State Constitution. **Vote 18-0.**

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 309-FN, relative to the registration of radon testers and mitigators. **INEXPEDIENT TO LEGISLATE**

Rep. A. Theresa Drabinowicz for Executive Departments and Administration: This Bill requires the registration of radon testers and mitigators with the department of health and human services. The committee felt that this legislation would not accomplish the desired effect of the sponsor and would increase the cost to homeowners seeking to have their homes tested for the presence of radon. **Vote 15-0.**

HB 327-FN, relative to review of final proposed rules under the administrative procedures act. **INEXPEDIENT TO LEGISLATE**

Rep. Donald R. Lent for Environment and Agriculture: This bill adds the recommendation of the legislative policy committee to possible objections to proposed administrative rules by the joint legislative committee on administrative rules. The bill also changes the procedure for objections or alternatives to objection used by the joint legislative committee on administrative rules. The subcommittee conferred at length with both informed legislators and agency representatives. We determined that the procedures proposed in this bill added an unnecessary burden to legislative committees as well as agencies . Flaws in intention can be avoided by writing more explicit guidance for rule making. The committee will continue to work on these issues in its study of HB 688 **Vote 16-1.**

HB 453, establishing a 4-year term for the commissioner of the department of corrections. **OUGHT TO PASS**

Rep. Robert K. Dodge for Executive Departments and Administration: The committee felt that establishing four year terms for the commissioner of the department of corrections attracts more qualified candidates and brings the corrections commissioner in line with other appointed unclassified positions. **Vote 12-1.**

HB 585, relative to the membership and duties of the council on resources and development. **OUGHT TO PASS WITH AMENDMENT**

Rep. Judson K. Dexter for Executive Departments and Administration: The committee is well aware of the logistical problem of getting the 12 statutory members to the same meeting at the same time. This bill, as amended, will allow the statutory members to name a designee to the council in their place. The amendment also adds a 13th member, "the executive director or

designee of the New Hampshire housing finance authority" to the council. **Vote 15-0.**

HB 598, adding the New Hampshire housing finance authority to the council on resources and development. **INEXPEDIENT TO LEGISLATE**

Rep. Judson K. Dexter for Executive Departments and Administration: HB 585 passage of which the committee has already recommended, with amendment, adds the New Hampshire housing finance authority to the council making this bill unnecessary. **Vote 16-0.**

FINANCE

HB 123-FN, relative to the retirement system classification for the director of the division of safety services, department of safety. **OUGHT TO PASS**

Rep. Robert G. Holbrook for Finance: In order to have the ability to attract qualified directors for Safety Services, it appears necessary to offer group II in the New Hampshire Retirement System for certified police officers. Safety Services is funded by the Navigation and Safety Fund. **Vote 19-0.**

HB 208-FN, changing the license requirement for operators collecting the meals and rooms tax. **OUGHT TO PASS**

Rep. O. Alan Thulander for Finance: This bill was requested by the Department of Revenue Administration and approved by the Ways and Means Committee unanimously. The language repeals the \$5 registration fee for operators collecting the rooms and meals tax and also the requirement to renew the license biennially. These paper transaction costs far exceed the fee. The loss of \$43,000 each biennium will be reflected in salary line reductions agreed to by the commissioner of revenue administration. **Vote 18-0.**

HB 428, relative to claims against the state by certain victims of Judge John C. Fairbanks. **INEXPEDIENT TO LEGISLATE**

Rep. Robert G. Holbrook for Finance: Although the members of the Finance Committee are aware of the apparent loss of assets by law practice clients of a part-time judge, the structure of this bill opens the threshold for many kinds of suits that might be brought against the State of New Hampshire. It is impossible to forecast the financial impact on the State of New Hampshire and the Finance Committee cannot pass a bill opening up such an unknown liability. Therefore it recommends this bill be reported so decided it is expedient to move this bill Inexpedient to Legislate. **Vote 19-0.**

HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS

HB 396, relative to the practice of physicians and surgeons. **OUGHT TO PASS WITH AMENDMENT**

Rep. Robert F. Chabot for Health, Human Services and Elderly Affairs: This bill closes a gap in present state statutes designed to encourage Quality Assurance programs in the health care field. "Quality Assurance" is a process in which health care providers critically examine their own activities to determine how care to patients can be improved, based on the best information available. The value of Quality Assurance programs has been recognized in New Hampshire law for over 20 years, in existing statutes that now cover such programs in hospitals, community mental health centers, home health care organizations, ambulatory care clinics and nursing homes. This bill would extend the same statutory recognition to Quality Assurance programs in physician practice groups. The amendment would assure access to original sources of information concerning medical care, while continuing to protect the records and proceedings of Quality Assurance programs reviewing such care. **Vote 17-0.**

HB 553-FN-L, requiring background checks for nursing home employees. **OUGHT TO PASS WITH AMENDMENT**

Rep. Stephanie Micklon for Health, Human Services and Elderly Affairs: This bill, as amended, requires that all nursing homes check the criminal record of any new employees, including per diem and temporary employment agency employees. The committee agreed that our state needs to do all it can to protect our elderly and voted Ought to Pass With Amendment. **Vote 14-0.**

HB 635, relative to family mutual support services. **OUGHT TO PASS**

Rep. Joseph P. Manning for Health, Human Services and Elderly Affairs: This bill relates to family support groups that exist to help when mental illness strikes. Such mutual support reduces hospitalization, in-patient and out-patient treatment and out-of-

home placements, thus saving money for state and local governments. The bill calls on the state to enhance, coordinate and encourage these efforts through its existing service system. **Vote 14-0.**

HB 737, relative to the possession and use of epinephrine auto-injector devices by emergency medical care providers. **INEXPEDIENT TO LEGISLATE**

Rep. Phyllis M. Katsakiores for Health, Human Services and Elderly Affairs: Possession and use of medications by emergency medical service providers is covered under rules and supervised by the Emergency Medical Services Control Board. HB 737 is not needed and would inappropriately assign medical services to too broad a category of providers. **Vote 15-0.**

JUDICIARY

HB 499, making state-appointed advisory committees subject to the right-to-know law. **OUGHT TO PASS WITH AMENDMENT**

Rep. Thomas Rice, Jr. for Judiciary: The intent of this bill is to ensure public access to the records of any advisory committees established by the General Court, the Governor and the Governor's Council, and any boards and commissions of state agencies under the right-to-know law. HB 499, as amended, does this by including a comprehensive definition section defining exactly what is meant by the term "advisory committee." The amendment also changes the effective date to January 1, 2002. **Vote 14-0.**

HB 704, relative to the applicability of the right-to-know law to certain governmental committees. **INEXPEDIENT TO LEGISLATE**

Rep. Larry G. Elliott for Judiciary: HB 704 and HB 499 are parallel bills. The Judiciary Committee chose to use HB 499 as its vehicle to address the very same issues and concerns in the right-to-know law. The sponsor of the legislation, during his testimony, recognized that there are similar types of legislation already being considered by the Judiciary Committee and it did not matter to him which vehicle we used, so long as a suitable solution to his concerns was reached. The Judiciary Committee strongly feels that HB 499 meets those requirements. **Vote 14-0.**

HB 733, deleting references to "rebuttable presumption" from the laws of this state. **INEXPEDIENT TO LEGISLATE**

Rep. John M. Pratt for Judiciary: The committee concluded that the question of "rebuttable presumptions" is one which ought to be examined by the relevant policy committees on a case-by-case basis rather than through a wholesale deletion of the term from "all" laws in the state, known and unknown. **Vote 13-0.**

HB 739, establishing a committee to study the application of the rule against perpetuities. **INEXPEDIENT TO LEGISLATE**

Rep. Robert H. Rowe for Judiciary: This ancient law, the Rule Against Perpetuities, has been the common law in America since the 18th and possibly 17th century. It is a part of the English common law that we inherited, and is still the law in New Hampshire as much as the statutes we enact. The law was enacted in England to stop wealthy individuals from placing their property in trust for perpetuity, or hundreds of years, and thus removing it from the public interest. The typical example would be that of an extremely wealthy land owner dying and leaving his land, possibly hundreds of thousands of acres, in trust for the use of his children, grandchildren, great-grandchildren, great-great-grandchildren, etc., etc., and never vesting title, thus depriving the public of the land. England viewed this as a bad public policy, and thus the Rule Against Perpetuities. The law states that a grant in trust must vent (end) within a life in being plus 21 years. Though the law is nearly obsolete in the 21st century, it does no harm. The Judiciary Committee would probably express the view more succinctly, saying: "That dog is too old to hunt, but sure is a comforting old friend to have around." The Rule Against Perpetuities is like a monument to our jurisprudence heritage - harmless, but a valuable reminder of our past. **Vote 11-3.**

HB 752, relative to certain revisions of the right-to-know law. **INEXPEDIENT TO LEGISLATE**

Rep. Christopher P. Reid for Judiciary: The committee is working on a number of bills that will increase the scope of the right-to-know law. The committee felt that this bill is not necessary, and may introduce new problems. This bill's addition of the court system to the right-to-know law was too broad and its language concerning employment security was not protective enough of individual privacy rights. **Vote 13-1.**

LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES

HB 164, relative to exceptions to the confidentiality of certain department of employment security records. **OUGHT TO PASS WITH AMENDMENT**

Rep. Jeffrey P. Goley for Labor, Industrial and Rehabilitative Services: This bill as amended allows the Department of Employment Security to share unemployment compensation records and reports with other state and federal agencies for the purpose of assessing governmental performance and accountability for compliance with state and federal law. The release of this information shall be authorized by the commissioner when sufficient guarantees of continued confidentiality are in place. **Vote 16-0.**

HB 347-FN, relative to terminal pay for certain state officials or employees. **OUGHT TO PASS**

Rep. G. Michael Gilman for Labor, Industrial and Rehabilitative Services: This bill clarifies that officials in non-classified or unclassified positions may not double dip upon termination of service with the state. **Vote 16-0.**

HB 448, relative to procedures for crews and provision of counseling services following a railway accident. **OUGHT TO PASS WITH AMENDMENT**

Rep. Corey E. Corbin for Labor, Industrial and Rehabilitative Services: This bill makes a provision for procedures following a railway accident. While many major rail services have internal policies, there are smaller rail services that do not. This legislation requires those services with no standing policy to adhere to the provisions contained in this bill. If enacted, this language would apply only to those rail services with no policy, or a policy that is less stringent than provided for. **Vote 15-0.**

HB 570, relative to the unemployment compensation law. **OUGHT TO PASS**

Rep. Franklin C. Bishop for Labor, Industrial and Rehabilitative Services: This bill increases the weekly amounts collected by unemployed workers as recommended by the Department of Employment Security. It also allows for a small increase in fines for employers who refuse to file the proper reports on time and allows continued collection for administrative purposes. **Vote 16-0.**

HB 637-FN, requiring training for certain members of the workers' compensation appeals board. **OUGHT TO PASS WITH AMENDMENT**

Rep. Corey E. Corbin for Labor, Industrial and Rehabilitative Services: This bill would require members of the workers' compensation appeals board to participate in 20 hours of training annually. The sponsor presented an amendment that would have training conducted in-house, thus eliminating the fiscal impact. Once the fiscal impact was removed, the Department of Labor was in support of the measure, as was the committee. **Vote 15-0.**

MUNICIPAL AND COUNTY GOVERNMENT

HB 311-FN-A, increasing the fees under the laws relative to sewage disposal systems to support a position at the department of environmental services to advocate for and implement long-term septage disposal solutions in partnership with New Hampshire municipalities. **OUGHT TO PASS**

Rep. Robert W. Brundige for Municipal and County Government: HB's 207, 311 and 439 are all based on the findings and recommendations of the Septage Task Force which was established in 1999, because of concerns that municipalities are not meeting their responsibilities pertaining to septage disposal per RSA 485-A:5-b. The conclusion of the Task Force was that there is a severe problem facing New Hampshire pertaining to the handling and disposal of septage. There is a shortage of septage disposal facilities in New Hampshire. Many southern border towns deposit their septage in Lowell and Lawrence, Massachusetts facilities. Those cities could stop accepting New Hampshire septage at any time, which would exacerbate the problem, and northern towns already have a serious shortage of septic disposal facilities. For example, in 1996, 560,000 gallons of New Hampshire septage was processed at Lowell, Massachusetts waste water treatment facility, and in 2000, 3,928,000 gallons were processed out-of-state which is a 3,368,000-gallon increase in just 5 years. There were 8,870 septic applications in 2000 and this number increases every year and the majority of the septic applications are for private home. HB 311 recognizes the severe septage disposal problem by adding \$10 to the fee charged for septic design applications to support a position at Department of Environmental Services to advocate for and implement long-term septage disposal solutions in partnership with New Hampshire municipalities. **Vote 13-0.**

PUBLIC WORKS AND HIGHWAYS

HB 516, relative to requirements for bidders on public construction projects. **INEXPEDIENT TO LEGISLATE**

Rep. Bernard L. Benn for Public Works and Highways: The committee heard testimony regarding construction problems on a particular project which prompted the proposed bill. The committee felt that the legislation as written would have done nothing to prevent the type of construction problems encountered. It felt, in addition, that adequately detailed construction contracts and existing law would protect against the type of problems encountered. **Vote 16-1.**

STATE FEDERAL RELATIONS AND VETERANS AFFAIRS

HCR 13, calling on the President and the Congress to fully fund the federal government's share of special education services in public elementary and secondary schools in the United States under the Individuals with Disabilities Education Act. **OUGHT TO PASS**

Rep. Robert R. Rodrigue for State-Federal Relations and Veterans Affairs: HCR 13 asks the President & Congress to fully fund the Individuals with Disabilities Education Act (IDEA). Congress promised to fund up to 40% of the average per pupil expenditures for special education services when IDEA became law in 1975. Today, the federal government still funds less than 15% of special education costs, creating substantial hardship for local taxpayers. In effect, by not funding this obligation, Congress has taken local control out of the hands of local voters & taxpayers. The committee agrees with the sponsor's belief that, in this age of surpluses, Congress should fund its obligations. **Vote 14-0.**

HJR 4, urging Congress to amend the Pipeline Safety Act. **INEXPEDIENT TO LEGISLATE**

Rep. Jonathan E. Hill for State-Federal Relations and Veterans Affairs: Whereas HJR 4 is almost identical to HCR 12, the committee decided to recommend HJR 4 as inexperience and will take up the same subject in HCR 12, which the committee felt was more complete. **Vote 14-0.**

TRANSPORTATION

HB 369, relative to driving in highway construction and maintenance areas. **OUGHT TO PASS WITH AMENDMENT**

Rep. Robert J. Letourneau for Transportation: This bill requires drivers to obey flag persons in highway construction or maintenance areas. The committee felt that the intent of this bill has merit, particularly with the volume of construction going on in this state. Testimony from the New Hampshire Department of Transportation indicated that this problem is on the rise. The motoring public needs to be aware of workers in the road during construction and maintenance. Flag persons indicate danger ahead and their instructions need to be obeyed. The amendment clears up language in the original bill in regard to the type of violation and fine associated with this offense. **Vote 16-0.**

HB 459-FN, relative to inspection requirements for antique vehicles. **OUGHT TO PASS WITH AMENDMENT**

Rep. Lawrence A. Artz for Transportation: The intent of this bill is to allow antique vehicles and antique motorcycles to be inspected biennially instead of annually during the month of April. The Department of Safety expressed concerns regarding the number of vehicles being allowed this biennial inspection, mostly worn-out mid-1970s era vehicles still used on a daily basis. The subcommittee recommended and the committee unanimously adopted an amendment where the biennial inspection will instead apply only to those antique vehicles actually registered as an antique and have reached 40 years of age. This bill does not change the definition of an antique vehicle. Antique vehicles over 40 years of age are most likely to be infrequently driven and be true collector vehicles, for which their owners typically take exceptional care. A biennial inspection would increase convenience to those owners as well as reduce the frequency of the unnecessary repeated disassembly and reassembly of difficult to find parts that are inspected which could possibly cause needless damage or wear. The reduction of revenue (\$1.50 per sticker) for allowing 40 year old antique vehicles and motorcycles a biennial inspection will be minimal due to the relatively low number of these vehicles registered in the state. **Vote 16-0.**

HB 685-FN, allowing pregnant women to use parking spaces reserved for persons with disabilities. **INEXPEDIENT TO LEGISLATE**

Rep. Brenda L. Ferland for Transportation: The doctors today can give a pregnant woman, if she needs it, a temporary placard. Walking is good physical exercise and should be encouraged for everyone. With today's superstores and malls that require walking inside, a few more feet in the parking lot will not make a difference. The committee saw this bill as another reason handicapped parking will be abused more so than it is now. **Vote 16-0.**

WAYS AND MEANS

HB 338-FN-A, increasing the rate of the meals and rooms tax. **INEXPEDIENT TO LEGISLATE**

Rep. Norman L. Major for Ways and Means: The committee is considering changes to the rooms and meals tax in another house bill (HB 558-FN-LOCAL) that recommend expanding the rooms and meals tax as well as increasing and adding certain other state taxes. This broader bill is being retained as a vehicle for generating additional revenues. **Vote 13-0.**

HB 571, establishing a commission to study the feasibility of creating a statewide land value assessment system for the purpose of creating a revenue source for funding education. **INEXPEDIENT TO LEGISLATE**

Rep. David W. Hess for Ways and Means: This bill would establish a commission to study the establishment of a statewide "assigned land value system." This is a property tax system based upon assigned property values rather than market or assessed values. Among other things, such a system would create a single, common rate for each land class across an entire taxing district. In the case of the statewide property tax, for example, a buildable lot in Hampton would be assigned the same value as a buildable lot in Pittsburg. The Ways and Means Committee felt the education-funding debate has proceeded beyond the point where study of such a radically different property tax system would be useful. **Vote 16-0.**

THURSDAY, MARCH 29

REGULAR CALENDAR

CHILDREN AND FAMILY LAW

HB 246, relative to marriage between first cousins. **INEXPEDIENT TO LEGISLATE**

Rep. Carlos E. Gonzalez for Children and Family Law: The Children & Family Law Committee voted 15-2 against first cousin marriages. We feel that genetics statistics and facts provide strong arguments against allowing first cousin marriages. We recommend this bill as inexpedient to legislate. **Vote 15-2.**

HB 289-FN, implementing procedures for a hospital to assume care and custody of an abandoned child and creating an exception to the crime of endangering the welfare of a child. **OUGHT TO PASS**

Rep. Christine M. Furman for Children and Family Law: This bill allows mothers to place newborns under 72 hours old in the custody of a hospital rather than abandon them. In so doing, the mother shall not be guilty of the offense of abandonment. **Vote 12-1.**

HB 422, establishing a committee to study the prevention of unintended pregnancies **INEXPEDIENT TO LEGISLATE**

Rep. Diane T. Palermo for Children and Family Law: This bill would establish a study committee utilizing certain methods of dealing with unwed and teen pregnancies. Besides serious concerns as to the controversial approach of the bill, it was felt such a study may be better left to a private/professional group. Further, the committee research indicates that while unwed births have increased, the age group of women reflected in the increase are those between the ages of 20-40. Therefore, the bill is unnecessary since its primary focus would target women under 20 years of age. **Vote 12-2.**

HB 454, relative to same-sex civil unions contracted outside of the state of New Hampshire **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Laura C. Pantelakos for the Majority of Children and Family Law: New Hampshire law recognizes marriages only between a man and a woman. In addition, the Federal Defense of Marriage Act provides that no state shall be required to give effect to a law of any other state with respect to a same sex "marriage." A marriage is defined in NH law as the legal union of a man and a woman. Therefore, the Committee found this bill to be unnecessary. **Vote 13-3.**

Rep. Daniel C. Itse for the Minority of Children and Family Law: Passage of this bill will re-affirm the sanctity of marriage in New Hampshire. Vermont recognizes same sex civil unions and while New Hampshire forbids same sex marriage, it is silent on civil unions or other forms of union. Same sex unions may be a subject of litigation in New Hampshire and HB 454 will send a

clear message to the courts that we do not want such unions recognized, regardless of what they are called.

HB 648-FN, designating certain child care agencies as homeless youth programs. **OUGHT TO PASS WITH AMENDMENT**

Rep. Edward P. Moran, Jr. for Children and Family Law: This bill authorizes certain agencies to accept 16- and 17-year-old homeless youths into a transitional residential program, and authorizes the appropriate state agency to inspect facilities and approve the program. **Vote 14-0.**

CRIMINAL JUSTICE AND PUBLIC SAFETY

HB 736-FN, establishing the consumer safety firearms protection act. **INEXPEDIENT TO LEGISLATE**

Rep. John R. Tholl, Jr. for Criminal Justice and Public Safety: This bill is a multi-faceted document that received overwhelming opposition during the public hearing. The bill impacts all aspects of firearms manufacturing, sale, possession and collection as well as radically altering New Hampshire's laws pertaining to concealed carry permits. The bill as written, as well as the proposed amendment, would have declared many quality handguns unsafe due to their failure to meet arbitrary standards that would do nothing to improve firearms safety, only increase cost and possibly result in the loss of jobs at the several companies that manufacture firearms in New Hampshire. Under the bill the Attorney General's office would have only a limited period to establish rules and contract with "independent testing laboratories", none of which exist in New Hampshire, for testing and certification of all concealable handguns. Anyone wishing to sell, trade, or transfer a firearm, (rifle, pistol, or shotgun), would have to go to a licensed firearm dealer, fill out a form, and pay a fee to have the dealer perform a NICS check. The form shall contain name, birth date, gender, social security number and race. This form shall be retained by the dealer along with an approval number. The amount of the fee is set in the bill and currently dealers perform this function for gun owners who sell firearms to an individual who is not personally known to the seller, but set their own fees for the service. All firearm storage devices (gun lock/safe) must be approved by the Attorney General's office. The bill also changes the concealed carry permit from a single approving agency (local police) to a multi-approval requirement (local police & Dept. of Safety), and requires two photographs be provided by the applicant and a fee of \$20 be paid. Either agency can refuse to approve the permit application for any reason, and the current appeal process (RSA 159:6-c) would be removed from the statutes thus eliminating any redress by the applicant. Not one member of the committee could support this bill as written or the proposed amendment. The majority of the committee felt that the bill was overly intrusive and would restrict the rights of New Hampshire citizens as well as cost the taxpayers an excessive amount of money without contributing to increased safety, which was the stated purpose of the bill. At no time during the 6-1/2 hour public hearing was there an existing problem identified that this bill would solve. **Vote 17-1.**

EDUCATION

HB 552-FN-A-L, restructuring the delivery of a public elementary and secondary education and related educational services in New Hampshire. **INEXPEDIENT TO LEGISLATE**

Rep. Brien L. Ward for Education: This bill would abolish the Department of Education and create 10 SAU's, one for each county. New Hampshire's tradition of local control of education would be undermined by this bill as the current 80 SAU's would also be abolished. **Vote 18-0.**

HB 645-FN-A-L, relative to state aid for provision of an adequate education, and for additional local education tax relief. **INEXPEDIENT TO LEGISLATE**

Rep. Steven J. Winter for Education: This bill would have ended the state's obligation to fund an adequate education at grade six. The committee felt that the adequacy determination should be applied to all students up through grade twelve. **Vote 17-0.**

ENVIRONMENT AND AGRICULTURE

HB 141-L, relative to regulation of junkyards. **OUGHT TO PASS WITH AMENDMENT**

Rep. Richard P. Brewster for Environment and Agriculture: This bill eliminates the exception for certain junk yards under the current solid waste management laws. **Vote 16-0.**

HB 195, creating a committee to study amending the constitution to require that government decisions affecting the environment reflect consideration of the welfare of future generations. **MAJORITY: OUGHT TO PASS WITH**

AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. John S. Cobb for the Majority of Environment and Agriculture: Rep. John S. Cobb for Environment and Agriculture: This bill would ensure to future generations the protection of our environment. The majority felt this was a good bill to guarantee that protection **Vote 11-4**.

Rep. Harold P. Melcher for Environment and Agriculture: The minority of the committee felt that, in spite of the noble sentiments of the proponents of this bill, any time or money spent in the pursuit of such a constitutional amendment would be useless. For all members of this House already think about of the welfare of future generations in their acts as legislators. We have effectually sworn to do so. In fact that welfare is exactly what we daily debate here in this House, with vast and passionate differences of opinion. Since we cannot agree on what the welfare of future generations actually amounts to, no constitutional amendment could possibly quantify or identify what that welfare specifically is. And no court could interpret the constitutionality of a law in a case whose facts were not yet existent. Hence, it is futile work toward such a constitutional amendment.

HB 426, relative to the voluntary scrapie flock certification program. **OUGHT TO PASS WITH AMENDMENT**

Rep. James G. Phinizy for Environment and Agriculture: Rep. James G. Phinizy for Environment and Agriculture: The Scrapies Program is a federal program of voluntary certification. Scrapies is a disease similar to "mad cow". Federal administrative procedures call for establishing a state board. This bill achieves this end and keys the state program to USDA/APHIS administrative rules. There is no adverse impact on the Department of Agriculture. The state's sheep industry, herders and flocks will benefit as a result of establishing this program and enfranchising the certification board. **Vote 13-0**.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 362-FN, regulating the practice of adjunctive therapy for animals. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Maurice E. Goulet for the Majority of Executive Departments and Administration: The amendment replaces the entire bill. The state veterinarian has established rules that allow horse trainers and others to treat lameness. The bill, and the amendment proposed by the sponsor, continues to allow veterinarians to treat lameness but does not make it their exclusive domain. **Vote 16-1**.

Rep. Robert K. Dodge for the Minority of Executive Departments and Administration: This amendment would change the veterinary medicine law to allow anyone to treat lameness without a referral from a veterinarian. This will not set well with animal lovers who want the best treatment for their animals.

HB 408-FN, relative to the regulation of nursing by the board of nursing. **OUGHT TO PASS WITH AMENDMENT**

Rep. Judson K. Dexter for Executive Departments and Administration: This bill increases the membership of the board of nursing to include 2 licensed nursing assistants, and it increases the compensation of the board members from \$50 per day to \$100 per day for regular board meetings. Further, this bill repeals and revises various definition and terms concerning licensed nurses, licensed nursing assistants and the practice of nursing. Finally, it defines delegation of nursing tasks by licensed nurses to licensed nursing assistants and other health care workers, and clarifies the associated liabilities and disciplinary actions thereof. The committee recognizes the increased demands that are put on licensed nurses and licensed nursing assistants in today's health care environment. This bill allows licensed nurses to delegate nursing tasks, in compliance with these statutory provisions and administrative rules, which will improve the quality of patient care by increasing access. Further, it will reduce costs through better utilization of available resources, particularly in light of the severe nursing shortage we are faced with today. The subcommittee had difficulties with certain terms and definitions in the original bill. The amendment specifically defines those terms and responsibilities. The bill does not alter the civil or criminal responsibility of the licensed nurse for patient care. **Vote 13-5**.

HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS

HB 390, relative to the Born-Alive Infants Protection Act. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: OUGHT TO PASS.**

Rep. Daniel M. Burnham for the Majority of Health, Human Services and Elderly Affairs: By repeating in RSA 132 ("Protection

for Maternity and Infancy") the definition of "live birth" now carried in the rules section of the Department of Health and Human Services Bureau of Vital records, HB 390 as amended will codify the definition in statute. This will serve to enhance the protection of live born infants. The definition consists of this sentence: "In this subdivision, the term "live birth" means the complete expulsion or extraction from it's mother of a product of human conception, irrespective of the duration of the pregnancy, which after such expulsion or extraction breathes or shows any other evidence of live such as the beating of the heart, pulsation of the umbilical cord or definite movement of voluntary muscles whether or not the umbilical cord has been cut or the placenta is attached." This definition, as proposed in the amendment, is similar to ones in at least thirty-one states. The amended bill eliminates a proposed application section, which would have applied the above definition to every NH statute, rule, regulation or application, in which the words "person", "child", "human being" or "individual" appear without any analysis of unintended consequences. **Vote 11-7.**

Rep. Fran Wendelboe for the Minority of Health, Human Services and Elderly Affairs: This bill in the original drafting included an application clause including the definition of "born alive". This amendment changes "born alive" to "live birth" and removes this definition from being applied anywhere specifically in law. Also, the term "product of human conception" is found nowhere else in state law and creates confusion as to the status of what "is" born by live birth - a baby, infant, child, person.

HB 638, relative to certification of food protection managers. **INEXPEDIENT TO LEGISLATE**

Rep. Cecelia D. Kane for Health, Human Services and Elderly Affairs: HB 638 proposed requiring at least one full-time employee at most food service establishments to be assigned as a certified food protection manager. The bill defined the food protection manager as a person who has taken and passed a food protection manager certification program that meets the standards of the Conference For Food Protection. The committee was impressed by the obvious need for better food protection, but in the end believed this legislation would duplicate other programs and put too much of a burden on sandwich stands and other small facilities. **Vote 13-4.**

JUDICIARY

HB 550-FN, relative to remedies under the right-to-know law. **OUGHT TO PASS WITH AMENDMENT**

Rep. Phyllis L. Woods for Judiciary: This bill prohibits destruction of any requested information subject to the right-to-know law prior to inspection. The bill was amended so that documents scheduled for destruction would have to be retained for 90 days pending any lawsuit. This would prohibit anyone from willfully or knowingly destroying documents after requested. **Vote 18-2.**

LEGISLATIVE ADMINISTRATION

HB 101, relative to suspension of lobbyists for false statements or misrepresentation of material facts. **OUGHT TO PASS WITH AMENDMENT**

Rep. David M. Scanlan for Legislative Administration: This bill, as amended, adds the following statement for lobbyists registering under RSA 15:1. "I hereby swear, under penalties of perjury, that I will not knowingly make any false statement or material misrepresentation before any joint, senate, or house committee or any chartered or statutory committee on legislative matters, for the purpose of affecting the determination of that committee." The committee felt this statement reflects the importance and seriousness of the public testimony from lobbyists upon which important decisions will be based. **Vote 11-0.**

HB 292-FN, relative to the travel allowance for members of the general court. **INEXPEDIENT TO LEGISLATE**

Rep. Maurice E. Goulet for Legislative Administration: The committee reviewed the sponsor's intent very carefully. It was revealed that under this bill, in order to receive mileage payments , all new legislators elected in the next term would be unable to car-pool to Concord and would be required to drive from their home each day for reimbursement. Furthermore, the committee has another bill under consideration for mileage reimbursement that may be considered more suitable. **Vote 11-0.**

MUNICIPAL AND COUNTY GOVERNMENT

HB 546-FN-A-L, relative to allowing cities and towns to permit slot machines and other games of chance. **INEXPEDIENT TO LEGISLATE**

Rep. William G. Johnson for Municipal and County Government: This bill and amendment would allow local municipalities to

permit the operation of gambling ranging from single games of chance to major casino operations. While the committee recognized the funding needs of the state and its local governments, it felt that expanded gambling was not the solution to the problem. The committee received extensive testimony against the bill from a wide and diverse range of organizations that included law enforcement officials, church groups, business interests, taxpayer groups and representatives speaking for children and women. The committee concurred that the social and law enforcement costs of gambling negated the positive impact of additional revenues. Further, gambling would have a negative impact on the quality of life in New Hampshire leading to increased addiction, injury to children, and damage to family life and financial health. Expanded gambling is, in a sense, a highly regressive tax, falling on the poor in search of an instant remedy to their financial problems. Gambling would also hurt existing New Hampshire businesses involved in tourism. Furthermore, this particular bill could pit one town against another. A town that chose not to permit gambling activity would still be susceptible to the costs incurred from the activity of a neighboring municipality. Finally, except for application and licensing fees, all profits from the gambling activity would accrue to the gambling owners. **Vote 16-0.**

STATE FEDERAL RELATIONS AND VETERANS AFFAIRS

HCR 10, supporting the Electoral College. **OUGHT TO PASS**

Rep. Pamela D. Coughlin for State-Federal Relations and Veterans Affairs: This House Concurrent Resolution supports the election of President by the Electoral College and urges the defeat of any attempt to amend the constitution to abolish the Electoral College. The committee feels strongly that it is in the best interests of New Hampshire to continue this important process. **Vote 14-0.**

HCR 12, requesting that the federal government lift federal preemption of regulation of gas pipelines and pipelines carrying other hazardous substances. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Pamela D. Coughlin for the Majority of State-Federal Relations and Veterans Affairs: This house concurrent resolution requests that the federal government lift federal preemption of regulation of pipelines carrying gas and other hazardous substances. The committee has a great deal of respect for the concerns of the sponsor but feels that this resolution is premature as HB 166 which is a study committee to study gas and hazardous substance pipeline safety which has passed the house and is now in the senate is still pending. This resolution also may be a violation of the commerce clause because the state's interest has not been defined. **Vote 8-6.**

Rep. Lucille V. Power for the Minority of State-Federal Relations and Veterans Affairs: The minority felt that when public safety is potentially at risk, the legislature should act swiftly in protecting our citizens. This bill is in concert with HB166 asking that New Hampshire not only study the issue of pipeline safety but that we also be given "state control" to act upon the findings.

TRANSPORTATION

HB 283-FN, establishing a low-digit plate lottery for plates reacquired by the department of safety and for low-digit plates not yet issued by the department. **INEXPEDIENT TO LEGISLATE**

Rep. Robert J. Letourneau for Transportation: This bill would establish a low-digit license plate lottery. At first blush this seems to be a good idea, however, consider the litigation possibilities. Hypothetical examples: A parent with a low-digit license plate that has been in the family for years passes away. Siblings would all want the plate. Which sibling would get the plate? The courts would have to try to render an unbiased opinion and family members would be fighting over a plate. A husband and wife who have one set of low-digit plates are involved in a divorce proceeding; both would want the plate, more litigation. The New Hampshire State Legislature has delegated the sole responsibility of all license plates to the Commissioner of Safety. All license plates and numbers assigned to them are the sole property of the state of New Hampshire. The Attorney General has successfully represented the state in several cases involving low-digit plates and has prevailed in each case. While this may not be a perfect system, overall it works well for the citizens of New Hampshire. **Vote 15-0.**

HB 473-FN, authorizing the department of safety to issue special amateur radio operator plates. **INEXPEDIENT TO LEGISLATE**

Rep. John W. Flanders for Transportation: Although submitted with good intentions, this bill will not sell enough plates to pay for the initial manufacturing costs. Already there is the ability for amateur radio operators to have their call letters on their license plates in the form of vanity plates. It was suggested in committee discussions that a sticker might be developed to be applied to the rear window of the vehicle for identification purposes. **Vote 13-2.**

HB 474-FN, relative to motor vehicle plates for firefighters and emergency medical care providers. **INEXPEDIENT TO LEGISLATE**

Rep. Robert J. Letourneau for Transportation: This bill would establish a special license plate for emergency medical care providers and firefighters that respond to calls. The committee recognizes the valuable work that these individuals provide for the citizens of New Hampshire. This bill, if passed, essentially would provide free license plates for these individuals. Additionally, minimum startup cost for any new plate issue is approximately \$25,000.00, including computer time, planning, artist fees and printing. The minimum number of plates to be manufactured for any new issue is 5,000 pairs at a cost of \$67,000.00. Committee research revealed that the neighboring states of Connecticut and Vermont have issued 39 and 239 sets of plates; Maine recorded 4421 plates from a population of 1.2 million. The committee felt first that this is the start of the slippery slope and would lead to many organizations requesting special plates. Furthermore, the committee felt that the number of plates that would be sold would not meet the minimum requirement for production, costing the state resources it can ill afford to lose. Also, the question of responsibility for these plates in the event the plate holder leaves the employ of the municipality is not addressed and in doubt. **Vote 13-2.**

HB 496, establishing a committee to study the method by which low-digit plates are issued by the department of safety and any alternatives to the presently-used method. **INEXPEDIENT TO LEGISLATE**

Rep. Robert J. Letourneau for Transportation: This bill would establish a committee to study the method by which low-digit number plates are issued by the Department of Safety (DOS). The committee has seen the legislation many times and while some may believe that the system is unfair, committee members have spent considerable time looking into the issue. The end result is that the system we have in place, while not perfect, serves New Hampshire well. To establish a lottery would create an issue of property rights with endless litigation. Additionally, low-digit license plates (1 to 9999) are general issuance plates and are currently issued, many to older NH residents who have had them for decades. License plates and the numbers upon them are the property of the state of New Hampshire. This Legislature has delegated the duty of dealing with these plates to the Commissioner of Safety. The majority of the committee believes the Commissioner is doing a good job with this system, and there is no need to create another responsibility for the department, which could require an additional administrator. **Vote 14-2.**

HB 513, establishing a committee to study the disposition of revenue from fines for violations of the motor vehicle laws. **INEXPEDIENT TO LEGISLATE**

Rep. Robert J. Letourneau for Transportation: This bill would establish a committee to study the disposition of revenue from fines from violations of the motor vehicle laws. While this would seem to be just another study committee, research revealed that all the revenue collected from motor vehicle fines are deposited into the general fund. This is the result of the unified court system developed by this Legislature a number of years ago. The exception to this is a small number of commercial truck violations, such as over-weight, over-width and over-length violations. The revenue from these violations is deposited into the highway fund. The majority of the committee felt that if the sponsors of this bill want to look at the disposition of these revenues they need a different vehicle, as the revenues and expenditures are part of the whole budget process. Furthermore, any representative or group of representatives may study an issue and request information from any department without creating a statutory study committee. **Vote 11-4.**

HB 584-FN-A, relative to the registration and licensure of OHRV dealers and rental agents. **OUGHT TO PASS WITH AMENDMENT**

Rep. Robert J. Letourneau for Transportation: This bill defines Off Highway Recreational Vehicle (OHRV) dealers and rental agents and creates a new section in RSA 215-A:1 that will be called an OHRV "Rental Agent" for those involved in the business of renting OHRVs to the general public. This bill also creates a new registration and license to accommodate these agents and defines the fees associated with this new section. This bill was introduced after discussion between the state and dealers to address the growing problem of unregistered OHRVs, and the lack of proper law to address the recent explosion of rental dealers. It is felt that this legislation is a public safety issue. All in attendance at the public hearing were in support. **Vote 15-0.**

WAYS AND MEANS

HB 151, excluding military pension payments and military survivor's benefit payments for certain persons from gross income under any income tax which may be enacted. **INEXPEDIENT TO LEGISLATE**

Rep. John S. Langone for Ways and Means: The committee understands the concern of veterans relative to military pension

payments and military survivors’ benefit payments being exempt from gross income if an income tax is enacted. The committee feels that this bill is unconstitutional and discriminating to non-military pensioners. This bill is premature because no income tax bill has passed at this juncture. **Vote 13-0.**

HB 185-FN-L, repealing the prospective repeals of the education property tax and related laws. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Robert J. Guida for the Majority of Ways and Means: The majority of the committee recognizes that virtually each and every long-term solution to the current education funding crisis includes the continuation of the state-wide property tax system. As indicated in the report issued by the New Hampshire Commission on Education Funding (The Governor’s Blue Ribbon Commission): " . . . placing such a full burden on any single tax option might exert a significantly negative impact on New Hampshire’s economy and taxpayers."(Page 51 of the report). The majority agrees with the sponsor of this legislation that the state-wide property tax needs to be maintained. While some will argue that the tax is unconstitutional in its entirety, it should be noted that the recent opinion of the Rockingham Superior Court found constitutional infirmity not with the state-wide tax itself, but rather, with the methodologies and structures of valuation and equalization procedures. These procedures have recently been given significant review and substantial changes to the valuation and equalization procedures are being introduced under separate legislation. Removal of the sunset provision that this legislation provides is merely one step towards completing the process of adopting a permanent funding solution. **Vote 9-5.**

Rep. Susan W. Almy for the Minority of Ways and Means: This bill commits us to keep the statewide property tax at \$6.60, which will increase the number of donor towns and judicial complications related to this. The repeal of the repeal can be done in any of the bills coming forward to lower the statewide property tax and provide alternative funding, or even in the bills coming forward to fix the existing tax.

HB 651-FN-A-L, authorizing the establishment of state-owned casino and convention center facilities and making an appropriation therefor. **INEXPEDIENT TO LEGISLATE**

Rep. Karen K. McRae for Ways and Means: This bill at this time is pre-emptive. The decision to support expanded gambling in the state has not been made. If and when that decision is made, then the concept of a state owned and operated casino, or casinos, should be explored further. **Vote 15-1.**

L A I D O N T A B L E

HB 358-FN, relative to tolls on the Everett turnpike. (Pending question is the adoption of the committee report.)

H O U S E D E A D L I N E S

December 22, 2000, Friday, by 3:00 p.m.	Last day to file LSRs with complete information.
January 19, 2001, Friday	Last day to sign-off all bills with fiscal notes.
January 26, 2001, Friday	Last day to sign-off all other House bills.
February 8, 2001, Thursday	Last day to introduce all bills.
March 14, 2001, Wednesday	Last day to report House FN bills referred to a second committee.
March 22, 2001, Thursday	Last day to act on House FN bills being referred to a second committee.
April 11, 2001, Wednesday	Last day to report all House FN bills and budgets.
April 19, 2001, Thursday	Last day to act on all House FN bills and budgets.
	Last day to hold public hearings on all House bills retained in committee.

	Last day for committees to report list of retained House bills.
April 23, 2001, Monday	Supplemental LSR filing period opens.
April 27, 2001, Friday, by noon	Last day to file supplemental LSRs with complete information.
May 9, 2001, Wednesday	Last day to report Senate bills referred to a second committee.
May 17, 2001, Thursday	Last day to act on Senate bills being referred to a second committee.
May 25, 2001, Friday	Last day to sign-off all supplemental bills.
May 30, 2001, Wednesday	Last day to report all Senate bills for action in the first-year session.
	Last day for committees to report list of retained Senate bills.
June 7, 2001, Thursday	Last day to act on all Senate bills in the first-year session.
	Supplemental day to amend House Rules by majority vote.
June 13, 2001, Wednesday	Last day to form committees of conference.
June 20, 2001, Wednesday by 5:00 p.m.	Last day to sign committee of conference reports.
June 26, 2001, Tuesday	Last day to act on committee of conference reports.
	Last day to introduce supplemental bills.

COMMITTEE MEETINGS

MONDAY, MARCH 26

COMMISSION TO STUDY THE RELATIONSHIP BETWEEN PUBLIC HEALTH AND THE ENVIRONMENT (HB 1390, Chapter 114:2, Laws of 2000), Room 205, LOB

10:00 a.m. Regular meeting.

FINANCE - (DIVISION I), Room 209, LOB

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

FINANCE - (DIVISION II), ROOM 212, LOB

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

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

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

SCIENCE, TECHNOLOGY AND ENERGY, Room 304, LOB

10:00 a.m. Subcommittee work session on **HB 423**, relative to public utilities mergers, **HB 681**, relative to imposition of fines for anti-competitive acts by electric utilities and relative to billing by electric and gas utilities, **HB 443**, relative to a 20-year state comprehensive energy plan, **HB 740**, relative to decommissioning of nuclear electric generating facilities and **HB 489**, relative to the regulation of rural electric cooperatives by the public utilities commission.

TUESDAY, MARCH 27

CHILDREN AND FAMILY LAW, Room 206, LOB

10:00 a.m. Subcommittee work session on **HB 449**, relative to access to adoption records.

11:00 a.m. Executive session on pending legislation.

COMMERCE, Room 302, LOB

9:00 a.m. Subcommittee work session on **HB 593**, requiring that bingo and lucky 7 distributors only distribute bingo and lucky 7 supplies to recipients licensed to conduct bingo games or lucky 7 and **HB 528**, relative to rental vehicle insurance disclosure.

9:30 a.m. Subcommittee work session on **HB 605-FN**, prohibiting televised advertisements of lottery games and prohibiting self-serve lottery game vending machines.

10:00 a.m. **HB 753**, relative to exemptions from issuer dealer licenses for the sale of securities.

11:00 a.m. **HB 731-FN**, relative to securities laws.

Noon Subcommittee work session on **HB 257**, relative to disclosure of injuries, medical information, and insurance coverage in claims for bodily injury.

1:15 p.m. **HB 713-FN**, addressing public health issues relative to indoor smoking.

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. Subcommittee work session on **HB 363**, relative to buildings damaged or destroyed by arson.

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

2:30 p.m. Subcommittee work session on **HB 521**, relative to an exception for hunter safety instruction to negligent storage of firearms.

ELECTION LAW, Room 308, LOB

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

1:00 p.m. Subcommittee work session on **HB 391**, establishing a commission to review the state's election laws and balloting procedures, **HB 503**, relative to incompatible offices and **HB 698**, relative to verification of checklists.

ENVIRONMENT AND AGRICULTURE, Room 303, LOB

9:00 a.m. Public hearing on proposed amendment to **HB 392**, establishing a committee to study the property tax status for land of agricultural fairs. The amendment allows for a property tax exemption for property of agricultural fairs. (Copies of the amendment are available from the Sergeant-at-Arms Office.)

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

10:00 a.m. Subcommittee work session on **HB 581-FN**, relative to the authority of the commissioner of agriculture, markets, and food to search for invasive species.

10:30 a.m. Subcommittee work session on **HB 610**, allowing the sale of raw milk cheese and unpasteurized apple cider in New Hampshire.

11:00 a.m. Subcommittee work session on **HB 625-FN**, establishing a moratorium on the land application of class B biosolids.

1:00 p.m. Subcommittee work session on **HB 676-LOCAL**, establishing a committee to study the creation of a regional program for collection and marketing certain components of the municipal solid waste stream.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 100, State House

9:00 a.m. Subcommittee work session on **HB 667**, relative to certain reporting requirements and relative to meetings of the board of medicine, **HB 341-FN**, adding police officers of the New Hampshire hospital campus police force to group II of the New Hampshire retirement system, **HB 458-FN-LOCAL**, establishing a defined contribution retirement option in the New Hampshire retirement system and **HB 477-FN**, relative to supplemental allowances for certain retired group I members of the New Hampshire retirement system.

9:30 a.m. Subcommittee work session on **HB 511**, relative to continuing medical education requirements for physicians.

10:30 a.m. Subcommittee work session on **HB 373**, relative to requirements for a private detective's license.

11:00 a.m. Subcommittee work session on **HB 554-FN**, establishing a division of information technology within the department of safety.

11:15 a.m. Subcommittee work session on **HB 684**, relative to the occupational therapy practice act.

FINANCE, Rooms 210-211, LOB

9:00 a.m. **HB 537-FN-A** , relative to a dedicated revenue source for the land and community heritage investment program and the state's travel and tourism promotion and development effort.

DIVISIONS I, II, and III will hold work and executive sessions on the budget and other pending legislation at the conclusion of the public hearing scheduled above.

1:00 p.m. Executive session on pending legislation may be followed by division work and executive sessions.

FINANCE (DIVISION IV), Rooms 210-211, LOB

3:00 p.m. Work and executive session on pending legislation.

FISH AND GAME, Room 307, LOB

10:00 a.m. **HB 720**, relative to permitting the use of certain firearms for hunting deer.

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

FISH AND GAME JOINT WITH CRIMINAL JUSTICE AND PUBLIC SAFETY, Rooms 305-307, LOB

1:30 p.m. **HB 760-FN**, relative to the possession of silencing devices and relative to the use of silencing devices for taking game.

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

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

10:15 a.m. Executive session on pending legislation.

Noon Subcommittee work session on **HB 573**, relative to the role of advanced registered nurse practitioners in the state mental health services system.

JUDICIARY, Room 208, LOB

10:00 a.m. Subcommittee "A" work session on legislation pertaining to administration of Court and Bar.

11:00 a.m. Executive session on pending legislation.

1:00 p.m. Continued public hearing on **HB 616**, clarifying sessions to be held at the satellite district court in Durham.

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

2:00 p.m. Subcommittee "B" legislation pertaining to selection and retention of Judges.

Subcommittee work session on **CACR 4**, relating to the administrative head of the courts. Providing that article 73-a of the second part of the New Hampshire constitution, relative to the chief justice of the supreme court as the administrative head of all the courts, be repealed, **CACR 5**, relating to the rulemaking authority of the supreme court. Providing that supreme court rules are effective only when not inconsistent with statute and **CACR 19**, relating to supreme court rules. Providing that supreme court rules may be reviewed by the general court.

MUNICIPAL AND COUNTY GOVERNMENT, Room 301, LOB

10:00 a.m. **HB 723**, relative to vacancies in county offices.

10:30 a.m. **HB 689**, establishing a committee to study the effectiveness and fairness of county government.

1:30 p.m. **HB 647-FN-LOCAL**, relative to the power of governmental entities to appropriate public money.

2:15 p.m. **HB 626**, relative to an override of the limitation on appropriations by a local legislative body.

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

PUBLIC WORKS AND HIGHWAYS, Room 201, LOB

9:00 a.m. Executive session on pending legislation, including the Capital Budget (HB 25-FN-A).

SCIENCE, TECHNOLOGY AND ENERGY, Room 304, LOB

10:00 a.m. Subcommittee work session on **HB 402**, relative to the establishment of a state universal service fund, **HB 578**, relative to requirements for nonpublic utility providers of telephone services and **HB 707**, establishing a committee to study the usage of 211 as a uniform community service information and referral number.

1:00 p.m. Subcommittee work session on **HB 423**, relative to public utilities mergers, **HB 681**, relative to imposition of fines for anti-competitive acts by electric utilities and relative to billing by

electric and gas utilities, **HB 443**, relative to a 20-year state comprehensive energy plan, **HB 740**, relative to decommissioning of nuclear electric generating facilities and **HB 489**, relative to the regulation of rural electric cooperatives by the public utilities commission.

TRANSPORTATION, Room 203, LOB

9:30 a.m. Subcommittee work session on **HB 243**, relative to school bus operation.

10:30 a.m. Subcommittee work session on **HB 209-FN**, relative to original and youth operators' licenses.

WAYS AND MEANS, Room 202, LOB

10:00 a.m. **HB 766-FN-A-LOCAL**, establishing a New Hampshire education tax on gross receipts from the consumption of sales of goods and services as a source of funding for education, reducing the rates of other state taxes, and increasing certain exemptions to the interest and dividends tax.

2:00 p.m. **CACR 24**, relating to establishing a maximum rate for a sales tax. Providing that the rate of any sales tax established in law shall not exceed 2 ½ percent, provided that a higher rate may be established by a 2/3 vote of those present and voting in each house of the general court.

2:30 p.m. **CACR 25**, relating to establishing a maximum rate for any uniform statewide property tax established in law by the general court for the purpose of providing state aid for public elementary and secondary education. Providing that the rate of any uniform statewide property tax established in law by the general court for the purpose of providing state aid for public elementary and secondary education shall not exceed \$4.90 on each \$1,000 of the value of taxable property subject to the tax, provided that a higher rate may be established by a 2/3 vote of those present and voting in each house of the general court.

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

WEDNESDAY, MARCH 28

CHILDREN AND FAMILY LAW, Room 206, LOB

9:30 a.m. Subcommittee work session on **HB 559-FN**, relative to the procedures for assignment of income from child or spousal support orders.

11:00 a.m. Subcommittee work session on **HB 586**, excluding stepchildren from the definition of "child" in the context of support orders.

COMMERCE, Room 302, LOB

9:00 a.m. Subcommittee work session on **HB 710-FN**, relative to liquor licenses and fees.

10:00 a.m. **HB 702**, making revisions to the consumer protection act.

11:00 a.m. **HB 745-FN**, revising Article 9 of the Uniform Commercial Code and related statutes.

1:15 p.m. **HB 229**, relative to third person liability under the workers' compensation law.

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

2:00 p.m. Subcommittee work session on **HB 534**, relative to "salvage" motor vehicles.

CRIMINAL JUSTICE AND PUBLIC SAFETY, Room 204, LOB

9:30 a.m. Subcommittee work session on **HB 602-FN**, relative to the sale of fetal body parts and **HB 319-FN**, including a fetus in the definition of "another" for the purpose of negligent homicide.

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

ELECTION LAW, Room 308, LOB

9:30 a.m. Subcommittee work session on **HB 154**, relative to candidates of parties nominated by nomination papers, **HB 436**, eliminating nomination of a party by nomination papers, **HB 579**, relative to nominating a political organization by nomination papers and **HB 677**, relative to certification and filing of nomination papers.

10:00 a.m. Subcommittee work session on **HB 137**, establishing a committee to study the definition of domicile for voting purposes, **HB 220**, relative to primary election candidates and **HB 224**, relative to persons who may sign nomination papers, **HB 441**, relative to qualifications of candidates, **HB 520**, relative to clarifying qualifications of candidates and **HB 572**, relative to vacancies for office on a party ticket.

1:00 p.m. Subcommittee work session on **HB 384**, relative to political expenditures, **HB 478**, relative to campaign finance reporting requirements, availability of voter checklists on computer disks, and permissible campaign contributions by business organizations, **HB 711**, relative to reporting by candidates, **HB 461-FN**, requiring all officers and officials elected by either or both houses of the legislature to file certain reports and register as political committees and **HB 544-FN**, relative to reporting by candidates of independent expenditures.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 100, State House

9:00 a.m. Subcommittee work session on **HB 665**, protecting licensed professionals from retaliation from their licensing boards for criticism of board practices, **CACR 11**, relating to mandatory retirement age for sheriffs. Providing that the mandatory retirement age for sheriffs shall be abolished, **HB 302-FN**, relative to an optional retirement allowance for certain spouses upon a retiree's remarriage and **HB 324-FN**, relative to the classification of certain service of correctional line personnel as group II service and making an appropriation therefor.

10:30 a.m. Subcommittee work session on **HB 314-FN**, relative to administrative rules governing privacy.

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

FINANCE JOINT WITH EDUCATION AND WAYS AND MEANS, Representatives Hall

10:00 a.m. **HB 767-FN-A-LOCAL**, establishing the excellence in learning in New Hampshire school funding and improvement program and making an appropriation therefor.

FINANCE, Representatives Hall

Immediately following the public hearing on HB 767

CACR 22, relating to moneys generated by a uniform statewide property tax established in law by the general court for the purpose of providing state aid for public elementary and secondary education. Providing that all moneys generated by a uniform statewide property tax established in law by the general court for the purpose of providing state aid for public elementary and secondary education shall, after deducting the necessary costs of administration and collection of such moneys, be appropriated and used exclusively for the purpose of state aid to education and shall not be transferred or diverted to any other purpose.

CACR 23, relating to restricting the use of moneys collected from a sales tax. Providing that all moneys collected from any sales tax established in law by the general court shall, after deducting the necessary costs for administration and collection of such moneys, be appropriated and used exclusively for the purpose of state aid to public elementary and secondary education and shall not be transferred or diverted to any other purpose.

DIVISIONS I, II, and III will hold work and executive sessions on the budget and other pending

legislation at the conclusion of the public hearings scheduled above.

FINANCE, Rooms 210-211, LOB

1:00 p.m. Executive session on pending legislation may be followed by division work and executive sessions.

FINANCE - (DIVISION I), Room 209, LOB

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

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

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

JUDICIARY, Room 208, LOB

9:30 a.m. Subcommittee "D" work session pertaining to Judicial Conduct.

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

LEGISLATIVE ADMINISTRATION, Room 307, LOB

2:00 p.m. Executive session on pending legislation.

MUNICIPAL AND COUNTY GOVERNMENT, Rooms 301-303, LOB (Please note room change.)

10:00 a.m. ***HB 285-FN-LOCAL***, relative to the adoption of a state building code.

1:30 p.m. ***HB 522-LOCAL***, establishing discretionary preservation easements for preserving historic agricultural structures.

2:30 p.m. Public hearing on proposed amendment to ***HB 549-FN-LOCAL***, relative to procedures of the department of revenue administration concerning the reassessment of property. The amendment adds a requirement that commercial and industrial property owners annually file an Income and Expense Statement that discloses the actual expenses of, and the actual income, from the lease, rental, license or other use that generates income or other benefit of the taxpayer's property. (Copies of the amendment are available from the Sergeant-at-Arms Office.)

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

PUBLIC WORKS AND HIGHWAYS, Room 201, LOB

9:00 a.m. Executive session on pending legislation, including the Capital Budget (HB 25-FN-A).

RESOURCES, RECREATION AND DEVELOPMENT, Room 305, LOB

9:00 a.m. Subcommittee work session on ***HB 472***, requiring that land transferred to the White Mountain National Forest and the Silvio O. Conte National Fish and Wildlife Refuge include a covenant granting access to the citizens of New Hampshire.

SCIENCE, TECHNOLOGY AND ENERGY, Room 304, LOB

10:00 a.m. Subcommittee work session on ***HB 284-FN***, relative to additional emissions reductions from grandfathered fossil fuel burning steam electric power plants, ***HB 755***, relative to groundwater contamination and gasoline sampling and ***HB 758***, relative to the sale of gasoline containing ethers.

11:00 a.m. Executive session on pending legislation.

THURSDAY, MARCH 29

FINANCE - (DIVISION I), Room 209, LOB

Work and executive session on the budget and other pending legislation may be held at the conclusion of the House session.

FINANCE - (DIVISION II), ROOM 212, LOB

Work and executive session on the budget and other pending legislation may be held at the conclusion of the House session.

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

Work and executive session on the budget and other pending legislation may be held at the conclusion of the House session.

FINANCE (DIVISION IV), Rooms 210-211, LOB

3:00 p.m. Work and executive session on pending legislation.

JUDICIARY, Room 208, LOB

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

Following the executive session, subcommittee work session on **HB 352**, limiting railroad liability for passenger rail service.

SCIENCE, TECHNOLOGY AND ENERGY, Room 304, LOB

Immediately following the House session, subcommittee work session on **HB 423**, relative to public utilities mergers, **HB 681**, relative to imposition of fines for anti-competitive acts by electric utilities and relative to billing by electric and gas utilities, **HB 443**, relative to a 20-year state comprehensive energy plan, **HB 740**, relative to decommissioning of nuclear electric generating facilities and **HB 489**, relative to the regulation of rural electric cooperatives by the public utilities commission.

FRIDAY, MARCH 30

FINANCE - (DIVISION I), Room 209, LOB

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

FINANCE - (DIVISION II), ROOM 212, LOB

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

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

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

SCIENCE, TECHNOLOGY AND ENERGY, Room 304, LOB

10:00 a.m. Subcommittee work session on **HB 423**, relative to public utilities mergers, **HB 681**, relative to imposition of fines for anti-competitive acts by electric utilities and relative to billing by electric and gas utilities, **HB 443**, relative to a 20-year state comprehensive energy plan, **HB 740**, relative to decommissioning of nuclear electric generating facilities, **HB 489**, relative to the regulation of rural electric cooperatives by the public utilities commission, **HB 755**, relative to groundwater contamination and gasoline sampling, **HB 758**, relative to the sale of gasoline containing ethers and **HB 284-FN**, relative to additional emissions reductions from grandfathered fossil fuel burning steam electric power plants.

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

9:00 a.m. Regular meeting.

MONDAY, APRIL 2

COMMERCE, Room 302, LOB

9:00 a.m. Subcommittee work session on **HB 115**, relative to automated telemarketing practices, **HB 299-FN**, relative to telephone solicitation and the creation of a "no sales solicitation calls" list of consumers and **HB 470**, relative to caller identification requirements for persons engaged in telephone solicitation.

11:00 a.m. Subcommittee work session on **HB 591**, relative to certain prescription discount cards, **HB 394**, relative to short-term health insurance policies for certain persons, **HB 514**, relative to uniform prescription drug information cards and **HB 488**, relative to the confidentiality of patient prescription records.

FINANCE - (DIVISION I), Room 209, LOB

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

FINANCE - (DIVISION II), ROOM 212, LOB

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

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

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

TUESDAY, APRIL 3

COMMERCE, Room 302, LOB

10:00 a.m. Continued public hearing on **HB 564**, requiring insurance coverage for certified midwives.

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. **HB 768-FN**, relative to DNA testing of criminal offenders.

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

FINANCE - (DIVISION I), Room 209, LOB

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

FINANCE - (DIVISION II), ROOM 212, LOB

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

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

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

TRANSPORTATION, Room 203, LOB

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

WEDNESDAY, APRIL 4

CHILDREN AND FAMILY LAW, Room 206, LOB

9:30 a.m. Subcommittee work session on **HB 559-FN**, relative to the procedures for assignment of income from child or spousal support orders.

FINANCE - (DIVISION I), Room 209, LOB

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

FINANCE - (DIVISION II), ROOM 212, LOB

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

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

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

MUNICIPAL AND COUNTY GOVERNMENT, Room 301, LOB

10:00 a.m. **HB 617**, relative to zoning for hobby vehicles.

11:00 a.m. **HB 662**, relative to the voluntary merger of contiguous lots.

1:30 p.m. **HB 671**, enabling municipalities to adopt a property tax credit based on income for blind, disabled, or elderly taxpayers receiving Social Security income.

2:30 p.m. **HB 673**, relative to a net asset qualification for the elderly property tax exemption for married persons, and relative to the availability of the elderly exemption for persons who reestablish residency.

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

WATER WITHDRAWALS ON INSTREAM FLOWS STUDY (SB 330, Chapter 242:2, Laws of 2000), Rooms 305-307, LOB

2:30 p.m. Regular meeting.

WEDNESDAY, APRIL 11

FISCAL COMMITTEE (RSA 14:30-a), Room 103, State House

9:00 a.m. Regular business.

9:30 a.m. Audit: State of New Hampshire Department of Transportation Bureau of Turnpikes Performance-based budgeting audit report March 2001

MUNICIPAL AND COUNTY GOVERNMENT, Room 301, LOB

10:00 a.m. **HB 636**, enabling municipalities to enact "organic zones" that exclude commercial farmers that are not organic certified.

11:00 a.m. **HB 627-FN**, establishing a market-based water pollutant trading program.

1:30 p.m. **HB 701**, relative to municipal regulation of renewable energy systems.

Executive session on pending legislation may be held throughout the day, time permitting, from the

time the committee is initially convened.

FRIDAY, APRIL 13

WELLNESS AND PRIMARY PREVENTION COUNCIL (RSA 126-M:3), Room 207, LOB

10:00 a.m. Regular meeting.

TUESDAY, APRIL 17

CIVIL WAR MEMORIALS COMMISSION (RSA 21-K:18), Room 203, LOB

2:00 p.m. Regular meeting.

FRIDAY, APRIL 20

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

9:00 a.m. Regular meeting.

OSTEOPOROSIS ADVISORY COUNCIL (RSA 126-I:3), Room 207, LOB

9:00 a.m. Regular meeting.

WEDNESDAY, APRIL 25

PERFORMANCE AUDIT AND OVERSIGHT COMMITTEE (RSA 17-N:1), Room 103, State House

3:00 p.m. Rescheduled regular meeting.

OFFICIAL NOTICES

COUNTY DELEGATION NOTICE

The Strafford County Delegation will meet at 9:00 a.m. on Saturday, March 24 at the William A. Grimes Strafford County Justice and Administration Building, Superior Courtroom 2.

Rep. Gary R. Gilmore, Chairman

Strafford County Delegation

To make it easier for members to get answers to their questions about the state budget as it is being developed two or three members of the Finance Committee will be available in Room 209, LOB between 12:30 and 1:00 p.m. each Tuesday and Wednesday through April 18th Please feel free to drop in at your convenience. Of course, everyone on the committee will continue to respond to members’ questions whenever and wherever posed.

Rep. Neal M. Kurk, Chairman

Finance Committee

A citizen petition in support of HB 171-FN, an act abolishing the death penalty, was presented to the Clerk of the House on Wednesday, February 28th, and is available for inspection in the Clerk's office.

Karen O. Wadsworth, Clerk of the House

Copies of the document entitled "State of New Hampshire Official Statement" are now available for members of the House. This important and informative document, which was compiled by the State Treasurer in conjunction with the sale of \$90,000,000 of general obligation bonds last December, contains a comprehensive collection of financial tables and other valuable information relative to the finances of the state. Copies may be obtained at the Sergeant-at-Arms counter.

Rep. David J. Alukonis

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 requested.

Irene A. Pratt, 66 Clark Road, Winchester, New Hampshire 03470-2201.

Colleagues who so desire may send cards and greetings to the addresses listed above.

Karen O. Wadsworth, Clerk of the House

REVISED AMENDED FISCAL NOTES

The following HBs have revised or amended fiscal notes: HB 123, HB 169, 170, 172, 173, 174, 175, 176, 179, 180, 184, 185, 186, 189, 204, 205, 207, 208, 209, 210, 211, 213, 214, 218, 280, 282, 283, 284, 285, 286, 287, 289, 290, 291, 293, 298, 299, 302, 303, 305, 308, 309, 313, 315, 316, 317, 318, 319, 321, 322, 324, 325, 326, 327, 334, 335, 337, 341, 344, 346, 463, 535, 538, 543, 544, 547, 548, 549, 552, 555, 556, 559, 561, 604, 605, 606, 643, 644, 648, 654, 655, 656, 667, 675, 708, 710, 713, 715, 736, 741, 744, 745, 749, 758, 762 and 765.

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.

The Legislative Ski Race scheduled for March 26 has been cancelled. The House would like to thank the twenty five athletes who volunteered to represent New Hampshire against our neighbors. Unfortunately a conflict in scheduling at the ski area has forced us to postpone the race until next year. Call Rep. Dexter (3-36) if you have questions.

Rep. Judson K. Dexter

The Legislative Caucus for Young Children will meet on Monday, March 26 at 2:00 p.m. in Room 206, LOB. The caucus will be reviewing pertinent legislation. All Representatives and Senators are invited.

Rep. Laura C. Pantelakos

The House Republican Alliance will meet at the Upham Walker House (Park Street across from the State House) at 11:30 a.m. on the following Wednesdays: March 28, April 11, April 25, May 9 and May 23. These will be luncheon forums. The House Republican Alliance will also meet at 8:30 a.m. on the following Wednesdays: April 4, April 18, May 2 and May 16 in the Upham Walker House.

Rep. Paul M. Mirski

The New Hampshire Order of Women Legislators (OWLS) will meet at lunch time in Room 307, LOB on Wednesday, March 29. Bring a brown bag lunch.

Rep. Julie Brown

We will be celebrating New Hampshire Tartan Day at the session on Thursday, April 5th at 10:00 a.m. All members are encouraged to wear their tartans on that day. New Hampshire Tartans ties and scarves are available for sale at the State House Visitors' Center.

Rep. Stephen G. Avery

The Rockingham County Republican Committee will be holding their annual Lincoln Day Dinner on April 6 at Yokens Conference Center, Route One, Portsmouth. Social hour at 6:00 p.m. dinner at 7:00 p.m. Jack Oliver, Executive Director of the National Republican Committee is the featured speaker. Senator Bob Smith, Representative John Sununu and other notable Republicans will be attending. Tickets can be obtained by contacting E.A. Weare, 30 Forest Court, Seabrook or call 474-9454. Cost is \$30 per person. Come join us for an enjoyable evening.

Rep. Robert K. Dodge

The Greater Manchester Chamber of Commerce invites the Greater Manchester delegation to its Annual Manchester Legislative Dinner on Monday, April 9th from 6:00 to 8:30 p.m. at the Executive Court Banquet Facility at the Yard Restaurant. Please RSVP to 666-6600. Tickets for non-members are also available.

Rep. Marc P. Pappas

Members and others interested in the 1% NH Education Tax Plan are welcome to visit the new website – www.AndrewPeterson.org.

Rep. Andrew R. Peterson

Members are invited to view a model of the proposed Alan B. Shephard Discovery Center and the Christa McAuliffe Planetarium on display in the Visitors' Center.

Reps. Gary R. Gilmore and James R. MacKay

The Department of Transportation will hold the following meetings:

Mar 26 – Selectmen's Office, 16 Bridge Street, Colebrook, 9:00 a.m. Combined officials/informational meeting, Colebrook-Lemington, NH 26 over Connecticut River, bridge painting project.

Mar 26 – Selectmen's Office, Main Street, Pittsburg, 3:00 p.m. Combined officials/informational meeting, Clarksville-Pittsburg, US 3 over Connecticut River, bridge painting project.

Mar 26 – Selectmen's Office, NH 145, Clarksville, 7:00 p.m. Combined officials/informational meeting, Clarksville-Pittsburg, US 3 over Connecticut River, bridge painting project.

Mar 27 – NHDOT, Room 103, 1 Hazen Drive, Concord, 10:00 a.m. Commission meeting, Epping (NH Route 87)

Mar 28 – Pelham Town Hall, 2nd Floor, 6 Main Street, Pelham, 6:00 p.m. Combined officials/informational meeting, Pelham, project begins on NH 38 at the MA State line, proceeds north 3 miles. Reclaiming, guardrail replacement miscellaneous drainage and signal work on NH 38/Bridge Street/NH 38/Main Street/Old Gage Hill Road.

Mar 28 – Pembroke Town Hall, 311 Pembroke Street, Pembroke, 7:00 p.m. Public informational meeting, Pembroke-Allenstown, replacement of Main Street Bridge over Suncook River and associated roadway reconstruction.

Mar 28 – Skyhaven Airport, 238 Rochester Hill Road, Rochester, 5:30 p.m. Progress meeting/Advisory, Skyhaven Airport Master Plan.

Mar 29 – Fisk School, 14 Main Street, Salem, 6:00 p.m. Advisory Task Force meeting, Salem-Manchester, I-93 widening.

Mar 29 – Troy Elementary School, 44 School Street, Troy, 7:00 p.m. Combined public officials/public informational meeting, Troy-Swanzey, NH 12 at Flat Root Mill Road in Swansey, proceeds south to Railroad bridge, involves reclaiming NH Route 12, guardrail and miscellaneous drainage work.

Apr 4 – Gilford Town Hall, Route 11A, Gilford, 7:00 p.m. Combined officials/informational meeting, Alton-Gilford, reconstruction of NH 11 beginning in the vicinity of Minge Brook in Alton and continuing north-west approximately 4.75 miles to Ellacoya State Park.

Apr 18 - West Running Brook School, 1 West Running Brook Lane, Derry, 4:00 p.m. Resource Agency meeting, Salem-Manchester, I-93 widening.

Rep. Edwin O. Smith

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 March 2001. These listings will replace individual notifications in an effort to reduce paper usage and to ensure all members will be notified in a timely manner. Our schedule is tightly booked for the remainder of the school year. Please contact the Visitors' Center concerning school tour booking information. Thank you for your continued participation with your School Visitation Program.

Kenneth Leidner, Director

DATE	TIME	GROUP	CLASS/Size
Mar. 26	9:30 & 11:00	Garrison Elem – Dover	4/50
Mar. 27	10:00	Underhill Elem – Hooksett	3/50
Mar. 27	11:00	East Kingston Elem	4/29
Mar. 28	10:00	Underhill Elem – Hooksett	3/50
Mar. 28	11:00 & 12:00	Rindge Memorial School	4/60
Mar. 29	10:00	Underhill Elem – Hooksett	3/25
Mar. 29	11:00	Marlborough Elem	4/45
Mar. 30	9:30 & 11:00	Chester Academy	4/65
Mar. 30	12:30	Maplewood Elem – Somersworth	3/50

THURSDAY, MARCH 29

AMENDMENTS

(LISTED IN NUMERICAL ORDER)

2001-0290h

Amendment to HB 101

Proposed by the Committee on Legislative Administration - R

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

AN ACT requiring registered lobbyists to sign a statement concerning false statements or misrepresentation of material facts.

Amend the bill by replacing section 1 with the following:

1 New Section; Statement Required. Amend RSA 15 by inserting after section 1 the following new section:

15:1-a Statement Required. Any person registering under RSA 15:1 shall sign and submit to the secretary of state the following statement: "I hereby swear, under penalties of perjury, that I will not knowingly make any false statement or material misrepresentation before any joint, senate, or house committee or any chartered or statutory committee on legislative matters, for the purpose of affecting the determination of that committee."

AMENDED ANALYSIS

This bill requires lobbyists registering with the secretary of state to sign and submit a statement concerning false statements or material misrepresentation.

2001-0014h

Amendment to HB 141-LOCAL

Proposed by the Committee on Environment and Agriculture - R

Amend RSA 236:112, I(c)(1) as inserted by section 3 of the bill by replacing it with the following:

(1) Motor vehicles which are no longer intended or in condition for legal use according to their original purpose including motor vehicles purchased for the purpose of dismantling the vehicles for parts or for use of the metal for scrap; and/or

2001-0034h

Amendment to HB 164

Proposed by the Committee on Labor, Industrial and Rehabilitative Services - C

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

1 New Paragraphs; Employment Security; Unemployment Compensation; Confidentiality of Reports or Statements. Amend RSA 282-A:118 by inserting after paragraph III the following new paragraphs:

IV. That authorized federal employees granted access as provided in paragraph III shall be granted access on a case-by-case basis. In no event shall access to or copies of any database, whether written, electronic or other, be provided to any agency, employee, or agent of the federal government except as required by federal or state law and duly authorized by the commissioner.

V. That for the purpose of assessing governmental performance and accountability, the commissioner may provide information to the Wage Record and Interchange System developed by the U.S. Department of Labor as administered by the National Association of State Workforce Agencies (NASWA) and utilized by each state's Performance Accountability and Customer Information Agency (PACIA). The use of the information shall be limited to the purposes contained in the federal Workforce Investment Act or the Wagner-Peyser Act. Information under this paragraph shall only be provided upon a finding by the commissioner that sufficient guarantees of continued confidentiality are in place.

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

AMENDED ANALYSIS

This bill allows for an exception to the confidentiality of certain unemployment compensation records and reports for the purpose of complying with federal or state law or for assessing governmental performance and accountability.

2001-0047h

Amendment to HB 195

Proposed by the Majority of the Committee on Environment and Agriculture - R

Amend the bill by replacing section 3 with the following:

3 Duties. The committee shall consider:

I. Amending the New Hampshire constitution to include a provision regarding the state's responsibility to protect its agricultural and natural resources for the use of future generations.

II. Similar provisions in the constitutions and statutes of other states.

III. Draft language for a constitutional amendment-concurrent resolution.

2001-0392h

Amendment to HB 210-FN

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

Amend the bill by inserting after section 2 the following and renumbering the original sections 3-4 to read as 5-6, respectively:

3 Motor Vehicles; Rules of the Road; Serious Traffic Offenses; Penalties for Intoxication or Under Influence of Drug Offenses; Prior Convictions Considered. Amend RSA 265:82-b, III to read as follows:

III. If any person is convicted of a violation of RSA 215-A:11, RSA 265:82, or RSA 265:82-a, and the conviction is not based upon a complaint which alleges prior convictions as provided in RSA 265:82-b, II, but the person is found to have had one or more such prior convictions in this state or in an out-of-state jurisdiction within ~~[the 7-year period]~~ **10 years preceding the date of the offense**, the person's driver's license or privilege to drive shall be revoked for not less than 180 days nor more than 3 years. The license shall not be restored until the person has successfully completed a 7-day program at the state-operated multiple DWI offender intervention detention center program or an equivalent 7-day residential intervention program approved by the director of the office of alcohol and drug abuse prevention, as provided in RSA 172-B:2-b and RSA 263:65-a, at the person's own expense. The court may order attendance at a residential treatment center, for a period not to exceed 30 days, at the person's own expense.

4 Motor Vehicles; Habitual Offenders; Penalty. Amend RSA 262:23, III to read as follows:

III. Notwithstanding paragraph I, any person ~~[who qualifies under RSA 259:39, who does not have a conviction]~~ **under current certification as an habitual offender pursuant to RSA 262:19, and whose motor vehicle record from this state or any other state is void of any convictions** under RSA 265:82 **or under reasonably equivalent offenses in an out-of-state jurisdiction**, or any misdemeanor or felony motor vehicle convictions pursuant to RSA title XXI, shall not be subject to the minimum mandatory provisions of paragraph I; provided, however, that any such person shall be guilty of a class A misdemeanor and may be sentenced to one year or less. Any person incarcerated upon the effective date of this paragraph, pursuant to certification as an habitual offender under RSA 259:39, who does not have a conviction under RSA 265:82 or any misdemeanor or felony motor vehicle convictions pursuant to RSA title XXI, may apply immediately to the superior court for sentence review and reduction.

AMENDED ANALYSIS

This bill changes the penalty for fourth or subsequent violations of the intoxication or under the influence of drug laws from a misdemeanor to a felony. This bill also extends the period of time which may be considered in determining prior offenses from 7 years to 10 years, and clarifies the applicability of habitual offender penalties.

This bill is a request of the committee established by 1999, 334.

2001-0363h

Amendment to HB 271

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 Criminal Code; Criminal Liability for the Conduct of Another. Amend RSA 626:8, IV to read as follows:

IV. ~~[When]~~ **Notwithstanding the requirement of a purpose as set forth in paragraph III(a), when** causing a particular result is an element of an offense, an accomplice in the conduct causing such result is an accomplice in the commission of that offense, if he acts with the kind of culpability, if any, with respect to that result that is sufficient for the commission of the offense. **In other words, to establish accomplice liability under this section, it shall not be necessary that the accomplice act with a purpose to promote or facilitate the offense. An accomplice in conduct can be found criminally liable for causing a prohibited result, provided the result was a reasonably foreseeable consequence of the conduct and the accomplice acted purposely, knowingly, recklessly, or negligently with respect to that result, as required for the commission of the offense.**

2 Effective Date. This act shall take effect January 1, 2002.

AMENDED ANALYSIS

This bill clarifies the legislative intent underlying RSA 626:8, IV to reflect the purpose expressed in the model penal code, upon which it is based.

2001-0259h

Amendment to HB 362

Proposed by the Majority of the Committee on Executive Departments and Administration - R

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

AN ACT relative to the practice of veterinary medicine.

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

1 Definition; Lameness Deleted . Amend RSA 332-B:1, III(a) to read as follows:

(a) To diagnose, treat, correct, change, relieve, or prevent animal disease, [~~lameness,~~] deformity, defect, injury, or other physical or mental conditions: including the prescription or administration of any drug, medicine, biologic, apparatus, application, anesthetic, or other therapeutic or diagnostic substance or technique, and the use of any manual or mechanical procedure for testing for pregnancy, or for correcting sterility, or infertility, or to render advice or recommendation with regard to any of the above.

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

AMENDED ANALYSIS

This bill deletes lameness from the definition regarding the practice of veterinary medicine.

2001-0220h

Amendment to HB 369

Proposed by the Committee on Transportation - C

Amend the bill by replacing section 1 with the following:

1 New Section; Obedience to and Effect of Traffic Laws; Obedience to Flagpersons. Amend RSA 265 by inserting after section 3-a the following new section:

265:3-b Obedience to Flagpersons.

I. The driver of any vehicle shall obey the instructions of any flagperson in the act of directing, controlling, or regulating traffic within any construction or maintenance area indicated by official traffic control devices. If the flagperson is displaying a signal to stop, the driver of a vehicle upon a way shall stop the vehicle at least 25 feet before reaching such flagperson. The driver shall not proceed until the flagperson indicates that traffic may proceed and until the driver may do so safely.

II. Any person who violates the provisions of this section shall be guilty of a violation and shall be fined not more than \$100 for the first offense and not more than \$250 for any subsequent offense committed during any calendar year.

AMENDED ANALYSIS

This bill requires drivers to obey flagpersons in highway construction or maintenance areas.

2001-0290h

Amendment to HB 390

Proposed by the Majority of the Committee on Health, Human Services and Elderly Affairs - R

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

AN ACT relative to the Live-Birth Infants Protection Act.

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

1 New Subdivision; Live-Birth Infants Protection Act. Amend RSA 132 by inserting after section 21 the following new subdivision:

Live-Birth Infants Protection Act

132:22 This subdivision shall be known and may be cited as the Live-Birth Infants Protection Act.

132:23 Definition.

I. In this subdivision "live-birth" means the complete expulsion or extraction from its mother of a product of a human conception, irrespective of the duration of the pregnancy, which after such expulsion or extraction, breathes, or shows any other evidence of life such as beating of the heart, pulsation of the umbilical cord, or definite movement of voluntary muscles, whether or not the umbilical cord has been cut or the placenta is attached.

II. The definition under paragraph I shall apply whether the expulsion or extraction occurs as a result of natural or induced labor, cesarean section, or induced abortion.

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

AMENDED ANALYSIS

This bill establishes the Live-Birth Infants Protection Act.

2001-0389h

2001-0389h

Amendment to HB 396

Proposed by the Committee on Health, Human Services and Elderly Affairs - C

Amend RSA 329:29-a, II as inserted by section 2 of the bill by replacing it with the following:

II. Records of a quality assurance program, including those of its functional components and committees, as defined by the physician practice's quality assurance plans, and testimony by persons participating in or appearing before the quality assurance program or its functional components or committees, relating to the activities of the quality assurance program shall be confidential and privileged and shall be protected from direct or indirect means of discovery, subpoena, or admission into evidence in any judicial or administrative proceeding. However, information, documents, or records otherwise available from original sources are not to be construed as immune from discovery or use in any such civil or administrative action merely because they were presented to a quality assurance program, and any person who supplies information or testifies as part of a quality assurance program, or who is a member of a quality assurance program committee, may not be prevented from testifying as to matters within his or her knowledge, but such witness may not be asked about his or her testimony before such program, or opinions formed by him or her, as a result of committee participation. Further, a program's records shall be discoverable in either of the following cases:

- (a) A judicial or administrative proceeding brought by a physician practice to revoke or restrict the license or certification of a member physician or staff member; or
- (b) A proceeding alleging repetitive malicious action and personal injury brought against a physician practice.

2001-0453h

Amendment to HB 408-FN

Proposed by the Committee on Executive Departments and Administration - R

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

1 Chapter Title. Amend the chapter title of RSA 326-B to read as follows:

REGISTERED NURSES ~~[AND]~~, **LICENSED** PRACTICAL NURSES
AND LICENSED NURSING ASSISTANTS

2 Purpose; Licensed Nursing Assistants Added. Amend RSA 326-B:1, I to read as follows:

I. In order to safeguard life, health, and the public welfare of the people of this state and in order to protect the people of the state of New Hampshire from the unauthorized, unqualified, and improper application of services by individuals in the practice of nursing, it is necessary that a regulatory authority be established and adequately funded. To further this policy the practice of nursing shall be regulated through the New Hampshire board of nursing, and said board shall have the power to enforce the provisions of this chapter. Any persons who practice or offer to practice nursing **or nursing related activities**, or who represent themselves as registered nurses ~~or~~, licensed practical nurses, **or licensed nursing assistants** without qualifying under this chapter endanger the public health.

3 Definition; Active in Practice. Amend RSA 326-B:2, I to read as follows:

I. "Active in ~~the~~ practice ~~of nursing~~" means to practice nursing **as an advanced registered nurse practitioner, registered nurse, or licensed practical nurse or nursing related activities as a licensed nursing assistant** for a minimum number of hours as set by the board.

4 Definition; Licensed Nursing Assistant. Amend RSA 326-B:2, III to read as follows:

III. "Assistant to nurses" or "~~certified~~ **licensed** nursing assistant" means a person who is authorized to provide ~~personal~~ care under the direction of a registered nurse or licensed practical nurse as defined by the board of nursing.

5 New Paragraph; Definition; Delegation. Amend RSA 326-B:2 by inserting after paragraph VIII the following new paragraph:

VIII-a. "Delegation" means the transfer of authority for the performance of a selected task from a licensed nurse authorized to perform the task to someone who does not have the authority, at the discretion of the licensed nurse. Licensed nursing assistants shall not have authority to delegate tasks. The administration of medications shall only be delegated to persons authorized in rules adopted by the board under RSA 541-A or who have successfully completed a board approved curriculum.

6 Definition; License; Licensed Nursing Assistant Added. Amend RSA 326-B:2, XII to read as follows:

XII. "License" means a current document issued by the board permitting the practice of nursing as a registered nurse ~~or~~, licensed practical nurse, **or nursing related activities as a licensed nursing assistant**.

7 New Paragraph; Definition; Licensed Nurse. Amend RSA 326-B:2 by inserting after paragraph XII the following new paragraph:

XII-a. "Licensed nurse" means an advanced registered nurse practitioner, registered nurse, or licensed practical nurse.

8 Definition; Practical Nursing. RSA 326-B:2, XVI is repealed and reenacted to read as follows:

XVI. "Practical nursing" means a scope of practice, directed by a registered nurse, advanced registered nurse practitioner, dentist, or physician, by a L.P.N. who is prepared to function as a member of the health care team by exercising sound nursing judgment based on preparation, knowledge, skills understanding, and past nursing experience. Practical nursing by a L.P.N. contributes to the assessment, planning, implementation and evaluation of patient care. Practical nursing includes the delegation of nursing tasks that may be performed by others and which do not conflict with this chapter.

9 Definition; Registered Nursing. RSA 326-B:2, XVIII is repealed and reenacted to read as follows:

XVIII. "Registered nursing" means the application of nursing knowledge, judgment and skill drawn from broad in-depth education in the biological, psychological, social and physical sciences in assessing, diagnosing, planning, implementing and evaluating care which promotes optimum health, wellness, and independence of the individual, family and/or community.

10 Board of Nursing; New Members; Certified Nursing Assistants. Amend RSA 326-B:3, I to read as follows:

I. The board of nursing shall be composed of ~~[9]~~ **11** members to be appointed by the governor with the consent of the council. Suggestions for appointment may be made to the governor by any interested individual, association or entity. The members of the board shall include 5 registered nurses, one of whom shall be an advanced registered nurse practitioner, 2 licensed practical nurses, **2 licensed nursing assistants**, and 2 representative members of the public. The terms of members ~~[appointed or reappointed after June 1, 1991;]~~ shall be staggered as determined by the governor and council ~~[, provided that the A.R.N.P. member shall be appointed to a 3-year term. Three members shall be appointed for a term of one year, 3 for a term of 2 years, and 3 for a term of 3 years].~~ All ~~[subsequent]~~ terms shall be for 3 years, and no member of the board shall be appointed to more than ~~[2]~~ **3** consecutive terms.

11 New Paragraph; Board of Nursing; Licensed Nursing Assistants. Amend RSA 326-B:3 by inserting after paragraph III the following new paragraph:

III-a. The licensed nursing assistant members of the board shall be residents of this state, licensed in good standing under the provisions of this chapter, currently engaged in nursing-related activities, and shall have had no less than 5 years of experience as a licensed nursing assistant, at least 3 of which shall have immediately preceded the date of appointment.

12 Board of Nursing; Compensation Increased. Amend RSA 326-B:3, VI to read as follows:

VI. Each member of the board shall be compensated at the rate of ~~[\$50]~~ **\$100 for attendance at a regular board meeting and \$50** for each **other** day actually engaged in official duties of the board, and shall be reimbursed for actual and necessary expenses incurred in the discharge of official duties, including travel at the state employee mileage rate.

13 Board of Nursing; Unexpired Terms. Amend RSA 326-B:3, VII to read as follows:

VII. An appointee to a full term on the board shall be appointed by the governor with the consent of the council before the expiration of the term of the member being succeeded and shall become a member of the board on the first day following the appointment expiration date of the previous appointee. Appointees to unexpired portions of full terms shall become members of the board on the day following such appointment, and shall **serve the unexpired term and then be eligible to** serve full 3-year terms.

14 Rulemaking; Nursing Assistants. Amend the introductory paragraph of RSA 326-B:4-a, XIII to read as follows:

XIII. Establishing standards for a basic assistant to nurses education, practice, ~~[certification]~~ **licensure**, and ~~[recertification]~~ **renewal of license** program and the issuance of evidence indicating satisfactory completion of such a program, including, but not limited to:

15 Rulemaking; Licensed Nursing Assistants. Amend RSA 326-B:4-a, XVI to read as follows:

XVI. Establishing standards for currently licensed registered and practical nurses' and ~~[certified]~~ **licensed** nursing assistants' education and scope of practice in primary and secondary school settings, and licensed practical nurses' and ~~[certified]~~ **licensed** nursing assistants' employment restrictions in elementary and secondary school settings.

16 New Paragraph; Rulemaking; Delegation. Amend RSA 326-B:4-a by inserting after paragraph XVI the following new paragraph:

XVII. Establishing standards of delegation by licensed nurses to licensed and unlicensed caregivers that shall apply to all health care settings, including but not limited to acute care facilities, long-term care facilities, home care, and schools.

17 Qualifications for License. Amend RSA 326-B:6, III to read as follows:

III. Have graduated from a board-approved nursing education program; or demonstrate comparable nursing educational preparation recognized by the board; or have graduated from a foreign nursing program and successfully completed the CGFNS examination **or a curriculum evaluation**; or have graduated from a recognized Canadian nursing education program; **or is a candidate who has applied for licensure in New Hampshire and who has practiced successfully for at least 2 years in the United States.**

18 Qualifications for License. Amend RSA 326-B:7, I(d) to read as follows:

(d) Have been active in ~~[the] practice [of nursing]~~ within a period of 4 years from the date of application or submit evidence of completion of a re-entry program acceptable to the board.

19 Renewal of Licenses. Amend RSA 326-B:8, I and II to read as follows:

I. Any person licensed under this chapter who intends to practice professional nursing ~~[or]~~, practical nursing, **or assistant to nursing** in this state shall renew his **or her** license ~~[prior to his]~~ **no later than the person's** birthday on a biennial schedule established by the board on a renewal application furnished by the board. At least one month before the **licensee's** birthday ~~[of all licensees currently licensed]~~, the board shall mail a renewal application, in the renewal year, to the ~~[last known]~~ **licensee's** address **on file with the board**. Failure to receive such application shall not excuse the licensee from the requirement to renew ~~[his]~~ **the** license **prior to his or her birthday. A completed application for renewal shall be required to be at the board's office no later than midnight on the licensee's birthday.**

II. Any license not renewed pursuant to paragraph I is considered to have lapsed; the licensee may have his *or her* lapsed license reinstated on satisfactory explanation and payment of the required fee.

20 Temporary Licensure. Amend the introductory paragraph of RSA 326-B:9 to read as follows:

~~A temporary [licensure, not to exceed]~~ **license valid up to** 180 days, **with renewal approval at the board's discretion**, shall be granted to:

21 Temporary Licensure; Inactive. Amend RSA 326-B:9, III to read as follows:

III. Nurses inactive for 4 years *or more* who are enrolled in a re-entry program upon confirmation of ~~[most recent licensure]~~ **a license from another jurisdiction**. Applicants shall be restricted to practice under the supervision of a registered nurse.

22 Disciplinary Actions; Misconduct. Amend RSA 326-B:12, II(a)-(f) to read as follows:

(a) The practice of fraud or deceit in procuring or attempting to procure a license ~~[to practice nursing]~~;

(b) Conviction of a felony or any ~~[offense involving moral turpitude]~~ **criminal act, not including traffic offenses**;

(c) Dishonest or unprofessional conduct, including, but not limited to, ~~[intentionally]~~ harming, abusing or exploiting a patient, defrauding or harming the public in matters related to the practice of nursing *or nursing-related activities*, ~~[willfully]~~ failing to maintain accurate and complete nursing records, acts of omission or commission when practicing nursing *or nursing-related activities* as set forth in rules adopted by the board pursuant to RSA 541-A, ~~[and]~~ *or* violating disciplinary orders or settlement agreements approved by the board;

(d) ~~[Gross or repeated negligence when practicing nursing, activities ancillary to the practice of nursing, or any particular aspect or specialty thereof, or the]~~ Presence of a mental or physical deficiency, or an established behavior pattern which is incompatible with the basic knowledge and competence expected of persons licensed to practice nursing or any particular aspect or specialty thereof;

(e) Addiction to or abuse of alcohol or other habit-forming drugs or substances which render the licensee unfit to practice nursing *or nursing-related activities*;

(f) ~~[Willful or repeated]~~ Violations of any provision of this chapter, any substantive rule adopted by the board pursuant to RSA 541-A, or any other state or federal statute or substantive rule ~~[applicable to the practice of nursing]~~ **reasonably related to the licensee's ability to safely practice nursing or nursing-related activities**.

23 Reporting of Misconduct. Amend RSA 326-B:12, V to read as follows:

V. Every individual, agency, facility, institution or organization that employs ~~[nurses]~~ **licensed nursing personnel** within the state shall report to the board within 30 days any action by a nurse *or nursing assistant* that willfully violates paragraph II of this section. The board shall have authority, after notice and the opportunity for hearing, to impose civil penalties of up to \$1,000 per violation upon persons found to have willfully violated the reporting requirements of this paragraph.

24 Hearings; Presiding Officer. Amend RSA 326-B:13-a, I to read as follows:

I. The board may hold adjudicative hearings concerning allegations of misconduct or other matters within the scope of this chapter. Such hearings shall be public proceedings. Any member of the board **other than the public members**, or any other qualified person appointed by the board, shall have authority to preside at such a hearing and to issue oaths or affirmations to witnesses.

25 Gender Neutral. Amend RSA 326-B:17, IV to read as follows:

IV. Nursing services by any certified unlicensed graduate nurse who has been engaged in this state in nursing the sick for hire without assuming in any way to be a registered nurse, as ~~[his]~~ **a** bona fide occupation previous to July 1, 1959 and who was certified prior to January 1, 1975;

26 Gender Neutral. Amend RSA 326-B:24 to read as follows:

326-B:24 Continued Competence of Nurses. The board shall establish procedures by which the individual licensee maintains

[his] continued competence for relicensure. Procedures to evaluate and ensure continued competence shall be established by rules adopted by the board pursuant to RSA 541-A.

27 Nursing Assistant; Rulemaking; Licensure. Amend RSA 326-B:29, I to read as follows:

I. The board shall adopt a schedule of fees, adopted by rule under RSA 541-A, for examination, ~~[registration]~~ **licensure**, renewal, ~~[recertification]~~ **relicensure**, endorsement, and verification of nursing assistants.

28 New Section; Liability for Delegated Duties. Amend RSA 326-B by inserting after section 32 the following new section:

326-B:33 Liability for Delegated Duties.

I. A nurse licensed under this chapter who delegates a specific nursing activity or task in compliance with the rules adopted pursuant to RSA 326-B:4-a, XVII shall not be subject to disciplinary action by the board of nursing for the performance of a person to whom the nursing activity or task is delegated.

II. Caregivers who properly follow delegation orders that are made in compliance with the rules adopted pursuant to RSA 326-B:4-a, XVII shall not be subject to disciplinary action by the board of nursing for the performance of their delegated duties.

III. No person may coerce a licensed nurse into compromising patient safety by requiring the licensed nurse to delegate if the licensed nurse determines that it is inappropriate to do so. Licensed nurses shall not be subject to disciplinary action by the board of nursing for refusing to delegate nursing activities or tasks or refusing to provide the required training for delegation if the nurse determines that delegation may compromise patient safety.

29 Repeal. The following are repealed:

I. RSA 326-B:2, IX, relative to definition of directing.

II. RSA 326-B:2, XIV, relative to definition of medical regimen.

III. RSA 326-B:2, XV, relative to definition of nursing regimen.

30 Effective Date. This act shall take effect July 1, 2001.

2001-0484h

Amendment to HB 426

Proposed by the Committee on Environment and Agriculture - R

Amend RSA 436:118, II as inserted by section 1 of the bill by replacing it with the following:

II. The board shall consist of 9 members, including:

(a) The Area Veterinarian-in-Charge (federal Veterinarian), or designee;

(b) The state veterinarian, or designee;

(c) One practicing accredited veterinarian;

(d) One member of the university of New Hampshire cooperative extension; and

(e) Five goat or sheep producers, with no more than 3 members from either industry.

Amend RSA 436:118 as inserted by section 1 of the bill by inserting after paragraph VIII the following new paragraph:

IX. The board shall submit a report to the house environmental and agriculture committee or its successor by February 15 of each year.

2001-0387h

Amendment to HB 448

Proposed by the Committee on Labor, Industrial and Rehabilitative Services - C

Amend RSA 367:56-a as inserted by section 1 of the bill by replacing it with the following:

367:56-a After-Accident Counseling.

I. Every railroad corporation and railway company shall provide or make available to every member of an operating crew involved in an accident on its railway or right-of-way which results in loss of life or serious bodily injury, counseling services or other critical incident stress debriefing services within 48 hours. The engineer or other operating crew member involved in the accident shall be relieved from duty with compensation and applicable benefits at the site of the accident. The leave may be without compensation and benefit if the railroad corporation makes the affirmative showing that the accident was due to negligence of an engineer or other operating crew member. Any person who is otherwise eligible for the benefits provided by this paragraph and who has been found to have not acted negligently shall not be precluded from participation due to the negligence of a fellow crew member.

II. Any engineer returning to duty following leave provided pursuant to paragraph I shall, if he or she so requests, be assigned an assistant engineer or other qualified person who shall accompany him or her for such time as may be necessary to guarantee the public safety. Any engineer or crew member may be subject to an examination at the discretion of the employer pertaining to any mental or emotional impairment caused by the accident. Such examination shall occur during the period of leave or upon return of duty, and shall be by a qualified medical practitioner designated by the employer.

III. The provisions of paragraph I shall not apply to a railroad corporation or railway company that has a written policy approved by the commissioner incorporating personnel protections no less stringent than the requirements of paragraph I.

IV. The commissioner shall adopt rules, pursuant to RSA 541-A, for the implementation and enforcement of the provisions of this section.

2001-0388h

Amendment to HB 459-FN

Proposed by the Committee on Transportation - C

Amend the bill by replacing section 1 with the following:

1 Motor Vehicles; Equipment of Vehicles; Inspections; Inspection Authorized; Biennial Inspections for Certain Antique Vehicles.
Amend RSA 266:1, III to read as follows:

III. If the owner of the vehicle is a company or corporation or other than a natural person, the annual inspection shall be made during the month designated by the director as the registration month for such legal entity, and motorcycles ~~[and antique cars]~~ shall be inspected once a year. **Vehicles registered as antique motor vehicles and motorcycles and which are 40 years old and over shall be inspected biennially.** Antique **motor** vehicles shall be inspected ~~[annually]~~ in the month of April. Motorcycles shall be inspected ~~[annually]~~ by July 1.

AMENDED ANALYSIS

This bill changes the inspection requirement for certain antique vehicles 40 years old and over from annual to biennial.

2001-0171h

Amendment to HB 475

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

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

- (p) One therapist specializing in child development and child abuse assessment, appointed by the chairperson or other appointing authority of the attorney general’s task force on child abuse and neglect.
- (q) One district court judge appointed by the administrative justice of the district court.

2001-0449h

Amendment to HB 499

Proposed by the Committee on Judiciary - C

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

1 Advisory Committees Subject to the Right-to-Know Law. Amend RSA 91-A:1-a to read as follows:

91-A:1-a Definition of Public Proceedings.

I. The term "public proceedings" as used in this chapter means the transaction of any functions affecting any or all citizens of the state by any of the following:

~~[I.]~~***(a)*** The general court including executive sessions of committees; ***and including any advisory committee established by the general court;***

~~[II.]~~***(b)*** The governor's council and the governor with the governor's council; ***including any advisory committee established by the governor or the governor's council;***

~~[III.]~~***(c)*** Any board or commission of any state agency or authority, including the board of trustees of the university system of New Hampshire ***and including any advisory committee established by such entities;***

~~[IV.]~~***(d)*** Any board, commission, agency or authority, of any county, town, municipal corporation, school district, school administrative unit, charter school, or other political subdivision, or any committee, subcommittee or subordinate body thereof, or advisory committee thereto.

II. For the purposes of this section, "advisory committee" means any committee, council, commission, or other like body whose primary purpose is to consider an issue or issues designated by the appointing authority so as to provide such authority with advice or recommendations concerning the formulation of any public policy or legislation that may be promoted, modified, or opposed by such authority.

2 Reference Change. Amend RSA 91-A:4, I-a to read as follows:

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

3 Effective Date. This act shall take effect January 1, 2002.

2001-0401h

Amendment to HB 550-FN

Proposed by the Committee on Judiciary - R

Amend the bill by replacing section 1 with the following:

1 New Section; Destruction of Information Prohibited. Amend RSA 91-A by inserting after section 8 the following new section:

91-A:9 Destruction of Information Prohibited; Penalty. Any information, electronic or written, which is requested for inspection, pursuant to this chapter, shall not be destroyed in any manner prior to such inspection. If a request for inspection is denied on the grounds that the information is exempt from the provisions of this chapter, the requested material shall be preserved for 90 days or while any lawsuit pursuant to RSA 91-A:7-8 is pending. In addition to other remedies under this chapter, any person who purposely and knowingly violates this section shall be guilty of a class A misdemeanor.

AMENDED ANALYSIS

This bill declares that any information requested pursuant to the right-to-know law shall not be destroyed prior to such inspection. This bill provides a procedure for when inspection is denied. Under this bill, any person who purposely and

knowingly violates this provision shall be guilty of a class A misdemeanor.

2001-0295h

Amendment to HB 553-FN-LOCAL

Proposed by the Committee on Health, Human Services and Elderly Affairs - C

Amend RSA 151:27-a as inserted by section 1 of the bill by replacing it with the following:

151:27-a Criminal Records Check Required for Nursing Home Employees. Any facility licensed under this chapter as a nursing home shall conduct, through the appropriate law enforcement agency, a review of criminal convictions of any employee, including per diem and temporary employment agency employees, proposed to be hired after the effective date of this section.

AMENDED ANALYSIS

This bill requires that nursing homes check the criminal record of any new employees, including per diem and temporary employment agency employees.

2001-0225h

Amendment to HB 584-FN-A

Proposed by the Committee on Transportation - R

Amend RSA 215-A:26, II as inserted by section 5 of the bill by replacing it with the following:

II. Any person ~~[may]~~ **shall** make application to the executive director to ~~[engage in the business of renting OHRVs]~~ **accept money or other valuable consideration for the temporary use of OHRVs provided to members of the general public.** The executive director shall assign a distinguishing number to the applicant and issue ~~[to him,]~~ appropriate ~~[registration plates]~~ **decals** which shall **not** be transferable between OHRVs owned by the ~~[registrant]~~ **rental agent** and **those** used ~~[by him]~~ for rental. When renting OHRVs, any person shall be required to use rental plates, if said machine is to be used off the rentor's land.

Amend RSA 215-A:26, IV as inserted by section 5 of the bill by replacing it with the following:

IV. Each dealer or rental agent shall be licensed by the fish and game department under this section and shall pay \$10 for each license. All license fees collected shall be nonlapsing and continually appropriated to the fish and game department to offset the administrative costs of this section.

2001-0377h

Amendment to HB 585

Proposed by the Committee on Executive Departments and Administration - C

Amend RSA 162-C:1, II as inserted by section 2 of the bill by replacing it with the following:

II. The commissioner **or appropriate division director**, department of resources and economic development.

Amend RSA 162-C:1, IV - V as inserted by section 2 of the bill by replacing it with the following:

IV. The commissioner **or appropriate division director**, department of agriculture, markets, and food.

V. The executive director **or appropriate division director**, fish and game department.

Amend RSA 162-C:1, XI - XII as inserted by section 2 of the bill by replacing it with the following:

XI. The commissioner **or appropriate division director**, department of cultural resources.

XII. The commissioner or appropriate division director, department of administrative services.

XIII. The executive director or chairman of the New Hampshire housing finance authority.

2001-0277h

Amendment to HB 637-FN

Proposed by the Committee on Labor, Industrial and Rehabilitative Services - C

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

AN ACT requiring annual training for members of the workers’ compensation appeals board.

Amend the bill by replacing section 1 with the following:

1 Training Required; Lay Members. Amend RSA 281-A:42-a, I to read as follows:

I. There is established a compensation appeals board. The board shall consist of a pool of 33 members, of which 11 members shall represent labor, 11 members shall represent employers or workers' compensation insurers and 11 members shall be attorneys who shall be neutral. Members of the board shall be appointed by the governor and council from a list of nominees submitted by the commissioner. The commissioner shall submit at least 2 nominees for each vacancy to be filled. Any person appointed by the governor and council who is not qualified or who ceases to be qualified in the capacity in which such person is serving on the appeals board shall be replaced by the governor and council. Terms of board members shall be 4 years, except the initial appointments shall be staggered so that no more than 1/3 of the members' terms shall expire in the same year. Members of the board shall have at least 5 years' experience in the area of workers' compensation. ***As a condition to maintaining eligibility to hear appeals, board members shall have at least 20 hours annually of training and briefing in the area of workers' compensation and relevant disciplines. The commissioner, or designee, with the assistance of the attorney general's staff shall supervise and approve the training. The commissioner shall have the authority to suspend the eligibility of any member of the board who is not in compliance with such annual training requirements, and to reinstate such member's eligibility upon compliance.*** Appeals from a decision of the commissioner or the commissioner's representative shall be heard de novo by a 3-member panel, composed of an attorney who shall serve as chair, one member representing labor and one member representing employers or workers' compensation insurers. At least 2 like votes shall be necessary for a decision by the panel. The board shall hear appeals, in accordance with RSA 281-A:43, I(b), from the decisions of the commissioner made pursuant to RSA 281-A:43. No person who is an interested party or an employee of an interested party shall participate as a member of the panel. The board shall conduct its proceedings in such a manner as to ensure a fair and impartial hearing.

AMENDED ANALYSIS

This bill requires members of the workers’ compensation appeals board to have annual training.

2001-0378h

Floor Amendment to HB 645-FN-A-LOCAL

Proposed by Rep. Vivian Clark

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

1 Department of Education; Policy. Amend RSA 21-N:1, II(c) to read as follows:

(c) The paramount goal of the state shall be to provide ~~[an adequate education for all school-age]~~ children in the state ***with an adequate education*** consistent with RSA 193-E.

2 Education Property Tax Rate. Amend RSA 76:3 to read as follows:

76:3 Education Property Tax. An annual education property tax at the uniform rate of ~~[\$6.60]~~ ***\$5.50*** on each \$1000 of the value of taxable property is hereby imposed on all persons and property taxable pursuant to RSA 72 and RSA 73, except property subject to tax under RSA 82 and RSA 83-F.

3 Utility Property Tax Rate. Amend RSA 83-F:2 to read as follows:

83-F:2 Tax Imposed. For taxable periods beginning April 1, 1999, a tax is imposed upon the value of utility property at the rate of ~~[\$6.60]~~ ***\$5.50*** on each \$1000 of such value, to be assessed annually as of April 1, and every year thereafter, and paid in

accordance with this chapter.

Source

4 Adequate Public Education; Policy and Purpose. Amend RSA 193-E:1, I and II to read as follows:

I. It is the policy of the state of New Hampshire that ***an adequate*** public elementary ~~[and secondary]~~ education shall ~~[provide all]~~ ***prepare*** students ~~[with the opportunity]~~ ***in grades 1 through 8, including readiness programs*** to acquire, ***through further study and experience***, the knowledge and skills necessary ~~[to prepare them]~~ for successful participation in the social, economic, scientific, technological, and political systems of a free government~~[- now and in the years to come]~~; an education that is consistent with the curriculum and student proficiency standards specified in state school approval rules and New Hampshire curriculum frameworks.

II. Respecting New Hampshire's long tradition of community involvement ***and local control***, it is the purpose of this chapter to ensure that appropriate means are established to provide an adequate education ~~[through an integrated system of shared responsibility between state and local government]~~ ***in order that students will be appropriately prepared to take full advantage of additional educational opportunities offered within their communities***. In this system, the state establishes, through school approval and student proficiency standards and curriculum guidelines, the framework for the delivery of educational services at the local level. School districts then have flexibility in implementing diverse educational approaches tailored to meet student needs.

5 Criteria for an Adequate Education Clarified. Amend the introductory paragraph of RSA 193-E:2 to read as follows:

An adequate education shall ~~[provide all]~~ ***prepare*** students ~~[with the opportunity]~~ ***in grades 1 through 8, including readiness programs***, to acquire ***through further study and experience***:

6 School Money; State Aid; Definitions. RSA 198:38 is repealed and reenacted to read as follows:

198:38 Definitions. In this subdivision:

I. "Municipality" means a city, town, or unincorporated place.

II. "School district" means school district as defined in RSA 194:1 or RSA 195:1.

III. "Elementary school" means a school with any of the grades 1 through 6, including readiness programs.

IV. "Base expenditure per pupil" for each school district that operates an elementary school means the amounts as determined in accordance with RSA 198:40, I(a).

V. "Average base cost per elementary school pupil" means the amount as determined in accordance with RSA 198:40.

VI. "Average daily membership in attendance" means average daily membership in attendance, as defined in RSA 189:1-d, III, for children in grades 1 through 8, including readiness programs.

VII. "Average daily membership in residence" and "resident pupils" mean the average daily membership in residence, as defined in RSA 189:1-d, IV, for children in grades 1 through 8, including readiness programs.

VIII. "Adequate education cost" means the amount calculated for a municipality in accordance with RSA 198:41, I (a) and (b). In a cooperative school district, the adequate education cost shall equal the sum of the adequate education costs of the municipalities whose pre-existing school districts constitute the cooperative school district.

7 Education Trust Fund; Purpose Added. Amend the introductory paragraph of RSA 198:39, I to read as follows:

I. The state treasurer shall establish an education trust fund in the treasury. Moneys in such fund shall not be used for any purpose other than to distribute adequate education grants to municipalities' school districts pursuant to RSA 198:42, ***to provide local education tax relief under RSA 198:42-a***, and to provide education property tax hardship relief under RSA 198:55. The state treasurer shall deposit into this fund immediately upon receipt:

8 Adequate Education Cost; Statewide Cost. RSA 198:40 is repealed and reenacted to read as follows:

198:40 Determination of Per Pupil Adequate Education Cost.

I. For the biennium beginning July 1, 2001 and every biennium thereafter, the cost per pupil shall be established using the following formula:

(a) The department of education shall calculate the base expenditure per pupil for each school district that operates an elementary school by subtracting from the total expenditures at the elementary school level, tuition to other school districts or approved educational programs, capital costs, transportation costs, adult/continuing education and community services costs, and federal revenues not otherwise deducted. For each school district, this amount shall be divided by the average daily membership in attendance at the elementary school level to attain the base expenditure per pupil.

(b) The department of education shall calculate the average base cost per elementary school pupil by multiplying the base expenditure per pupil of each school district by the average daily membership in attendance in grades 1 through 8, including readiness programs, in that district, and add the results across all such districts. This sum shall then be multiplied by .8 and the result divided by the total average daily membership in attendance in those grades.

II. For each fiscal year, the statewide cost of an adequate education shall be calculated by multiplying the average base cost per elementary school pupil by the total statewide average daily membership in residence of students in grades 1 through 8, including readiness programs.

9 Determination of Adequate Education Grant. Amend RSA 198:41, I(a) and (b) to read as follows:

(a) Multiply the average base cost per ~~[pupil of an]~~ elementary ***school*** pupil by the ~~[weighted]~~ average daily membership in residence for the municipality;

(b) Add to ~~[the product of]~~ ***the amount calculated in*** subparagraph (a), ~~[70 percent of the municipality's apportioned transportation cost]~~ ***\$1000 for each resident child in a public kindergarten program in the municipality;***

10 New Section; Local Education Tax Relief Grant; Appropriation. Amend RSA 198 by inserting after section 42 the following new section:

198:42-a Local Education Tax Relief Grant; Appropriation. In addition to adequate education grants as determined under this chapter, the sum of \$50,000,000 is hereby appropriated annually from the education trust fund established under RSA 198:39 for the purpose of tax relief for municipalities whose local education tax rate is greater than the statewide average education tax rate. The governor shall draw a warrant for said sum out of the education trust fund. The distribution shall be determined by the department of education as follows:

I. Determine each eligible municipality's distribution factor by:

(a) Subtracting the amount of the adequacy grant determined in RSA 198:41 from the municipality's total local public school budget for the year and dividing the difference by the equalized valuation for the municipality.

(b) Calculating the statewide average of all municipalities of the results in subparagraph (a).

(c) For any municipality whose result under subparagraph (a) is greater than the result under subparagraph (b), dividing the municipality's result under subparagraph (a) by the result under subparagraph (b). The result is the tax distribution factor for the municipality.

(d) Divide the municipality's average daily membership in attendance in grades 1 through 6, including readiness programs, by the statewide total of all municipalities such membership in attendance. The result is the student distribution factor for the municipality.

II. The department of education shall distribute local education tax relief grants for each municipality by multiplying its tax distribution factor by its student distribution factor and by the sum appropriated under this section. The grants under this section shall be made using the same distribution schedule utilized for adequate education grants under RSA 198:42, I.

III. The grants received by a municipality under this section shall be used solely for the additional education expenditures authorized under RSA 198:43.

11 Adequate Education Expenditures; Reference to Grades Added. Amend RSA 198:43 to read as follows:

198:43 Additional Education Expenditures. School districts are authorized to develop educational programs ***in grades 1-8*** beyond those required for an adequate education ***or as required for other grades*** and to raise and appropriate amounts

necessary for such programs.

12 Duties of Department. Amend RSA 198:44, I to read as follows:

I. The department of education shall, on or before September 30 of each year, collect from the school districts final data concerning all aspects of student attendance for the school year ending June 30 of that year necessary to establish the average daily membership, average daily membership in residence, ~~[and weighted average daily membership in residence,]~~ including the municipality of residence for each pupil for that year. The department of education shall submit a report by December 31 to the speaker of the house of representatives and the senate president to be used for purposes of determination by the legislature of the appropriation to the education trust fund. A copy of such report shall, at the same time, be given to the department of revenue administration.

13 Maintenance of Local Control; Reference to Weighted Deleted. Amend RSA 198:48 to read as follows:

198:48 Maintenance of Local Control. Distributions under RSA 198:42 depend only on ~~[weighted]~~ average daily membership in residence and the per pupil adequacy cost amounts as determined in this subdivision and are independent of how the municipalities decide to spend the distributions or other funds they may raise for education. Notwithstanding any other provision of law, nothing in this subdivision is intended in any way to limit or control how school districts operate or spend their budgets except that adequate education grants must be expended for educational purposes. Adequate education grants and hardship grants shall not be considered unanticipated funds under RSA 198:20-b.

14 Repeal of Prospective Repeals of Education Property Tax, Education Property Tax Hardship Relief Provisions, Adequate Education Grant Determination Provisions, and Related Laws. The following are repealed:

I. 1999, 338:21, relative to the repeal of RSA 76:3, RSA 198:40, and RSA 198:41.

II. 1999, 338:22, relative to the repeal of RSA 21-I:18, I(l) and RSA 198:50-55.

III. 1999, 338:25, I, relative to the effective date of 1999, 338:21.

IV. 1999, 338:25, II, relative to the effective date of 1999, 338:22.

15 Effective Date. This act shall take effect April 1, 2001.

2001-0446h

Amendment to HB 648-FN

Proposed by the Committee on Children and Family Law - R

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

AN ACT authorizing licensing of homeless youth programs.

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

1 New Subparagraph; Residential Care and Child-Placing Agency Licensing; Homeless Youth Programs Added to Definition of Child Care Agency. Amend RSA 170-E:25, II by inserting after subparagraph (c) the following new subparagraph:

(d) "Homeless youth program" means a program, including any housing facilities utilized by such program, which receives any child for the purpose of providing services to facilitate independent living including all of the following program components: individual assessment, referral, housing, and case management. Such services may be provided directly by the agency or through one or more contracts for services.

2 New Section; Residential Care and Child-Placing Agency Licensing; Homeless Youth Programs. Amend RSA 170-E by inserting after section 27 the following new section:

170-E:27-a Homeless Youth Programs; Special Provisions. Any child care agency which receives children for the purpose of providing a homeless youth program, as defined in RSA 170-E:25, II(d), shall be subject to the following provisions:

I. When a child 16 or 17 years of age contacts a homeless youth program requesting emergency shelter or homeless services, the program shall:

- (a) Assess the child’s essential needs, physical and mental health condition, and the circumstances that led the child to seek services.
 - (b) Attempt to notify the child’s parent or legal guardian that such child is present at the agency’s facility upon completion of the assessment within 72 hours of the child’s initial request for services. If compelling circumstances become evident during assessment which justify not notifying the parent or legal guardian, the program shall instead notify the department according to RSA 169-C:29. In this paragraph, the term "compelling circumstances" means circumstances which indicate that notifying the parent or legal guardian would subject the child to risk of abuse or neglect as defined in RSA 169-C:3.
 - (c) Notify the department no later than 30 days after the child’s initial request for services if the program is unable to make contact with either of the child’s parents or the legal guardian after reasonable attempts to do so.
- II. Nothing in this section shall alter the legal relationship between parent or legal guardian and child, and in the absence of a court order directing otherwise, the program shall release the child to the custody of his or her parent or legal guardian upon request by the parent or guardian.
- III. If the child is discharged from the program or voluntarily terminates participation in the program, the program shall immediately notify the parents or legal guardian; or the department if the parent or legal guardian has never consented to the child’s placement in the program.
- IV. A parent or legal guardian who consents in writing to the child’s participation in a licensed homeless youth program shall not be deemed neglectful under RSA 169-C:3, XIX.
- V. The agency may charge the child a reasonable fee for the services provided the child is working and/or has other regular income and such fee is within his or her ability to pay.

3 New Subparagraph; Residential Care and Child-Placing Agency Licensing; Penalties; Compliance With Homeless Youth Program Requirements. Amend RSA 170-E:45, I by inserting after subparagraph (e) the following new subparagraph:

- (f) Fails to comply with the requirements for notifying parents, legal guardians, or the department under RSA 170-E:27-a, I.

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

AMENDED ANALYSIS

This bill defines homeless youth programs and establishes admissions, parental notification, and licensing requirements for homeless youth programs.

2001-0305h

Amendment to HB 726-LOCAL

Proposed by the Committee on Education - C

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

1 Change of School or Assignment; Section Heading Amended. Amend the section heading in RSA 193:3 to read as follows:

193:3 Change of School or Assignment; ***Manifest Educational Hardship or Best Interest***; Excusing Attendance.

2 New Paragraph; Change of School or Assignment; Best Interest Standard Inserted. Amend RSA 193:3 by inserting after paragraph II the following new paragraph:

III.(a) Unless the school board of a school district adopts a policy to the contrary, a superintendent shall have the authority to reassign a pupil from the public school to which the pupil is assigned to another public school within the same school administrative unit, or to approve a request to accept the transfer of a pupil from another superintendent’s school administrative unit, provided that the following conditions are met:

- (1) The pupil’s parent or legal guardian petitions the superintendent for a change of school assignment or consents to the superintendent’s recommendation for such a change; and

(2) The superintendent determines that such a change would be in the pupil's best interest; and

(3) The total reassignments or transfers in any one school year shall not exceed one percent of the average daily membership in residence of a school district, or 5 percent of the average daily membership in residence of any single school, whichever is greater.

(b) In accordance with the number of pupils authorized in this paragraph, a superintendent may approve reassignment of a pupil:

(1) To another school within the same school district; or

(2) To another school district within the same school administrative unit; or

(3) To a school district in another school administrative unit, subject to the pupil meeting the admission requirements of such school, and subject to the agreement of the superintendent of the receiving school administrative unit.

(c) Where such reassignment exceeds the percentage limitations established in this paragraph, the approval of the school board shall be required.

(d) A pupil reassigned under this paragraph shall be counted in the average daily membership in residence of the pupil's resident school district. The pupil's resident district shall forward any tuition payment due to the district to which the pupil was reassigned.

(e) The superintendents involved in the reassignment of a pupil shall jointly establish a tuition rate for each such pupil. Notwithstanding any law to the contrary, some or all of the tuition may be waived by the superintendent of the receiving district for the good cause shown or pursuant to school board policy of the receiving district. The cost of transportation shall be the responsibility of the parent or legal guardian.

(f) The superintendent of the pupil's resident school administrative unit shall notify the department of education within 30 days of any reassignment of pupils under this paragraph.

(g) Nothing in this paragraph shall alter or impair the right of an educationally disabled child, as defined in RSA 186-C:2, to be accorded a due process review pursuant to rules adopted under RSA 186-C:16.

3 Effective Date. This act shall take effect January 1, 2002.

AMENDED ANALYSIS

This bill:

I. Authorizes superintendents of school districts, under certain circumstances, to approve requests for changes in school assignment where such changes are in the best interest of the pupil.

II. Authorizes superintendents to negotiate the apportionment of tuition costs associated with a change in school assignment to another school district.

III. Provides that pupils reassigned to another school district shall be counted in the average daily membership in residence in the pupil's resident district and that any tuition payment due to the receiving district shall be paid by the pupil's resident district.

2001-0496h

Floor Amendment to HB 736-FN

Proposed by Rep. Fuller Clark

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

1 Statement of Purpose. The general court recognizes the right of citizens to own or possess firearms for those purposes protected by the United States Constitution and federal and state laws. The general court also recognizes that firearms are lethal weapons which, if used improperly, may lead to unintended consequences including serious injury or death. The purpose of this act is to establish a system in New Hampshire law which will complement and enhance the rights of citizens to the lawful

ownership or possession of firearms by restricting access by felons, children, or other individuals prohibited by law from owning or possessing firearms.

2 New Chapter; Consumer Safety Firearms Protection. Amend RSA by inserting after chapter 159-D the following new chapter:

CHAPTER 159-E

consumer safety firearms protection ACT

General Provisions on Sale or Transfer of Firearms

159-E:1 Definitions.

I. In this chapter, "firearm" means:

- (a) A handgun, or other firearm with a short stock which is designed to be held and fired by the use of a single hand, or any combination of parts from which such firearm can be assembled; or
- (b) A rifle, or other firearm designed to be fired from the shoulder and using the energy of the explosive in a fixed metallic cartridge to fire a single projectile through a riffling bore for each single pull of the trigger; or
- (c) A shotgun, or other firearm designed to be fired from the shoulder and using the energy of the explosive in a fixed shotgun shell to fire through a smooth bore either a number of ball shots or a single projectile for each pull of the trigger, or any firearm designed to be fired from the shoulder which does not fire fixed ammunition.

II. "Federal firearms licensee" means a person holding a valid license as a manufacturer, importer, dealer, or collector pursuant to 18 U.S.C. 923.

159-E:2 Sale or Transfer of Firearms.

I. Any person who is not a federal firearms licensee and who desires to sell or transfer a firearm to a person who is not a federal firearms licensee shall do so only at the place of business of a federal firearms licensee who shall perform each of the following:

- (a) Obtain a completed consent form from the potential buyer or transferee, which form shall have been adopted by the department of safety and provided by the federal firearms licensee, which shall include the name, birth date, gender, race, and social security number or other identification number of such potential buyer or transferee.
- (b) Inspect the identification containing a photograph of the potential buyer or transferee.
- (c) Request for each potential buyer or transferee a criminal records check directly through the national instant criminal background check system (NICS) for the sale or transfer of any long gun or rifle, or through the department of safety for the sale or transfer of handguns, and receive a unique approval number for that inquiry, and recorded the date and such number on the consent form.
- (d) Complete and maintain any sales records as required under 18 U.S.C. section 923 (g)(1)(A).

II. A federal firearms licensee may collect from the buyer or transferee of the firearm, a fee not to exceed \$10.

III. The provisions of this section shall not apply to:

- (a) The temporary lending of a firearm for hunting or other lawful sporting purposes provided that:
 - (1) The firearm owner is personally familiar with the person to whom the firearm is lent; and
 - (2) The firearm owner knows or should have known that the person to whom the firearm is lent is not prohibited from possessing a firearm under state or federal law.
- (b) The purchase or transfer of firearms listed as curios or relics as defined in 27 CFR 178.11.

159-E:3 Criminal Records Check.

I. A federal firearms licensee shall, prior to the sale or transfer of a rifle or shotgun to a person who is not a federal firearms

licensee, perform a criminal background records check by contacting the national instant criminal background check system (NICS) to determine if the potential buyer or transferee is prohibited from receipt or possession of a firearm pursuant to state or federal law.

II. A federal firearms licensee shall, prior to the sale or transfer of a handgun to a person who is not a federal firearms licensee, perform a criminal background records check through the department of safety to determine if the potential buyer or transferee is prohibited from receipt or possession of a firearm pursuant to state or federal law.

III. In the event of electronic failure or similar emergency beyond the control of the department, the department shall immediately notify the requesting federal firearms licensee of the reason for, and estimated length of, such delay. After such notification, the department shall, and in no event within 3 business days of the request for a criminal records background check, either inform the federal firearms licensee that its records demonstrate that the potential buyer or transferee is prohibited from receipt or possession of a handgun pursuant to state or federal law or provide the federal firearms licensee with a unique approval number. Unless notified within 3 business days of the request for a criminal records background check that the potential buyer or transferee is so prohibited, and without regard to whether he or she has received a unique approval number, the federal firearms licensee may complete the sale or delivery and shall not be deemed in violation of this section with respect to such sale or delivery.

159-E:4 Applicability.

I. The provisions of RSA 159-E:2 and RSA 159-E:3 shall not apply to sales, transfers, leases, or lending between spouses, between a parent and child, between siblings, or between grandparent and grandchild, provided such family members are law abiding citizens.

II. The provisions of RSA 159-E:2 and RSA 159-E:3 shall also apply to sales, transfers, leases or lending arrangements made at gun shows or flea markets, or through any print or electronic media, or at other events where firearms are displayed for sale.

159-E:5 Penalty.

I. Any person or federal firearms licensee who purchases, sells, transfers, or delivers a firearm to a person who is not a federal firearms licensee without complying with the provisions of this chapter, or who intentionally falsifies any information required on Form 4473 as developed by the Bureau of Alcohol, Tobacco, and Firearms, or any other state or federal form used to obtain information required under this chapter, shall be guilty of a class A misdemeanor.

II. Any person, purchaser, or transferee who in connection with the purchase, delivery, or transfer of a firearm under this chapter knowingly and intentionally makes any materially false oral or written statement or willfully furnishes or exhibits any false identification intended or likely to deceive the seller or federal firearms licensee shall be guilty of a class A misdemeanor.

Firearm Safety

159-E:6 Applicability.

I. The provisions of RSA 159-E:7 through 159-E:21 shall apply to any firearm manufactured or imported on or after the effective date of RSA 159-E:7 through 159-E:21.

II. Any firearm which has been approved under the firearm safety standards adopted by the state of California shall be deemed to have met the firearm safety standards of this state, and shall be exempt from the requirements of this subdivision.

159-E:7 Unsafe Handguns. In this subdivision, "unsafe handgun" means any pistol, revolver, or other firearm capable of being concealed upon the person which:

I. For a revolver:

(a) Does not have a safety device that, either automatically in the case of a double-action firing mechanism, or by manual operation in the case of a single-action firing mechanism, causes the hammer to retract to a point where the firing pin does not rest upon the primer of the cartridge.

(b) Does not meet the firing requirement for handguns pursuant to RSA 159-E:11.

(c) Does not meet the drop safety requirement for handguns pursuant to RSA 159-E:12.

(d) Does not meet the melting test requirements for handguns pursuant to RSA 159-E:13.

(e) Does not have a load indicator, which for the purposes of this chapter shall mean any device that plainly indicates that a cartridge is in the revolver; or

II. For a pistol:

(a) Does not have a positive, manually operated safety device, as determined by standards relating to imported guns promulgated by the Bureau of Alcohol, Tobacco, and Firearms.

(b) Does not meet the firing requirement for handguns pursuant to 159-E:11.

(c) Does not meet the drop safety requirement for handguns pursuant to RSA 159-E:12.

(d) Does not meet the melting test requirements for handguns pursuant to RSA 159-E:13.

(e) Does not have a loaded chamber indicator, which for the purposes of this chapter shall mean any device that plainly indicates that the cartridge is in the firing chamber within the handgun.

(f) Does not have a magazine safety disconnect, which in this section means a device that prevents the firing of a handgun when the magazine is detached from the handgun.

159-E:8 Firearm Storage Devices.

I. The term "secure gun storage or safety device" means any of the following:

(a) A device, other than a manual safety, that when installed on a firearm, is designed to prevent the firearm from being operated without first deactivating the device.

(b) A device, other than a manual safety, incorporated into the design of the firearm that is designed to prevent the operation of the firearm by anyone not having access to the means to unlocking the device.

(c) A safe, gun safe, gun case, lock box, or other device that is designed to be or can be used to store a firearm that is designed to be unlocked only by means of a key, a combination, or other similar means.

(d) A device that operates by means of a combination, provided that such device must require the entry of at least 3 variables of numbers, letters or other appropriate symbols entered in a specific sequence on a keypad, dial or tumbler device.

(e) A gun-locking device must not have any exposed screws that, if removed, would render the gun locking device ineffective or be disengaged by a handcuff key or common household tool.

II. The sale or transfer of a firearm shall be exempt from this section if the purchaser or transferee owns a gun safe that meets the standards set forth in paragraph I. Gun safes shall not be required to be tested, and therefore may meet the standards without appearing on the attorney general's listing and the purchaser or transferee presents an original receipt for purchase of the gun safe, or other proof of purchase or ownership of the gun safe as authorized by the attorney general, to the firearms dealer. The dealer shall maintain a copy of this receipt or proof of purchase with the dealer's record of sales of firearms.

III. The sale or transfer of a firearm shall be exempt from this section if both of the following conditions apply:

(a) The purchaser or transferee purchases an approved safety device no more than 30 days prior to the day the purchaser or transferee takes possession of the firearm; and

(b) The purchaser or transferee presents an original receipt for purchase of the safety device, or other proof of purchase or ownership of the safety device as authorized by the attorney general, to the firearms dealer. The dealer shall maintain a copy of this receipt or proof of purchase with the dealer's record of sales of firearms.

IV. This section shall not apply to any of the following:

(a) The manufacture in this state, or importation into this state, of any prototype pistol, revolver, or other firearm capable of being concealed upon the person, when the manufacture or importation is for the sole purpose of allowing an independent laboratory certified by the attorney general pursuant to RSA 159-E:10 to conduct an independent test to determine whether such pistol, revolver, or other firearm is prohibited by this chapter, and, if not, for the department to add the firearm to the

listing of pistols, revolvers, and other firearms capable of being concealed upon the person that may be sold in this state pursuant to RSA 159-E:7.

(b) The manufacture, importation, or lending of a pistol, revolver, or other firearm capable of being concealed upon the person by employees or authorized agents determining whether the weapon is prohibited by this section.

(c) Firearms listed as curios or relics, as defined in 27 CFR 178.11.

(d) The sale to, purchase by, or possession of any pistol, revolver, or other firearm capable of being concealed upon the person by any state, county, or local law enforcement agency, personnel of the departments of corrections and safety, any district attorney's office, and armed forces personnel of this state or of the United States for use in the discharge of their official duties. Nothing in this section prohibits the possession of any pistol, revolver, or other firearm capable of being concealed upon the person by sworn members of these agencies, whether the sworn member is on or off duty, or an individual who is retired from service with a law enforcement agency and who is not otherwise prohibited from possessing a concealable firearm upon his or her retirement.

159-E:9 Penalty. A federal firearms licensee who imports, manufactures, or is engaged in business as a licensed firearms dealer in this state, and every person who imports into the state for sale, keeps for sale, or offers or exposes for sale any firearm, shall certify under penalty of perjury and any other remedy provided by law, that every model, kind, class, style, or type of pistol, revolver, or other firearm capable of being concealed upon the person which he or she manufactures or imports, keeps, or exposes for sale complies with the provisions of RSA 159-E:7. A violation of this section shall be a class A misdemeanor.

159-E:10 Firearms Testing; Independent Certified Laboratory.

I. Any pistol, revolver, or other firearm capable of being concealed upon the person manufactured in this state, imported into the state for sale, kept for sale, or offered or exposed for sale, shall be tested by an independent laboratory certified in accordance with to determine whether that pistol, revolver, or other firearm capable of being concealed upon the person meets or exceeds the standards defined in RSA 159-E:7.

II. Within 6 months of the effective date of this section, the attorney general shall adopt rules, pursuant to RSA 541-A, to establish certification standards for independent testing laboratories. In order to obtain certification, a laboratory shall be capable of performing the firearms testing procedures set forth in RSA 159-E:11 through 159-E:13. The attorney general may charge any laboratory that is seeking certification to test any pistol, revolver, or other firearm capable of being concealed upon the person a fee not exceeding the costs of certification.

III. The certified testing laboratory shall, at the manufacturer's or importer's expense, test the firearm in accordance with this subdivision and submit a copy of the final test report directly to the attorney general along with a prototype of the weapon to be retained by the attorney general. The attorney general shall notify the manufacturer or importer of its receipt of the final test report and the attorney general's determination as to whether the firearm tested may be sold in this state.

159-E:11 Firing Requirement.

I. In this section, "firing requirement for handguns" means a test in which the manufacturer provides 3 handguns of the make and model for which certification is sought, these handguns not being in any way modified from those that would be sold if certification is granted, to an independent testing laboratory certified by the attorney general pursuant to rules adopted by the attorney general, under RSA 541-A, which shall conform to the provisions of this section. The laboratory shall fire 600 rounds from each gun, stopping after each series of 50 rounds has been fired for 5 to 10 minutes to allow the weapon to cool, stopping after each series of 100 rounds has been fired to tighten any loose screws and clean the gun in accordance with the manufacturer's instructions, and stopping as needed to refill the empty magazine or cylinder to capacity before continuing. The ammunition used shall be of the type recommended by the handgun manufacturer in the user manual, or if none is recommended, any standard ammunition of the correct caliber in new condition. A handgun shall pass this test if each of the three test guns meets both of the following:

(a) Fires the first 20 rounds without a malfunction that is not due to faulty magazine or ammunition.

(b) Fires the full 600 rounds with no more than 6 malfunctions that are not due to faulty magazine or ammunition and without any crack or breakage of an operating part of the handgun that increases the risk of injury to the user.

II. If a pistol or revolver fails the requirements of either subparagraph I(a) or (b) due to either a faulty magazine or faulty ammunition, the pistol or revolver shall be retested. A new model of the pistol or revolver that failed due to a faulty magazine or

ammunition may be submitted for the test to replace the pistol or revolver that failed.

159-E:12 Drop Safety Requirement.

I. In this section, the "drop safety requirement for handguns" means that at the conclusion of the firing requirements for handguns described in RSA 159-E:11, the same certified independent testing laboratory shall subject the same 3 handguns of the make and model for which certification is sought to the following test:

(a) A primed case containing no powder or projectile shall be inserted into the chamber. For pistols, the slide shall be released, allowing it to move forward under the impetus of the recoil spring, and an empty magazine shall be inserted. For both pistols and revolvers, the weapon shall be placed in a drop fixture capable of dropping the pistol from a drop height of one meter plus one centimeter onto the largest side of a slab of solid concrete having minimum dimensions of 7-1/2 centimeters by 15 centimeters by 15 centimeters. The drop distance shall be measured from the lowest portion of the weapon to the top surface of the slab. The weapon shall be dropped from a fixture and not from the hand. The weapon shall be dropped with the hammer cocked and no manual safety applied. If the design of a pistol is such that upon leaving the hand a safety feature is automatically applied, this feature shall not be defeated. An approved drop fixture is a short piece of string with the weapon attached at one end and the other end held in an air vise until the drop is initiated.

(b) The following 6 drops shall be performed:

(1) Normal firing position with barrel horizontal.

(2) Upside down with barrel horizontal.

(3) On grip with barrel vertical.

(4) On muzzle with barrel vertical.

(5) On either side with barrel horizontal.

(6) If there is an exposed hammer or striker, on the rearmost point of that device, otherwise on the rearmost point of the weapon.

II. The primer shall be examined for indentations after each drop. If indentations are present, a fresh primed case shall be used for the next drop. The handgun shall pass this test if each of the 3 test guns does not fire the primer.

159-E:13 Melting Test Requirement.

I. In this section "melting test for firearms" means that, at the conclusion of the firing test requirement for handguns described in RSA 159-E:11 and the drop test requirement for handguns described in RSA 159-E:12, the same certified independent testing laboratory shall subject the same 3 handguns of the make and model for which certification is sought to the following test:

(a) Any frame, barrel, cylinder, slide, or breechblock that is composed of any metal having a melting point of less than 900 degrees Fahrenheit, or any metal having the ultimate tensile strength of less than 55,000 pounds per square inch, or any powdered metal having a density of less than 7-1/2 grams per cubic centimeter.

II. The handgun shall pass this test if each of the 3 test guns meets all of the criteria set forth in this section.

159-E:14 Manufacturers of Certified Concealable Firearms.

I. Within 9 months of the effective date of this section, attorney general shall compile, publish, and thereafter maintain a listing of all the manufacturers of pistols, revolvers, and other firearms capable of being concealed upon the person that have been tested by a certified testing laboratory, and have been determined to comply with RSA 159-E:7 and thus may be sold in this state. The listing shall, for each firearm, list the manufacturer, and the model number and model names of any certified firearms.

II.(a) The attorney general may charge every federal firearms licensee and any person in this state who manufactures or causes to be manufactured, imports into the state for sale, keeps for sale, or offers or exposes for sale any pistol, revolver, or other firearm capable of being concealed upon the person in this state, an annual fee to cover the costs of testing such firearm pursuant to RSA 159-E:10 through RSA 159-E:13 the cost of preparing, publishing, and maintaining the listing shall be borne by the state.

(b) Any federal firearms licensee who imports, manufactures, or offers for sale any pistol, revolver, or other firearm capable of being concealed upon the person and who fails to pay the fee required pursuant to subparagraph II(a), may be excluded from the listing.

III.(a) A firearm shall be deemed to satisfy the requirements of this section if another firearm made by the same manufacturer already appears in the listing and the unlisted firearm differs from the listed firearm only in one or more of the following features:

(1) Finish, including, but not limited to, bluing, chrome-plating, oiling, or engraving.

(2) The material from which the grips are made.

(3) The shape or texture of the grips, so long as the difference in grip shape or texture does not in any way alter the dimensions, material, linkage, or functioning of the magazine well, the barrel, the chamber, or any of the components of the firing mechanism of the firearm.

(4) Any other purely cosmetic feature that does not in any way alter the dimensions, material, linkage, or functioning of the magazine well, the barrel, the chamber, or any of the components of the firing mechanism of the firearm.

(b) Any manufacturer seeking to have a firearm listed under this section shall provide to the attorney general of all of the following:

(1) The model designation of the listed firearm.

(2) The model designation of each firearm that the manufacturer seeks to have listed under this section.

(3) A statement, under oath, that each unlisted firearm for which listing is sought differs from the listed firearm only in one or more of the ways identified in subparagraph (a) and is in all other respects identical to the listed firearm.

(c) The attorney general shall require a manufacturer to provide to any firearm model for which listing is sought under this section to determine whether the model complies with the requirements of this section.

IV. The provisions of this section shall not apply to any of the following:

(a) The delivery of a pistol, revolver, or other firearm capable of being concealed upon the person to a federal firearms licensee for the purposes of the service or repair of that firearm.

(b) The return to its owner of a pistol, revolver, or other firearm capable of being concealed upon the person by a federal firearms licensee where such firearm was initially delivered to that licensee for the purpose of a consignment sale or as collateral for a pawnbroker loan.

(c) The sale, loan, or transfer of any pistol, revolver, or other firearm capable of being concealed upon the person which is defined as a curio or relic in 27 CFR 178.11.

(d) Any pistol, revolver, or other firearm capable of being concealed upon the person that was owned, sold or transferred prior to the effective date of this section.

(e) Any handgun, including any handgun with a matchlock, flintlock, percussion cap, or similar type of ignition system, manufactured in or before 1898.

(f) Any replica of any handgun if such replica is not designed or redesigned to use rimfire or conventional centerfire fixed ammunition, or uses rimfire or conventional centerfire fixed ammunition which is no longer manufactured in the United States and which is not readily available in the ordinary channels of commercial trade.

(g) Any handgun which is defined as a curio or relic in 27 CFR 178.11.

(h) Any rifle or shotgun which is incapable of being fired or discharged, regardless of date of manufacture, or was manufactured before 1898 for which cartridge ammunition is not commercially available, and is possessed as a curiosity or ornament or for its historical significance or value.

159-E:15 Firearm Safety Devices and Gun Safes.

I. All firearms sold or transferred in this state by a federal firearms licensee, including private transfers through a dealer, and all firearms manufactured in this state, shall include or be accompanied by a firearms safety device that is included on the attorney general's listing of approved firearms safety devices.

II. All firearms sold or transferred in this state by a federal firearms licensee, including private transfers through a dealer, and all firearms manufactured in this state, shall be accompanied with warning language or labels as described in RSA 159-E:17.

III. The sale or transfer of a firearm shall be exempt from this section if both of the following conditions apply:

(a) The purchaser or transferee owns a gun safe that meets the standards set forth in RSA 159-E:8. Gun safes shall not be required to be tested, and therefore may meet the standards without appearing on the attorney general's listing.

(b) The purchaser or transferee presents an original receipt for purchase of the gun safe, or other proof of purchase or ownership of the gun safe as authorized by the attorney general, to the firearms dealer. The dealer shall maintain a copy of this receipt or proof of purchase with the dealers' record of sales of firearms.

IV. The sale or transfer of a firearm shall be exempt from this section if all of the following conditions apply:

(a) The purchaser or transferee purchases an approved safety device no more than 30 days prior to the day the purchaser or transferee takes possession of the firearm.

(b) The firearms dealer verifies that the requirements in this paragraph have been satisfied, and

(c) The firearms dealer maintains a copy of the receipt along with the dealers' record of sales of firearms.

V. Within one year of the effective date of this section, the attorney general shall adopt rules, pursuant to RSA 541-A, implementing minimum safety standards for firearms safety devices and gun safes to significantly reduce the risk of firearms-related injuries to children 17 years of age and younger. At a minimum, the rules shall:

(a) Address the risk of injury from unintentional gunshot wounds.

(b) Address the risk of injury from self-inflicted gunshot wounds by unauthorized users.

(c) Include provisions to ensure that all firearms safety devices and gun safes are reusable and of adequate quality and construction to prevent children and unauthorized users from firing the firearm and to ensure that these devices cannot be readily removed from the firearm or that the firearm cannot be readily removed from the gun safe except by an authorized user utilizing the key, combination, or other method of access intended by the manufacturer of the device.

159-E:16 Listing of Certified Firearm Safety Devices.

I. Within 18 months of the effective date of this section, the attorney general shall adopt rules, pursuant to RSA 541-A, for certification of laboratories qualified to verify compliance firearms safety device standards set forth in RSA 159-E:15.

II. The attorney general may charge any laboratory that is seeking certification to test firearms safety devices a fee not exceeding the costs of certification, including costs associated with the development and approval of regulations and standards pursuant to RSA 159-E:15.

III. The certified laboratory shall, at the manufacturer's or dealer's expense, test the firearms safety device and submit a copy of the final test report directly to the attorney general along with the firearms safety device. The attorney general shall notify the manufacturer or dealer of its receipt of the final test report and the attorney general's determination as to whether the firearms safety device tested may be sold in this state.

IV. The attorney general shall compile, publish, and thereafter maintain a listing all of the safety devices that have been tested by a certified testing laboratory, have been determined to meet the department's standards for firearms safety devices and may be sold in this state. The listing shall list, for each firearms safety device, the manufacturer, model number, and model name.

159-E:17 Firearm Warning Labels.

I. The packaging of any firearm and any descriptive materials that accompany any firearm sold or transferred in this state, or delivered for sale in this state, by any licensed manufacturer shall bear a label containing a warning statement in substantially the following form:

"WARNING

Children are attracted to and can operate firearms that can cause severe injuries or death. Prevent child access by always keeping guns locked away and unloaded when not in use. If you keep a loaded firearm where a child obtains and improperly uses it, you may be fined or incarcerated."

II. A yellow triangle containing an exclamation mark shall appear immediately before the word "Warning" on the label.

III. If the firearm is sold or transferred without accompanying packaging, the attorney general shall adopt rules, pursuant to RSA 541-A, relative to affixing the warning label or notice directly to the firearm itself.

IV. The warning statement required under this section shall be:

- (a) Displayed in its entirety on the principal display panel of the firearm's package, and on any descriptive materials that accompany the firearm.
- (b) Displayed in both English and Spanish in conspicuous and legible type in contrast by typography, layout, or color with other printed matter on that package or descriptive materials in a manner consistent with 16 CFR 1500.121, or successor regulations thereto.

V. The provisions of this section shall not apply to a firearm defined as an antique firearm in 18 U.S.C. section 921.

159-E:18 Recall of Trigger Lock Devices. If at any time the attorney general determines that a trigger lock device does not conform to the provisions of RSA 159-E:15, the attorney general may order the recall and replacement of the trigger lock device or order that the trigger lock device be brought into conformity with those requirements. If the trigger lock device cannot be separated from the firearm without damaging the firearm, the attorney general may order the recall and replacement of the firearm. If the trigger lock device can be separated and reattached to the firearm without damaging the firearm, the federal firearms licensee shall immediately provide a conforming replacement as instructed by the attorney general.

159-E:19 Firearm Related Deaths or Injuries to Minors; Report. Each state, county or local law enforcement agency investigating an incident involving a firearm shall report to the department of health and human services any information obtained relating to any person 18 years of age or younger who suffered an unintentional or self-inflicted gunshot wound inflicted by a firearm that was sold, transferred, or manufactured in this state, and whether as a result of that incident the child died, suffered serious injury, or was treated for an injury by a medical professional.

159-E:20 Penalties. Any person, or any federal firearms licensee, who purposefully sells, transfers, or delivers a firearm in violation of RSA 159-E:15 or RSA 159-E:17 shall be guilty of a:

- I. Class B misdemeanor for a first offense.
- II. Class A misdemeanor for a second offense.
- III. Class B felony for a third or subsequent offense.

159-E:21 Exceptions. The provisions of RSA 159-E:20 shall not apply to:

- I. The sale, transfer, or delivery of any firearm to be used by full-time state, county, or local law enforcement personnel. Nothing in this section shall prohibit a local governing body or a state, county, or local law enforcement agency from requiring law enforcement personnel to store firearms in gun safes or to attach firearm safety devices to those firearms.
- II. Any firearm sold, transferred, or manufactured prior to the effective date of this section.

Semiautomatic Assault Weapons

159-E:22 Definitions. In this subdivision, "semiautomatic assault weapon" means:

- I. Any of the firearms, copies, or duplicates of the firearms in any caliber, known as follows:
 - (a) Norinco, Mitchell, and Poly Technologies Avtomat Kalashnikovs (all models).
 - (b) Action Arms Israeli Military Industries UZI and Galil.

(c) Beretta Ar70 (SC-70).

(d) Colt AR-15.

(e) Fabrique National FN/FAL, FN/LAR, and FNC.

(f) SWD M-10, M-11, M-11/9, and M-12.

(g) Steyr AUG.

(h) INTRATEC TEC-9, TEC-DC9 and TEC-22.

(i) Revolving cylinder shotguns, including, but not limited to the Street Sweeper and Striker 12.

II. A semiautomatic rifle that has an ability to accept a detachable magazine and has at least 2 of the following:

(a) A folding or telescoping stock.

(b) A pistol grip that protrudes conspicuously beneath the action of the weapon.

(c) A bayonet mount.

(d) A flash suppressor or threaded barrel designed to accommodate a flash suppressor.

(e) A grenade launcher.

III. A semiautomatic pistol that has an ability to accept a detachable magazine and has at least 2 of the following:

(a) An ammunition magazine that attaches to the pistol outside of the pistol grip.

(b) A threaded barrel capable of accepting a barrel extender, flash suppressor, forward handgrip, or silencer.

(c) A shroud that is attached to, or partially or completely encircles, the barrel and that permits the shooter to hold the firearm with the nontrigger hand without being burned.

(d) A manufactured weight of 50 ounces or more when the pistol is unloaded.

(e) A semiautomatic version of an automatic firearm.

IV. A semiautomatic shotgun that has at least 2 of the following:

(a) A folding or telescoping stock.

(b) A pistol grip that protrudes conspicuously beneath the action of the weapon.

(c) A fixed magazine capacity in excess of 5 rounds.

(d) An ability to accept a detachable magazine.

V. The term "semiautomatic assault weapon" shall not include:

(a) Any firearm modified to render it permanently inoperable, or

(b) Any firearm that is generally recognized as particularly suitable for or readily adaptable to sporting purposes under 18 U.S.C., section 925 (d)(3), or any regulation adopted pursuant to that law.

159-E:23 Sale, Transfer, or Disposal of Lawfully Owned Semiautomatic Assault Weapons.

I. A person who is not a federal firearms licensee who lawfully owns or possesses an semiautomatic assault weapon prior to the effective date of this section, and who desires to sell such semiautomatic assault weapon to a person who is not a federal firearms licensee shall do so only at the place of business of a federal firearms licensee who shall perform each of the following:

(a) Obtain a completed consent form from the potential buyer or transferee, which form shall have been adopted by the department of safety and provided by the federal firearms licensee, which shall include only the name, birth date, gender, race,

and social security number or other identification number of such potential buyer or transferee.

(b) Inspect the identification containing a photograph of the potential buyer or transferee.

(c) Request for each potential buyer or transferee a criminal records check directly through the national instant criminal background check system (NICS) for the sale or transfer of any long gun or rifle, or through the department of safety for the sale or transfer of handguns, and receive a unique approval number for that inquiry, and recorded the date and such number on the consent form.

(d) Complete and maintain any sales records as required under 18 U.S.C. section 923 (g)(1)(A).

II. A federal firearms licensee shall, prior to the sale or transfer of an semiautomatic assault weapon to a person who is not a federal firearms licensee, perform a criminal background records check by contacting the national instant criminal background check system (NICS) to determine if the potential buyer or transferee is prohibited from receipt or possession of a firearm pursuant to state or federal law.

III. A federal firearms licensee shall, prior to the sale or transfer of an semiautomatic assault weapon to a person who is not a federal firearms licensee, perform a criminal background records check through the department of safety to determine if the potential buyer or transferee is prohibited from receipt or possession of a firearm pursuant to state or federal law.

IV. In the event of electronic failure or similar emergency beyond the control of the department, the department shall immediately notify the requesting federal firearms licensee of the reason for, and estimated length of, such delay. After such notification, the department shall, and in no event within 3 business days of the request for a criminal records background check, either inform the federal firearms licensee that its records demonstrate that the potential buyer or transferee is prohibited from receipt or possession of a handgun pursuant to state or federal law or provide the federal firearms licensee with a unique approval number. Unless notified within 3 business days of the request for a criminal records background check that the potential buyer or transferee is so prohibited, and without regard to whether he or she has received a unique approval number, the federal firearms licensee may complete the sale or delivery and shall not be deemed in violation of this section with respect to such sale or delivery.

V. A federal firearms licensee may collect from the buyer or transferee of the semiautomatic assault weapon, a fee not to exceed \$10.

VI. The provisions of this section shall not apply to purchases or transfers between spouses, between a parent and child, or between siblings.

159-E:24 Sale or Transfer of Semiautomatic Assault Weapons Prohibited.

I. On or after the effective date of this section, it shall be unlawful for a person to manufacture, transfer, or possess a semiautomatic assault weapon.

II. This section shall not apply to the following:

(a) Any of the firearms, or replicas or duplicates of the firearms specified in 18 C.F.R. 922.

(b) Any firearm that is manually operated by bolt, pump, lever, or slide action, or has been rendered permanently inoperable, or is an antique firearm.

(c) Any semiautomatic rifle that cannot accept a detachable magazine that holds more than 5 rounds of ammunition.

(d) Any semiautomatic shotgun that cannot hold more than 5 rounds of ammunition in a fixed or detachable magazine.

(e) The manufacture for, transfer to, or possession by the United States or a department or agency of the United States or a state or a department, agency, or political subdivision of a state, or a transfer to or possession by a law enforcement officer employed by such an entity for purposes of law enforcement, whether on or off duty.

(f) The transfer to a licensee under title I of the Atomic Energy Act of 1954 for purposes of establishing and maintaining an on-site physical protection system and security organization required by federal law, or possession by an employee or contractor of such licensee on-site for such purposes or off-site for purposes of licensee-authorized training or transportation of nuclear materials.

(g) The possession, by an individual who is retired from service with a law enforcement agency and is not otherwise prohibited from receiving a firearm, of a semiautomatic assault weapon transferred to the individual by the agency upon such retirement.

(h) The manufacture, transfer, or possession of a semiautomatic assault weapon by a federal firearms licensee for the purposes of testing or experimentation authorized by state or federal law.

159-E:25 Penalty.

I. Any person, or any federal firearms licensee, who purposely sells, transfers, or delivers a semiautomatic assault weapon in violation of RSA 159-E:23 or 159-E:24 shall be guilty of a class A misdemeanor.

II. Any person, or a federal firearms licensee, who sells or transfers a semiautomatic assault weapon listed in RSA 159-E:22 to a person under 18 years of age shall be guilty of a class B felony and shall be sentenced to a term of imprisonment not to exceed 7 years. Such term shall be consecutive to any term of imprisonment imposed under this chapter.

159-E:26 Exceptions. The provisions of this subdivision shall not apply to:

I. The possession of semiautomatic assault weapons by department of safety personnel, state, county, or local law enforcement agencies, department of corrections personnel, or the armed forces of this state or of the United States for use in the discharge of their official duties;

II. A person who is the executor or administrator of an estate that includes a semiautomatic assault weapon which is disposed of as authorized by the probate court, if the disposition is otherwise permitted under this section;

III. The transfer by bequest or intestate succession of a semiautomatic assault weapon.

3 Pistols and Revolvers; License to Carry Amended. RSA 159:6 is repealed and reenacted to read as follows:

159:6 Permit to Carry.

I. The local law enforcement agency, upon application of any resident of the state, or upon application of non-resident, shall issue a license to such applicant authorizing the applicant to carry a loaded pistol or revolver in the state for not less than 4 years from the date of issue, provided that:

(a) The applicant is 21 years of age or older at the time the application is submitted; and

(b) The applicant has good reason to fear injury to the applicant's person or property or has any proper purpose, including, but not limited to hunting, target shooting, and self-defense; and

(c) The applicant is not prohibited by state or federal law from possessing a firearm.

II. The local law enforcement agency in the town or city in which the applicant resides shall furnish to the department of safety a signed statement indicating that the local law enforcement agency approves of the applicant obtaining a permit to carry a firearm.

III. The applicant shall file an application for a permit to carry with the local law enforcement agency. The applicant shall provide 2 current color passport pictures, taken within 6 months of submitting the application, to the law enforcement agency upon filing the application. Upon review of the application, the local law enforcement agency can reject the application by refusing to submit the required approval of the local law enforcement agency to the department of safety. Upon rejection of the application by the law enforcement agency, the reason for such denial shall be stated in writing, the original of which shall be delivered to the applicant, and a copy shall be retained by the local law enforcement agency.

IV. Upon receiving initial approval notification from the local law enforcement agency, the department of safety shall conduct a criminal records background check on the applicant.

V. Upon approval from the department of safety, a license to carry shall be issued to the applicant, which shall include a color photograph of the recipient, within 14 days after the application is received by the department of safety, and if such application is denied, the reason for such denial shall be stated in writing, the original of which shall be delivered to the applicant, and a copy shall be retained by the department of safety.

VI. The license shall be in duplicate and shall bear the name, address, description, and signature of the licensee. The original

shall be delivered to the licensee and the duplicate shall be preserved by the department of safety for 4 years.

VII. License renewal shall take place by the end of the month of the fourth anniversary of the license holder's date of birth following the date of issuance. Upon renewal, the department of safety shall conduct a criminal records background check on the applicant.

VIII. The fee for licenses and renewal of licenses issued to residents of the state shall be \$20, of which \$10 shall be for the use of the local law enforcement agency and \$10 fee for the criminal records background check conducted by the department of safety. The fee for licenses issued to out-of-state residents shall be \$25, which fee shall be for the use of the state. The director of the state police is hereby authorized and directed to prepare forms for the licenses required under this chapter and forms for the application of such licenses. The cost of the fees shall be paid out of the fees received from nonresident licenses.

IX. The provisions of this section shall not apply to department of safety personnel, state, county, or local law enforcement agencies, department of corrections personnel, or the armed forces of this state or of the United States for use in the discharge of their official duties.

4 Criminal Background Checks; Department of Safety Confidentiality. Amend RSA 159-D:2, I to read as follows:

I. If the department of safety conducts criminal background checks under RSA 159-D:1 *or RSA 159-E*, any records containing information pertaining to a potential buyer or transferee who is not found to be prohibited from receipt or transfer of a firearm by reason of state or federal law, which are created by the department of safety to conduct the criminal background check, shall be confidential and may not be disclosed by the department or any officers or employees to any person or to another agency. The department shall destroy any such records ~~[after it communicates the corresponding approval number to the licensee and, in any event, such records shall be destroyed]~~ within one day after the day of the receipt of the licensee's ~~[request]~~ **approval number**.

5 Sentences and Limitations; Sentence for Felonious Use of a Firearm Amended. Amend RSA 651:2, II-b to read as follows:

II-b. A person convicted of the felonious use of a firearm, as provided in RSA 650-A:1, shall, in addition to any punishment provided for the underlying felony, be given a minimum mandatory sentence of ~~[one year]~~ **2 years** imprisonment for a first offense and a minimum mandatory sentence of ~~[3]~~ **5 years'** imprisonment for any subsequent offense. Neither the whole nor any part of the additional sentence of imprisonment hereby provided shall be served concurrently with any other term nor shall the whole or any part of such additional term of imprisonment be suspended. No action brought to enforce sentencing under this section shall be continued for sentencing, nor shall the provisions of RSA 651-A relative to parole apply to any sentence of imprisonment imposed.

6 Effective Date. This act shall take effect January 1, 2002.

AMENDED ANALYSIS

This bill establishes the consumer safety firearms protection act which:

I. Provides that, on or after the effective date of this act, no firearm shall be sold or transferred in this state unless the sale or transfer is conducted by a federally licensed firearm importer, manufacturer, or dealer.

II. Provides that, on or after the effective date of this act, no firearm shall be sold or transferred in this state unless it attached to or accompanied by a certified firearm safety device.

III. Provides that, on or after the effective date of this act, no concealable handgun shall be sold or transferred in this state unless it has been tested and certified by an independent testing laboratory.

IV. Provides that, on or after the effective date of this act, no concealable handgun shall be sold or transferred in this state unless it is attached to or accompanied by a warning label.

V. Requires the attorney general to adopt rules for the certification of independent firearms testing laboratories for concealable handguns.

VI. Prescribes procedures which shall apply on or after the effective date of this act, for the sale or transfer of firearms or assault weapons.

VII. Establishes a minimum age of 21 to obtain a license to carry a concealed weapon.

VIII. Increases the minimum mandatory sentences for felonious use of a firearm to 2 years' imprisonment for the first offense, and 5 years' imprisonment for any subsequent offense.