

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, April 20, 2001 No. 36

Contains: Reports and Amendments Special Ordered to April 25, Committee Hearings, Work Sessions and Notices

HOUSE CALENDAR

NOTICE

MEMBERS OF THE HOUSE:

I'm sure all members join me in extending our sympathy to the family of former Governor Meldrim Thomson, Jr., who passed away on Thursday, April 19th. We also extend sympathy to the family of our colleague, Rep. Bonnie L. Patria, who died last week following a lengthy illness.

The House will meet in session on Wednesday, April 25 at 1:00 p.m. and Thursday, April 26 at 10:00 a.m.

Chairmen and Vice Chairmen will meet on Tuesday, April 24 at 9:00 a.m. in Room 201 LOB.

Gene G. Chandler, Speaker

NOTICE

There will be a Republican Caucus on Wednesday, April 25 at 12:30 p.m. and Thursday, April 26 at 9:00 a.m. in Representatives Hall.

Rep. David M. Scanlan, Majority Leader

NOTICE

There will be a Democratic Caucus on Wednesday, April 25 at 11:00 a.m. in Rooms 306-308 of the Legislative Office Building and on Thursday, April 26 at 9:00 a.m. in Rooms 305-307 of the Legislative Office Building.

Rep. Peter H. Burling, Democratic Leader

NOTICE OF RECONSIDERATION

This day, Thursday, the 19th of April, 2001, at 4:30 p.m., Representative William J. Kelley, having voted with the prevailing side, did serve notice that today or some other day as limited by House Rules he would ask the House to reconsider its action whereby it passed, **HB 229**, relative to third person liability under the workers' compensation law.

Karen O. Wadsworth, Clerk of the House

REGULAR CALENDAR

SPECIAL ORDER TO WEDNESDAY, APRIL 25

CRIMINAL JUSTICE AND PUBLIC SAFETY

HB 319-FN, including a fetus in the definition of "another" for the purpose of negligent homicide. **INEXPEDIENT TO LEGISLATE**

Rep. Patricia M. O'Keefe for Criminal Justice and Public Safety: While the committee recognizes the importance of having criminal laws that punish violence against pregnant women, NH law already provides a separate and distinct offense for a violent act against a pregnant woman which results in the death of a fetus. Current law makes this a Class A or Class B felony, punishable by up to 15 years incarceration (RSA 631:1 and 631:2). The proposed law does not clearly define the term fetus, nor does it make clear at what stage of pregnancy a prosecution could occur. The majority of the committee felt these significant flaws would present problems with enforcement and would invite constitutional challenges – while providing nothing better to protect pregnant women from violence. **Vote 12-2.**

HB 545-FN, establishing the railroad trespass prevention act. **OUGHT TO PASS WITH AMENDMENT**

Rep. John E. Tholl, Jr. for Criminal Justice and Public Safety: The committee listened to numerous objections by sportsmen and hunters to HB 545 as it would have subjected them to misdemeanor penalties for crossing rail lines. The amended HB 545 repeals RSA 381:14, relative to criminal trespass on railroad property, and amends RSA 635 to include trespass on railroad property, a violation with a graduated fine schedule: first offense up to a \$100 dollar fine, second offense up to a \$500 fine, and third offense up to a \$1,000 fine, and removes abandoned right of way from the law. It is currently a violation to trespass on railroad property including abandoned right of way. It additionally creates the new section RSA 635:10 Railroad Stowaway. The committee felt with its 15-2 vote that with the advent of high speed rail and the reduction of noise created by the modern trains that it is important to prevent fatal railroad accidents without subjecting the public to a misdemeanor record and the possibility of a jail term. The railroad testified that the intent of this legislation is to promote and increase safety, not to harass the solitary hunter/sportsman in the wilds of New Hampshire pursuing a recreational pastime. **Vote 15-2.**

HB 602-FN, relative to the sale of fetal body parts. **INEXPEDIENT TO LEGISLATE**

Rep. Beth Rodd for Criminal Justice and Public Safety: Federal law already prohibits the sale of fetal tissue for research. It is also illegal to persuade a woman to seek an abortion for the purpose of obtaining research material. There was no evidence presented during committee testimony to indicate that there have been violations of existing laws. The unintended consequences of passing this legislation would be to prohibit any medical research on fetal tissue regardless of the circumstances resulting in the acquisition of the tissue. Such legislation would effectively put an end to research that has resulted in new and effective treatments for many diseases such as cancer, Alzheimer's disease, Parkinson's, diabetes, spinal cord injuries and others. The majority of the committee felt that, in spite of the emotional tenor of this issue, current research practices are life saving and conform to accepted ethical standards. If enacted, this legislation would halt vital research. It would diminish the hope of cures and the alleviation of suffering for many people who have been devastated by chronic and acute life-threatening illnesses. **Vote 13-2.**

EDUCATION

HB 694, establishing a separate high school civics graduation requirement. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Bruce L. Dearborn for the Majority of Education: The committee agrees that government subjects should be a part of the social studies elective unit as set forth in the administrative rules of the Department of Education (306.23). However, the majority felt the legislature should not be dictating curriculum as it was the responsibility of the local districts in conjunction with the Dept. of Education to create curriculum under administrative rules. The subject is already covered by comprehensive, existing law and should not be broken out for specific legislation unless we also intend to dictate curriculum in math, science, English, etc. **Vote 11-9.**

Rep. Charles E. Sova for the Minority of Education: Article 83 of the New Hampshire Constitution states the primary purpose of education as the "preservation of a free government." Current law requires civics education to be "embedded" within the broader social studies curriculum. The minority believes evidence, including data reporting 45% of New Hampshire students scoring novice on civics assessment questions, shows the need to supplement this approach with a separate high school civics requirement. This ½ credit requirement would replace a currently mandated elective, causing no additional financial impact.

HB 708-FN, relative to the definition of "child" for the purposes of home education and relative to access to public school programs by home educated pupils. **INEXPEDIENT TO LEGISLATE**

Rep. Bruce L. Dearborn for Education: This legislation would further clarify access to public school programs and facilities by home schooled students. Despite extensive discussion and attempts at amendment, the committee could not overcome doubt and confusion over the consequences of enacting the bill. A nearly identical bill was retained by the committee as a vehicle for pursuing any necessary clarification. **Vote 13-7.**

HB 734, eliminating the teen assessment project in the university system of New Hampshire. **INEXPEDIENT TO LEGISLATE**

Rep. Claire D. Clarke for Education: The committee recommends this bill inexpedient to legislate for the following reasons: 1) This program operates at the local level; 2) parents can see the survey; 3) parents can opt to keep their child from taking the survey; and 4) any student may opt not to answer any of the questions on the survey. **Vote 17-2.**

ELECTION LAW

CACR 9, relating to the term of office for governor. Providing that beginning with the 2004 general election, there shall be a 4-year term of office for governor. **INEXPEDIENT TO LEGISLATE**

Rep. Natalie S. Flanagan for Election Law: A four-year term for governor has been defeated in past sessions. This bill added the Senate. It was the feeling of the committee that it was not necessary at this time. Also, the House of Representatives was not included. **Vote 8-7.**

HB 201, requiring voters to present identification to obtain a ballot. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Ronald J. Nowe for the Majority of Election Law: This bill, as amended, requires a registered voter to present photo identification to obtain a ballot at election time. The registered voter will still be required to announce their name loudly and clearly to the ballot clerk. The bill further states that if the registered voter cannot produce a photo identification the ballot clerk must notify the voters that they may sign an affidavit to receive a ballot. Also, and importantly so, this bill may only be adopted by the legislative body of the town/city and then the secretary of state's office must be notified by the governing body of the town/city. This is a local option bill so there is no Article 28-a problem. **Vote 14-5.**

Rep. Jackie K. Weatherspoon for the Minority of Election Law: This bill will require everyone, including public officials such as the governor, state senators, state legislators, selectmen, mayors and other to show an ID. If you do not have an ID, you will be required to sign an affidavit. It was stated during the testimony college students were voting in record numbers and the elderly were coming in by buses to vote. We learned from the secretary of state's office there is no mandatory training for ballot clerks. This bill will leave the door open for an individual to sue the town and the clerk because the voter was a friend of the clerk or a

well-known person was given the nod to cast their ballot. The minority of the committee recommends mandatory training for all ballot clerks.

HB 259, relative to holding sessions for correction of checklists. **OUGHT TO PASS**

Rep. Frank W. Davis for Election Law: This bill changes the required hours for evening sessions for correction of checklists from between 7:00pm and 9:00pm to between 7:00pm and 8:00pm. It also allows the supervisors to schedule additional hours. Then language would now be consistent with the language for the Saturday sessions of the checklist supervisors. A majority of the committee felt that HB 259 would be beneficial to both the more than 50 small towns with less than 600 voters who may have no one show up for such sessions, and the larger cities and towns who may need more than the currently allowed two hours. This legislation has the support of the New Hampshire Municipal Association and the secretary of state's office. No one spoke against the bill at the public hearing. **Vote 13-5.**

HB 364, eliminating straight ticket voting. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Robert E. Clegg, Jr. for the Majority of Election Law: The majority of the committee felt the disenfranchisement of voters is the last thing we need to do. Every session someone files a bill to change the way we vote and/or change the way names are placed on the ballot. More confusion is not what the voters need. Straight ticket voting has existed for years and has caused no harm to any candidate. Last week the committee voted 19-0 Ought to Pass on HB 226 which clarified the instructions for straight ticket voting. Straight ticket voting is a choice. If you do not want to vote straight ticket, you do not have to. Some wish to limit your choice as a voter. The majority of the committee believes the choice is essential to the process. Straight ticket voting is nothing more than allowing voters to choose how they want to vote. Since straight ticket voting has not caused death or injury there is no reason to change it. **Vote 12-7.**

Rep. Steve Vaillancourt for the Minority of Election Law: Here we go again. Attempts to eliminate straight ticket voting have consistently failed during the past several sessions. Noble ideas often fail and have to resurface several times before they ultimately see the light of day. Such is the case with straight ticket voting. This outmoded concept leads to voter confusion and serves absolutely no useful purpose whatsoever. Proponents of keeping it claim that to do otherwise is tantamount to taking away an inherent right, but that is simply not true. A voter would still be able to vote for every Republican or Democrat or even every Libertarian candidate on the ballot should that voter so choose. He or she would simply have to place a mark next to each candidate's name. In the process of doing that, the voter might decide that a candidate of another party merits support, perhaps because that candidate knocked on the voter's door and made a favorable impression. Straight ticket voting rewards laziness and sloth. Votes in this House in the past have broken down almost entirely along party lines, Republicans opposing elimination due in large part to the perception that since there are more registered Republicans statewide, Republicans benefit. Perceptions can be wrong. Illinois Republicans pushed to ban straight ticket voting since they believed elimination would help them in the Chicago area. When straight ticket voting was finally eliminated in the state, however, Republicans were hurt because Democrats did better downstate and still held strong in Cook County. Let's put parties aside this year and do what is most likely to produce election of the most qualified, most committed candidates. The tri-partisan minority says the time has come. Elimination will not take options away from voters; it will not lead to lower voter turnout; it will eliminate confusion and reward competence.

HB 399, relative to proof of qualifications for voter registration. **OUGHT TO PASS WITH AMENDMENT**

Rep. Peter E. Bragdon for Election Law: This bill requires people registering to vote on election day to provide appropriate proof of qualifications as provided in RSA654:12. The current wording says they "may" provide this proof and the majority of the committee agreed with the sponsor that changing the word to "shall" would treat everyone the same and reduce the potential for allegations of discrimination. For the same reason, the bill also requires checklist supervisors to provide affidavits to voters when necessary. **Vote 11-5.**

HB 411, requiring that New Hampshire's presidential electors be bound to vote for the candidates of the party which nominated the electors. **INEXPEDIENT TO LEGISLATE**

Rep. Janet S. Arndt for Election Law: Under the present system, electors in New Hampshire have consistently voted for the presidential candidate to which they have pledged. The majority of the committee felt that since we were not confronted with a problem we should continue with the present process, which has been successful to date. **Vote 16-2.**

HB 418, relative to requirements for recounts. **INEXPEDIENT TO LEGISLATE**

Rep. Michael S. Rollo for Election Law: This bill would have required that petitioners for recounts submit an application and fee

in person. There was much discussion of whether or not a notarized facsimile would be acceptable. Unfortunately, there was little consensus among committee members on that matter. It was the opinion of the majority of the Election Law Committee that this bill be found Inexpedient to Legislate. **Vote 14-3.**

HB 436, eliminating nomination of a party by nomination papers. **INEXPEDIENT TO LEGISLATE**

Rep. Peter E. Bragdon for Election Law: This bill sought to eliminate the ability of political organizations, other than the two major parties, to be listed on the ballot by submitting petitions. The majority of the committee felt that providing this opportunity to "minor parties" was important and that other legislation supported by the committee dealt with the few minor confusions caused by the existing provisions. **Vote 12-6.**

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. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. C. Donald Stritch for the Majority of Election Law: This bill requires certain officials in either or both houses of the legislature to file certain reports and register as political committees. This subject is currently being addressed and discussed by the committee and will be reported shortly in another bill. **Vote 11-8.**

Rep. Christopher L. Hughes for the Minority of Election Law: The minority felt that any candidate running for political office should have to file a financial disclosure as well as accounting for all campaign funds.

HB 468, relative to declaration of party affiliation in primary voting. **INEXPEDIENT TO LEGISLATE**

Rep. Douglass P. Teschner for Election Law: This bill would prevent undeclared (independent) voters from participating in primary elections. If passed, this bill would be inconsistent with the committee's goal to increase voter participation. There was also concern that voters who take advantage of Election Day registration would have voting rights not available to voters on the checklist prior to the election. Additionally, there was testimony that passage of this bill would adversely impact the New Hampshire presidential primary. **Vote 16-3.**

HB 503, relative to incompatible offices. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Peter E. Bragdon for the Majority of Election Law: New Hampshire law currently prohibits candidates from running for more than one of the following "incompatible offices" at the same time: governor, state senator, state representative and executive councilor. This bill would add "any federal office" to this list. According to Webster's dictionary, the word "incompatible" is used for offices that make conflicting demands on the holder. The majority of the committee feels that the same principle that makes the existing list of offices incompatible also applies to federal offices – not to mention the wicked commute. **Vote 12-7.**

Rep. Nicholas T. Panagopoulos for the Minority of Election Law: The minority of the committee feels that this bill is not needed. The voters should be able to make the decision of whether they wish to support a candidate for both state and federal office. Furthermore, state and federal government are not incompatible in regard to policy making. The minority also strongly feels that this bill is an ad hominem attack on members of this house who seek federal office.

HB 520, relative to clarifying qualifications of candidates. **OUGHT TO PASS WITH AMENDMENT**

Rep. Steve Vaillancourt for Election Law: This bill came about due to problems in a state senate campaign last year. There were questions as to whether or not a candidate actually lived in the district. This bill clarifies qualifications by noting that registration to vote or voting in another state creates a presumption that a person does not have domicile in the state. The amendment simply adds the phrase "during the relevant time period", in other words during the time period stated under requirements for a state senator, state representative, etc. **Vote 19-0.**

HB 579, relative to nominating a political organization by nomination papers. **OUGHT TO PASS**

Rep. Douglass P. Teschner for Election Law: This housekeeping bill corrects the definition of political party, as opposed to political organization, for the purpose of nomination papers. This bill cleans up a confusing section of the election law statutes. **Vote 18-0.**

HB 666, permitting the placement of political advertising on highway rights-of-way. **INEXPEDIENT TO LEGISLATE**

Rep. Michael S. Rollo for Election Law: This bill would have prohibited the placement of political advertising except on highway rights-of-way and private property. The bill further states that local law enforcement officers have the authority to remove

political advertising. It was the majority's belief that there would be some question regarding whether law enforcement rules were state or local. Therefore, the committee recommends Inexpedient to Legislate. **Vote 17-1.**

HB 677, relative to certification and filing of nomination papers. **OUGHT TO PASS WITH AMENDMENT**

Rep. Raymond Buckley for Election Law: This bill allows supervisors of the checklist to delegate their responsibilities to the town or city clerk regarding certifying nomination papers for a political organization. The amendment to the bill would require that the nomination papers be grouped by municipality. **Vote 19-0.**

HB 698, relative to verification of checklists. **OUGHT TO PASS WITH AMENDMENT**

Rep. Peter E. Bragdon for Election Law: This bill is a technical correction to the law pertaining to the ten-year verification and purging of voter checklists. Currently, people who voted for the first time in the 2001 elections would have their names purged from the checklist. The original bill also allowed checklist supervisors to order verifications more frequently than every ten years. However, the committee felt the existing provisions for petitioning the ballot law commission gives adequate remedy in cases where the checklist supervisors feel the checklist needs to be revised. **Vote 17-1.**

HB 711, relative to reporting by candidates. **INEXPEDIENT TO LEGISLATE**

Rep. Raymond Buckley for Election Law: HB711 duplicated the law that sets January 1 of the election year as the start date for the voluntary spending cap. The sponsor withdrew this bill when it was revealed it was already in statute. **Vote 18-0.**

ENVIRONMENT AND AGRICULTURE

HB 348-FN, prohibiting the land application of sludge in certain excavation areas. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Betty B. Hall for the Majority of Environment and Agriculture: The bill as amended by the majority of the committee replaces the entire bill with a suspension on the issuance of new permits to spread sludge on excavation areas. It applies only to gravel pits, which are located over stratified drift aquifers. The very limited prohibition sunsets in two years. Spreading of sludge on currently permitted sites can continue. The majority believes that protecting our aquifers for the next two years while we complete current research (being done here in NH) is a reasonable exercise of our responsibility for our drinking water sources. **Vote 8-6.**

Rep. Harold P. Melcher for the Minority of Environment and Agriculture: The minority of the committee felt the bill is unjustified by verifiable evidence of harm, prohibits the very scientific research which could provide the evidence the proponents say they must have to end the moratorium, lays a heavy burden on taxpayers to dispose of a product that is now revenue-producing, threatens landfill capacity, makes gravel pit reclamation impractical, and incidentally takes away the livelihood of the people engaged in the industry.

HB 392, establishing a committee to study the property tax status for land of agricultural fairs. **OUGHT TO PASS WITH AMENDMENT**

Rep. John R. Swindlehurst for Environment and Agriculture: Rep. John R. Swindlehurst for the committee: This bill as amended is concerns the relationship between agricultural fairs and their host communities. Testimony indicated some fairs have tax problems while others do not. The committee is very concerned about the decline of agriculture in our state and believes agriculture needs all the promotion it can get. The educational aspects of agricultural fairs must be preserved. Concern was expressed that the host communities should be compensated for services they provide. This bill requires an agreement between a host community and its fair for those services. This bill does not mandate any amount of money or duration of agreement. **Vote 17-1.**

HB 393-FN, relative to plant nurseries and nursery stock. **OUGHT TO PASS WITH AMENDMENT**

Rep. Timothy D. O'Connell for Environment and Agriculture: This bill revises the laws relative to the registration and inspection procedures for plant nurseries. All commercial producers, or sellers, of nursery stock must be licensed annually. A nursery inspector shall inspect any nursery as determined necessary by the director. Upon successful completion of an on-site inspection, a certificate will be issued by the director verifying that the nursery stock is free of plant pests or disease for distribution. **Vote 14-0.**

HB 581-FN Relative to the authority of the commissioner of agriculture, markets, and food to search for invasive species. **INEXPEDIENT TO LEGISLATE**

Rep. Burton W. Williams for Environment and Agriculture: The committee feels that the commissioner has the authority to accomplish this already. It would require unnecessary general fund expenditures. **Vote 16-2.**

HB 610, allowing the sale of raw milk cheese and unpasteurized apple cider in New Hampshire. **OUGHT TO PASS WITH AMENDMENT**

Rep. Burton W. Williams for Environment and Agriculture: This bill replaces the long-standing agricultural traditions of New Hampshire. It allows distribution of unpasteurized milk, cheese and cider to certain customers. **Vote 13-0.**

HB 625-FN, establishing a moratorium on the land application of class B biosolids. **INEXPEDIENT TO LEGISLATE**

Rep. Richard P. Brewster for Environment and Agriculture: This bill would mandate a moratorium on land application of biosolids. It was felt this would not be appropriate at this time. **Vote 10-7.**

HB 676-L, establishing a committee to study the creation of a regional program for collection and marketing certain components of the municipal solid waste stream. **OUGHT TO PASS WITH AMENDMENT**

Rep. George T. Musler for Environment and Agriculture: The intent of this study is to address relieving increased demand on landfills and to provide an "end-point" for certain components of the municipal solid waste stream, both at the municipal level and from existing waste districts. Particular attention will be given to creating collection points in order to market certain components in the waste stream, taking into consideration the concept of economy of scale. **Vote 16-0.**

FINANCE

HB 105-FN-A, establishing an agricultural nutrient management program and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT**

Rep. MaryAnn N. Blanchard for Finance: The amendment creates a program to help farmers and other livestock owners protect water quality by managing nutrients, like manure, from agricultural sources according to Best Management Practices on a voluntary basis through small grants. The original bill created a designated fund. The amendment removes this mechanism and also calls for a report on the status of the program each year beginning in October 2002 by the Commissioner of Agriculture. \$20,000 appropriated each year from fees currently generated by fertilizer registration and inspection will be matched by \$30,000 Department of Environmental Services Federal Clean Water Act grant money for the purpose of this program. The Commissioners of Agriculture and Environmental Services strongly support this bill. **Vote 20-0.**

HB 177-FN-A, relative to the purchase of a wheelchair van for the veterans' home in Tilton and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT**

Rep. Beverly T. Rodeschin for Finance: This bill, as amended, appropriates up to \$25,000 for the purchase of a wheelchair van for the Veterans' Home in Tilton. The funds are to be matched by private donations on a dollar-for-dollar basis. The appropriation is against an expected FY 01 surplus, but the funds may be drawn anytime before June 30, 2002. The amendment is acceptable to the Veterans' Home. **Vote 21-0.**

HB 270-FN, increasing the mileage reimbursement rate for members of the legislature. **OUGHT TO PASS WITH AMENDMENT**

Rep. Robert L. Wheeler for Finance: This bill deals with an issue that has been avoided for decades – reimbursement to members. Members work hard for others and this bill is overdue. It increases by \$.04 a mile the allowance effective for members in the next session. **Vote 17-4.**

HB 276-FN-A, relative to reimbursement of legal fees of supreme court employees who retained counsel during the impeachment proceedings regarding chief justice David A. Brock and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT**

Rep. Robert G. Holbrook for Finance: The Finance Committee felt that the Supreme Court employees should not have to bear the cost of hiring attorneys to represent them in the unusual Judge Brock case. The appropriation would be \$7,354. to cover this cost. **Vote 19-0.**

HB 279-FN-A-L, relative to the payment of certain unfunded accrued liability of the retirement system and making an appropriation therefor. **OUGHT TO PASS**

Rep. Robert L. Wheeler for Finance: This bill eliminates the expenditure for additional normal retirement contributions and replaces it with amortization payments for \$5.25 million of bonds. In FY 02, state expenditures will increase by \$1174; FY 03 general fund expenditures will decrease by \$38,000. **Vote 17-0.**

HB 295-FN, relative to medicaid recoveries from third party settlements. **OUGHT TO PASS**

Rep. Francine Wendelboe for Finance: This bill is a request of the Department of Health and Human Services and deals with reimbursement to the state for medicaid services provided for services to a low income person who later receives a third party settlement payment for their injury. Current practice allows the injured party to retain 10% of the award, allows 33% for attorney fees, then the balance is applied to the expenditures made by the state for the injured party's care. If there are funds remaining after full reimbursement to the state, any remaining funds go to the injured party.

Trial attorneys have challenged the 10% level in attempts to get a greater pro rata share for the injured party. The Department testified this costs almost \$10,000 per case when a challenge occurs and explained this legislation would put the policy into statute. If this legislation fails, more cases – perhaps all cases – would be taken to court for a judge to decide the percentage. This would potentially eliminate the state reimbursement for all monies expended by the state on the injured party's behalf. **Vote 12-9.**

HB 328-FN-L, relative to fees of sheriffs and deputy sheriffs. **OUGHT TO PASS**

Rep. Robert L. Wheeler for Finance: The Committee felt that the increase to \$15 from \$10 in the fees charged for the service of civil writs was warranted given the associated increase in costs and that the bailiffs' rates in this bill were consistent with other courts and the budget and therefore should be supported. **Vote 14-6.**

HB 350-FN, relative to persons with disabilities participating in the work incentive program. **OUGHT TO PASS**

Rep. Francine Wendelboe for Finance: This legislation will create opportunities for persons with significant disabilities to obtain employment and work towards greater independence and self-sufficiency. Unfortunately, under current state law, most of these individuals would lose their medicaid benefits if they earn above a certain income limit. Even if their employment offers health insurance, most employer-sponsored health plans do not cover the long-term supports needed by these individuals. The loss of these essential services prevents many disabled individuals from working according to their full capacity, keeping them in poverty and dependent upon cash assistance and other state programs.

In the fall of 1999 Congress unanimously passed an act that allows for a number of changes to medicaid and employment laws to enable these individuals to work but still retain their critical care services under medicaid. This bill would enable these changes to take place in New Hampshire. The employed disabled worker would pay, on a sliding fee scale, part of the cost of the continued medicaid coverage. This legislation is part of an ongoing effort to create better health care options for adults with disabilities who are employed, as directed by SB 183 of the 1999 legislature. The \$500,000 cost in FY 02 and the \$700,000 cost in FY 03 will be included in the budget. **Vote 21-0.**

HB 354-FN-A-L, extending the kindergarten construction program. **OUGHT TO PASS WITH AMENDMENT**

Rep. Elizabeth S. Hager for Finance: Four years ago the state made a promise to local school districts to encourage them to add public kindergarten. We said we would pay 75% of their building costs. Twenty-five of the districts without kindergarten have now voted it in. This bill, by extending the program for two more years, keeps our promise to our school districts. **Vote 18-3.**

HB 537, relative to the land and community heritage investment program and the state's travel and tourism promotion and development effort and making appropriations therefor. **INEXPEDIENT TO LEGISLATE.**

Rep. Robert L. Wheeler for Finance: It was felt by the committee that this is an important issue and belongs in the budget. Its purpose, funding, and administrative process are contained in HB 1 and HB 2 and therefore we recommend Inexpedient to Legislate. **Vote 18-4.**

HB 587-FN-A, establishing a commission on the status of men, and making an appropriation therefor. **INEXPEDIENT TO LEGISLATE**

Rep. Paul J. Dwyer, Sr. for Finance: The Committee does not feel that at this time new dollars can be spent for staff, rent,

phones and other expenditures to establish a new commission, however well-intended. **Vote 13-8.**

HB 603-FN-A, providing the commissioner of administrative services an option to self-fund the state employee health plan and requiring a reserve fund therefor. **OUGHT TO PASS**

Rep. Robert L. Wheeler for Finance: This bill allows, but does not require, the Commissioner of Administrative Services to contract for a self-insured group health plan for state employees. This issue was studied, and with an ever-shrinking number of carriers in the state this additional option becomes quite attractive. If the Department of Administrative Services elects this option, a reserve fund to cover certain claims and expenses is required. **Vote 16-5.**

HB 658-FN-A, relative to the homeless prevention fund and making an appropriation therefor. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Francine Wendelboe for the Majority of Finance: The subject of homelessness is a complex one that encompasses many reasons for someone becoming homeless – from a shortage of affordable housing, to high rents, to behavioral problems, to people who just hit a rough spot of short duration. This legislation would require the state to fund \$1 for every \$3 provided by private donors up to a maximum of 1 million state dollars. The sponsor testified there are two sources interested in donating \$2 million but for confidentiality reasons could not name the source or give definite assurances of a permanent commitment of funding in subsequent years. This raised concerns of the state being expected to increase the state level in future years.

Most importantly, this would contradict the intent of SB 1 of the 1985 session which was a negotiated commitment between the municipalities, counties, and the state on who pays for certain social services. Prior to SB 1 being enacted, municipalities were responsible for all general welfare assistance, aid to the permanently and totally disabled (APTD), nursing home care and juvenile costs for one year. In exchange for municipalities fully being responsible for general assistance, the county and state starting being liable for APTD, nursing home care and juvenile costs from day one. This bill, in essence, proposes that the state take back that responsibility. At the very least, it would create confusion about who should provide assistance and it would also create the need for all kinds of checking to avoid double dipping.

In addition to the town assistance required under law, there already exist many other sources to assist people who face homelessness. The Housing Finance Authority has an emergency rent program which funds up to three months rent for 400 people. The Department of Health and Human Services has \$1.3 million a year for temporary assistance. Many churches and private and non-profit entities provide help for rent, food, and utilities. A new fund of \$10.9 million a year will become available this year. This fund was created by a mil tax on all non-municipal electric utility customers. These funds will be used to pay the utility costs of low income people so that they will pay no more than 6% of their income on electricity – even if they have electric heat.

Many other sources of assistance are available including the new funding amount for utilities. Also, there are other pieces of legislation coming from the Senate which may help address the non-general assistance causes of homelessness. Finally, when SB 128 (which created the study committee on homelessness) passed last year, there was a clear expression reflected in the minutes that there be no general funds considered. In fact, the blurb specifically showed the legislative intent in SB 128 being passed was that it was amended to remove any reference to the general fund and even removed the \$1.00 original general fund appropriation.

While the Committee is sympathetic to homelessness, for all the reasons above stated, the majority of the Committee recommends Inexpedient to Legislate. **Vote 12-10**

Rep. Marjorie K. Smith for the Minority of Finance: Last year the legislature passed and the governor signed into law SB 128 which created the Homeless Prevention Fund. The legislature recognized overwhelmingly that prevention is far more cost effective – and likely to succeed – than attempts to put the pieces back together once a family has lost its home. Homelessness breeds unemployment and contributes to school failure. The costs of homelessness are enormous to the family and to society. This bill, as passed by the Health and Human Services Committee with a unanimous vote, matches one state dollar with three private dollars, leveraging limited state dollars to attract private dollars that might not otherwise be spent in this way. This bill gives priorities to very low income persons or families in which one or more adults in the family are working or in an employment training program, there is a minor child or a disabled person.

HB 693, rescinding the prohibition on the possession and use of tobacco products by minors and making tobacco use prevention programs in secondary schools the priority of the tobacco use prevention fund. **INEXPEDIENT TO LEGISLATE**

Rep. Richard J. LaRose for Finance: The substance of this bill revolves around two issues – one of policy and one of finance. The

policy issue is whether to repeal RSA 126-K:6 that criminalizes the possession of tobacco products by minors. Many Committee members thought that the sponsor should consider legislation for the next session so that a policy committee might deal with this matter. The second issue dealt with increasing the funding for tobacco prevention to \$6 million annually from its current \$3 million level by reducing the amount of the tobacco settlement money going to the education trust fund. The Department of Health and Human Services testified in opposition to this increase because it would not be consistent with its task force's recommendation and the state's plan. Consequently the Committee recommends this bill be Inexpedient to Legislate **Vote 14-7.**

FISH AND GAME

HB 152-FN, relative to expanding the legal methods of taking game animals. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Robert J. L'Heureux for the Majority of Fish and Game: This bill is the result of HB 1152 filed in House Session 2000 which was assigned to a sub-committee for interim study. In addition to the public hearing before the Fish and Game Committee in the LOB, Saturday work sessions were held in Lancaster, Concord, and Keene to obtain public input. Based upon research, pertinent public testimony and extensive review of materials submitted, it was determined that the establishment of a crossbow season as cited in HB 1152 fell under the authority of the Fish and Game Department and not the Legislature. HB 152 as amended, grants this authority to the Fish and Game Department. Once this authority is established, the Fish and Game Department will develop the necessary rules and regulations under RSA 541-A:1 to expand the legal method of taking of game to include crossbows. As amended, this bill has the support of sportsmen, the New Hampshire Wildlife Federation and the Fish and Game Department. **Vote 9-8.**

Rep. Eric G. Stohl for the Minority of Fish and Game: This bill in its original form, was brought before this committee about four years ago. It was studied statewide for an extended period of time. There was support as well as objections from sportsmen everywhere. The objections seemed to center around the fact of the use of the crossbow during the archery season. If this bill was to become law, the minority also feels that a major law enforcement issue will arise. The archery season does overlap the firearms season, raises the issue of weather a deer was shot with a crossbow or a regular bow. In addition, there are two deer tags that are allowed for archery hunting. We feel this may possibly lead someone to shoot the animals with a crossbow rather than a bow which would be impossible for a Conservation Officer to prove either way. The minority feels that the main intent of this bill is to allow the use of crossbows in the archery season by all hunters. The use of crossbows for hunting deer in New Hampshire today is restricted to persons with disabilities that prevent them from using conventional bows. The minority feels that the existing law governing the use of crossbows in New Hampshire should remain as is; for use only by individuals that cannot operate a conventional bow.

HB 720, relative to permitting the use of certain firearms for hunting deer. **OUGHT TO PASS WITH AMENDMENT**

Rep. Gary S. Hopper for Fish and Game: This bill increases the options for hunters, to allow certain handguns that have a similar trajectory to the shotguns already used in shotgun only areas. Handguns are currently legal for hunters in the state except these areas. **Vote 14-2.**

HB 760-FN, relative to the possession of silencing devices and relative to the use of silencing devices for taking game. **OUGHT TO PASS WITH AMENDMENT**

Rep. Thomas A. Varrell for Fish and Game: This bill modifies RSA 207:4 which was inserted into the statutes in 1947. The original intent was to prevent the "taking of game" with a firearm equipped with a device to silence or muffle the sound of a gunshot. In 1955 these sections were recodified and the chapter heading which identifies the purpose "for the taking of game" was relocated to an index in Chapter 207. Thus the original intent became vague when read separately from the title. HB 760-FN clarifies the original intent of prohibiting the taking of wildlife with a silenced firearm, but allows the department of Fish and Game to grant a depredation permit which would allow a landowner to use a lawfully obtained silencing device under such a permit. Currently, there are more than eight hundred silencing devices lawfully possessed by New Hampshire citizens. These devices are strictly controlled and registered by the United States Department of the Treasury; and any transfer of ownership of such devices is through a federally licensed Class III firearms dealer accompanied by an extensive background investigation and waiting period of four months plus payment of a two hundred dollar transfer tax. This amended bill will not affect those registered devices lawfully possessed in the State of New Hampshire. **Vote 17-0.**

HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS

HB 463-FN, relative to protective services to adults. **OUGHT TO PASS WITH AMENDMENT**

Rep. Joseph P. Manning for Health, Human Services and Elderly Affairs: This bill improves the procedures and guidelines needed in protecting vulnerable elderly from exploitation, abuse and neglect. It also improves the liability protection of those who, in good faith, report such wrongdoing. The amendment tightens up language that was overly broad in its scope in the original version. A revised fiscal note by the Administrative Office of the Courts to the Department of Health and Human Services states that there is no fiscal impact – state, county or local. **Vote 16-0.**

JUDICIARY

CACR 5, relating to the rulemaking authority of the supreme court. Providing that supreme court rules are effective only when not inconsistent with statute. **OUGHT TO PASS WITH AMENDMENT**

Rep. James W. Craig for Judiciary: This CACR restores the legislature’s constitutional right to initiate and regulate by statute the administration of, and the practice, procedure, and rules of evidence in, all courts of the state. The court retains its rulemaking powers but the legislature may also be able to regulate these matters by statute. In the event of conflict, the statute prevails over the rule provided that the statute is otherwise constitutional. HB 252 is a companion bill to this CACR and provides its detail. **Vote 15-1.**

HB 252, establishing a committee to study the administrative functions and procedures of the state court system. **OUGHT TO PASS WITH AMENDMENT**

Rep. James W. Craig for Judiciary: This bill is a companion to CACR 5. It provides the mechanism by which court rules promulgated by the Supreme Court will be regulated by the legislature. The bill provides that all court rules currently in existence shall continue in effect. It also applies RSA 91-A, the right-to-know law, to the Supreme Court’s rulemaking procedures. Finally, the bill requires copies of all rules promulgated by the court to be sent to the Speaker of the House and to the Senate President with a summary of each rule. The legislature then has the option of changing or voiding any rule by statute, or doing nothing. If the legislature does nothing, the rule retains the force and effect of law. **Vote 15-0.**

HB 450, relative to work product under the right-to-know law. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. John M. Pratt for the Majority of Judiciary: This bill gives additional protection to the work papers, notes and preliminary drafts of Legislative Budget Assistant auditors made in preparation of audit reports authorized under Chapter 14 of the Revised Statutes Annotated. The bill was requested by the Legislative Budget Assistant in response to a recent decision of the New Hampshire Supreme Court. The amendment deleted a second section of the bill which would have made changes to the right-to-know law. **Vote 12-8.**

Rep. Peter E. Franklin for the Minority of Judiciary: The minority view of this bill is that it should be killed. This bill was brought forward in response to the *Goode v. Buckley* case, which was remanded to Superior Court at the beginning of this year. Until we know the final disposition of the case, we are tilting at windmills. It is quite possible that Revised Statutes Annotated (RSA) 91-A has worked quite well and there is no need for any legislation.

HB 505, limiting the liability of manufacturers, distributors, dealers, or importers of firearms or ammunition for damages resulting from the misuse of their products by others. **INEXPEDIENT TO LEGISLATE**

Rep. Peter R. Leishman for Judiciary: The Committee applauds the efforts of the sponsor to limit (frivolous) lawsuits against gun manufacturers, distributors and dealers. However, the majority of the committee believes the proposed legislation is too broad a weapon to protect the firearms community, and that a judge and jury should be trusted to sort out ridiculous claims. To date, there have been no claims based on misuse against manufacturers of guns in New Hampshire, nor successful actions in other states. Courts have recognized the frivolous nature of these suits. The majority was troubled about other interests that might seek immunity for misuse of their product(s) should this legislation pass. **Vote 14-3.**

LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES

HB 221, establishing a right to work act which provides for freedom of choice on whether to join a labor union. **INEXPEDIENT TO LEGISLATE**

Rep. Ralph F. Woekel for Labor, Industrial and Rehabilitative Services: The committee felt that this was more a statement of principal than a bill and consequently was inappropriate for legislation. **Vote 16-1.**

HB 469-FN-L, relative to the applicable minimum wage for hourly employees. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Russell D. Bridle for the Majority of Labor, Industrial and Rehabilitative Services: There are 644,000 New Hampshire residents employed in 1999 of which 360,000 were hourly wage earners. Approximately 10,000 or 1.5% are tipped employees who typically make substantially more than minimum wage (\$5.15). According to the 1999 statistics approximately 27,000 (4.2%) earned wages ranging from \$5.16 to \$6.14. In contrast to other states in New England, New Hampshire had the second lowest percentage of workers earning less than \$6.15 per hour. The majority of the committee understood that since 1999, wages have climbed higher yet and unemployment lower, allowing for workers to shop for higher paying jobs. An important point in the consideration of a state minimum wage would be the negative impact on some of the very people it would be meant to help. An increase in minimum wage could impact low income workers by changing income qualifications for earned income credit, child and dependent care credit, child tax credit, credit for elderly or the disabled and education credits and SSI. **Vote 10-8.**

Rep. Jeffrey P. Goley for the Minority of Labor, Industrial and Rehabilitative Services: The minority of the committee felt that New Hampshire's lowest paid workers deserve a raise. Without an increase in the last four years, New Hampshire's most disadvantaged workers have lost pace with the rapid cost increase of fuel, housing and other basic needs.

LEGISLATIVE ADMINISTRATION

HB 452, establishing a committee to study the reimbursement for expenses of legislators. **OUGHT TO PASS**

Rep. Keith R. Herman for Legislative Administration: There has been much discussion and debate over how the legislature should be compensated. Earlier this session the House voted to increase the mileage reimbursement for legislators choosing to receive the state rate. The New Hampshire constitution allows for legislators only to be reimbursed for mileage for actual attendance. It is clear, any change in how we are compensated or reimbursed will require a constitutional change. HB 452 establishes a study committee to recommend changes to our compensation. The study committee can propose a constitutional amendment to be considered by the House next year. The committee is retaining CACR 21 to use as a vehicle for any recommendations from the study committee. If the study committee fails to recommend something, CACR 21 will still be available for House action. **Vote 9-4.**

HB 574, establishing a committee to study the recodification of laws relating to the joint committee on legislative facilities and the application of the right-to-know law. **OUGHT TO PASS**

Rep. Peter F. Bergin for Legislative Administration: It has been a number of years since this issue was studied. After hearing testimony from a number of people in favor of such a study, the committee voted in favor of such a study of the right-to-know law as it applies to the joint committee on legislative facilities. **Vote 9-4.**

MUNICIPAL AND COUNTY GOVERNMENT

HB 251, establishing that local zoning ordinances regulating location are applicable to community living facilities. **INEXPEDIENT TO LEGISLATE**

Rep. Mary R. Cooney for Municipal and County Government: The intent of this bill was to prevent the possibility of any sex offenders being housed in state community living facilities which are located near schools or neighborhoods where children are present. This bill would take away the State's ability to establish a community living facility in the most appropriate location, as required by State and Federal law. There is a need to balance the rights of the disabled and others with the rights of the residents. This bill does not address the problems that might arise with sex offenders living in neighborhoods. By law, they may do so now once a sentence has been served and they have registered with the local police department. In reality, developmentally disabled persons housed in such a facility are far more regulated and controlled, because of the supervision and services they receive, than a sex offender who is not disabled. A developmentally disabled sex offender, who is incompetent to stand trial for an offense and considered a risk to the community, is housed in a special facility for such offenders. This bill was brought about because the Department of Health and Human Services did not allow public input prior to making the decision to assign such a person to a community facility. The bill had the effect of putting the placement of all citizens with all types of disabilities at risk. This bill would go against the purpose of RSA 126-A "to provide an integrated, administrative structure for the design and delivery of a comprehensive and coordinated system of health and human services which is family-centered and

community based for the citizens of New Hampshire." **Vote 14-1.**

HB 607-FN-A-L, relative to reimbursement for police assistance provided to schools within a cooperative school district or an authorized regional enrollment area school. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Robert W. Brundige for the Majority of Municipal and County Government: The committee sympathized completely with the sponsors. We felt that this issue can and should be resolved by the affected associated school boards by placing a line item in the operating budget. Further, the committee was precluded from recommending the passage of this bill because it is a direct violation of Part I, Article 28-a of the New Hampshire Constitution which does not allow the State to require local political subdivisions to pay for new or expanded programs, unless the State is willing to fund that requirement. **Vote 10-6.**

Rep. Mary R. Cooney for the Minority of Municipal and County Government: The minority feels that the lack of communication between some cooperative school districts and the related hosting towns makes it imperative that an agreement be required to reimburse the hosting town for police costs incurred during the school year. Some cooperative district schools have needed to call police up to 300 times in one year.

PUBLIC WORKS AND HIGHWAYS

HB 543-FN, establishing the division of ports and harbors within the Pease development authority and transferring all functions, powers, and duties of the New Hampshire state port authority. **OUGHT TO PASS WITH AMENDMENT**

Rep. William E. Leber for Public Works and Highways: This bill was introduced by the majority of the committee to study the organization and operations of the New Hampshire Port Authority (NHPORT) under HB 1559, Chapter 153 of 2000. The bill simply transfers the total operation functions and responsibilities, personnel and properties as a unit to the Pease Development Authority (PDA) to be named the Division of Ports and Harbors. The amendment includes a complete rewrite of the PDA statute RSA 12-G to include the NHPORT statutes as are appropriate to combine the two organizations. Particular care was required in that certain requirements of the Federal government in the transfer of Pease Air Force Base to the state had to be protected and kept separate from the operation of the NHPORT. Therefore, some of the changes were simply identifying the "airport" from the "division" when referring to properties and funds. The PDA legal counsel was involved with the rewrite, and it has been coordinated with the personnel in the Attorney Generals Office. The Treasurer reviewed it as to its affect on the various bonding issues. All have indicated the amendment covers the concerns of all agencies. The study committee found that there have been many studies and proposals for changing or combining operations of the NHPORT, starting in 1985 in a Sunset review report, that called for its termination and transfer its responsibilities to other agencies. Further studies in 1991 recognized the similarities of the two agencies and the efficiencies that may accrue through a merger. Other studies followed in the 1990s, and currently the study authorized in Chapter 153, Laws of 2000, which looked at the possibility of assigning the NHPORT to the Department of Transportation, or the Department of Resources and Economic Development or the PDA. The committee recognizes that integration of the functions of the NHPORT with the PDA will allow for faster and more coordinated development and operation of the Port and Harbors on the Seacoast. Combined administration and marketing efforts will benefit the Seacoast region and all the citizens of the state. The amendment provides for a direct line of authority and responsibility from the PDA Board of Directors to the Division Director of Ports and Harbors, who serves at the pleasure of the Board. The classified employees remain unchanged and continue to serve as state classified employees. The current Board of Directors of the NHPORT will be retained as an Advisory Council to the Division Director on issues of programs, rules, operations, etc., and to insure communications flow both ways, a requirement that the PDA Board shall respond with reasons if a Council recommendation is not accepted. Also, to relieve some concerns that the PDA may develop the Port properties in other ways, the amendment states the ports remain working ports. The amendment also provides that the Director of the Port Authority on the effective date of this act shall serve as initial Director of the Division of Ports and Harbors. The committee considered but rejected a motion to retain this bill, and voted with confidence that this is the time and this is the instrument to effect the change needed for the future strength and stability of the NH ports and harbors on the Seacoast. **Vote 17-2.**

HB 715-FN, relative to the New Hampshire port authority. **INEXPEDIENT TO LEGISLATE**

Rep. Michael J. Rozek for Public Works and Highways: The committee studied this bill, and as the bill is proposed, this would increase the state owned New Hampshire Port Authority appointed board of director members from eight to eleven. As this bill is worded, seven or more of these members could be directly from the city of Portsmouth. All of the issues concerning the Port Authority were not addressed with this bill. In addition, the committee agreed that this bill would not address or correct the main areas of concern with the Port Authority. The main issues of concern with the Port Authority were included in HB 543-FN, which was approved by this committee with a vote of 17-2, therefore, this bill was not needed. **Vote 14-5.**

RESOURCES, RECREATION AND DEVELOPMENT

HB 717, establishing a committee to make recommendations on policy concerning state-operated trails for all terrain vehicles and trail bikes, and establishing a temporary moratorium on new all terrain vehicle and trail bike trails. **OUGHT TO PASS WITH AMENDMENT**

Rep. David M. Lawton for Resources, Recreation and Development: This bill creates a study committee to address, and hopefully resolve, the conflicts and complexities regarding state-operated trails for all terrain vehicles (ATVs). The study will bring the interested parties to the table with the intent of arriving at a workable model to balance user needs and landowner interests on state-operated trail systems. The committee removed the moratorium on state ATV or trail bike trails with assurances from the Department of Resources and Economic Development (DRED) that they would not pursue development of new trail systems on state lands until the study was completed. The committee also amended the bill to increase the cost for non-resident snowmobile registrations to \$60, a \$15 increase. The reasoning for the change comes as a result of two factors. First, the state of Maine plans to repeal the reciprocity agreement previously held with New Hampshire snowmobile operators. And, second, due to heavy trail maintenance demands during this long winter season, the grant funds available via DRED have been totally depleted. The increased registration fee will still be below these non-resident registration costs of our neighboring states. **Vote 14-0.**

HB 769-FN-L, relative to fees paid by municipalities for excavating and dredging permit applications. **OUGHT TO PASS WITH AMENDMENT**

Rep. David M. Lawton for Resources, Recreation and Development: Current excavating and dredging permit applications are calculated on a per-square foot formula and large projects such as the one pending for the Cochecho River could cost as much as \$45,000 for the permit alone. As this would grossly exceed the real cost to the Department of Environmental Services (DES), the committee recommends passage of this bill to cap those applications with a maximum fee of \$10,000. It was also indicated that future legislation will be filed to explore another method for calculating application fees which more accurately reflects the cost to process the application. **Vote 13-2.**

SCIENCE, TECHNOLOGY AND ENERGY

HB 423, relative to public utilities mergers. **OUGHT TO PASS WITH AMENDMENT**

Rep. Jeb. E. Bradley for Science, Technology and Energy: Due to germaneness the committee held a second public hearing on HB 423. The amendment replaces all of the original language that dealt with Public Utilities Commission (PUC) review of utility mergers. This committee amendment makes several alterations to the electric industry deregulation statute due to significant changes in the marketplace for electricity since that statute was enacted in June 2000. Those marketplace changes include sharply escalating commodity prices for crude oil and natural gas that remain high. Customer payments for installed electric generation capacity (set by the Federal Energy Regulatory Commission) have increased dramatically. Uncertainty in the regional electric markets is also probably contributing to higher prices. The bottom line in New England: the market price of generated electricity (without any delivery charges) has almost doubled since June 2000. The price of electricity in New England has increased for most utilities regardless of their regulatory or deregulatory status. For instance Unitil, a fully regulated utility that serves the Seacoast and Capital regions of New Hampshire, recently increased rates by 25%. Against this backdrop of higher electricity prices and volatility, the committee believes changes are necessary to the deregulation statute in order to prevent large price increases for industrial and commercial customers and cost deferrals (which would need to be paid back later with interest) for residential customers. The primary change is that the PUC would not proceed with the sale of all of PSNH generation assets at this time. PSNH would retain its coal and oil fired generation assets for two additional years unless the PUC determines that an earlier sale makes sense because electricity markets have stabilized. PSNH would use these generation assets to supply electricity to customers on Transition Service that is designed for customers who have not made a competitive choice of an electricity generator. These PSNH coal and oil generation assets are low cost in comparison to the market price of electricity in New England. The market price of electricity in New England is about \$80 per megawatt hour (mwh). PSNH's cost is about \$45 per mwh. PSNH would supply this power at their cost of service or alternatively the PUC would have authority to raise the price of this power to a market rate if PSNH's stranded costs are "fully, effectively, and contemporaneously mitigated." What that means is that the PUC could establish market rates in order to jump start customer choice. However, the PUC could only do this if stranded costs are reduced on a dollar for dollar basis and a customer's overall rates do not increase because the increased price of power is balanced by a corresponding decrease in stranded costs. Requiring PSNH to retain its coal and oil assets recognizes that electricity markets are still forming in New England and that keeping a lid on electricity prices in New

Hampshire is critical to the state's economy especially if an economic slowdown is coming. With recent higher electricity prices, this proposed change in law would allow New Hampshire to move forward with electric deregulation rationally. The PUC will retain control over the sale of these low cost generation assets and as such should provide a hedge against price increases and volatility in New England. The legislation recognizes that Seabrook ought to be sold both to reduce stranded costs and shift nuclear risk to new owners. Virtually everyone agrees that a quick sale of Seabrook makes sense. The amendment also lengthens the time period that Transition Service may be provided for under the PSNH settlement. Conservation funding is also increased. Demand for electricity is increasing in New Hampshire. Increasing conservation funding will help to limit price volatility and price spikes during periods of peak demand. The amendment makes certain that PSNH receives the full incentive if they can successfully renegotiate high priced wood to energy plants costs. The amendment allows a temporary surcharge in order to reduce deferrals. It should be noted that this surcharge would not be necessary as long as PSNH retains its coal and oil generation assets. Lastly, the amendment states that the secure bonding authority enacted in law in June 2000 and approved by the PUC shall not be influenced by any of legislative changes. That bonding triggers the PSNH write-off of about \$450 million and the approximate 10% additional rate reduction due to take affect on May 1. With passage of this legislation PSNH customers will receive the benefits of the Settlement and should avoid price spikes that have plagued many regions of the country including New England. Lastly, it should be noted that 6700 megawatts of generation capacity in New England (including 1245 megawatts in New Hampshire) are due to come on line by the summer of 2002. The region is addressing supply and demand issues unlike other states that have not built new power plants, particularly in the west. 6700 megawatts represents about 25% of the region's existing generation capacity. **Vote 16-0.**

HB 443, relative to a 20-year state comprehensive energy plan. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. William W. Gabler for the Majority of Science, Technology and Energy: Recognizing that energy is essential for the health and safety and economic well being of all New Hampshire residents, this bill calls for a forward looking analysis of our energy needs, and the preparation of a comprehensive state energy plan. This plan will evaluate the future demand for both natural gas and electricity while also assessing the adequacy of our transmission and distribution infrastructure, siting requirements, fuel diversity and energy efficiency programs. In so doing, the plan will lay the groundwork for efforts to ensure that New Hampshire does not experience energy supply and demand problems similar to those recently encountered in other states. In addition, this plan will provide the framework for New Hampshire to participate in regional and national energy planning forums that may impact our state. Given the essential nature of energy to our lives, the committee feels that the state needs to look ahead and take steps now to ensure that the energy infrastructure is safe, reliable and adequate in the future. Funding for the development of this plan will come from existing conservation funds. The bill authorizes the expenditure of up to \$100,000 of those funds, which amounts to approximately ½ of 1 percent of the state's conservation funds for 2002. While the committee acknowledges that this is not a minor amount of money, it feels strongly that the expenditure is inexpensive in comparison to the potential cost of supply and demand problems that a thorough energy study may help us avoid. **Vote 12-3.**

Rep. Gary R. Gilmore for the Minority of Science, Technology and Energy: This bill will cost New Hampshire electric ratepayers \$100,000 and although extremely well intentioned, will not accomplish the purpose as sought by its sponsors. The questions posed by the amended version of this legislation which are to be answered by a consultant fall outside the scope of any New Hampshire agency to adequately ascertain.

HB 740, relative to decommissioning of nuclear electric generating facilities. **OUGHT TO PASS**

Rep. Jeb E. Bradley for Science, Technology and Energy: Passage of this bill will update the nuclear decommissioning statute so that it enables the sale of the Seabrook power plant to a non-regulated new owner as part of electric industry restructuring. Currently the Nuclear Decommissioning Finance Committee (NDFC) determines the expected life of the plant and the amount of money necessary for future decommissioning based upon minimum Nuclear Regulatory Commission (NRC) radiological standards and New Hampshire site specific restoration standards. That will not change under the proposed legislation. Today decommissioning charges appear as a surcharge on customer's bill. With the change in ownership, customers will no longer be responsible for decommissioning expenses and the surcharge will disappear. New owners of the plant, not electricity customers, will be responsible for making timely payments into the decommissioning fund as determined by the NDFC. The statute is being revised so that the NDFC will have ample authority to insure that a new owner provides financial assurance that decommissioning will occur safely and within a reasonable timeframe. The NDFC must approve a financial assurance plan for a new owner prior to the transfer in ownership occurring. As part of the sale of the plant, about \$50 million from the sale proceeds will be deposited into the decommissioning fund. This is being done pursuant to the legislation in order to ensure that at time of closing, there will be enough money in the fund to meet minimum radiological decommissioning standards established by the NRC. The law also changes the site restoration standard to one consistent with commercial and industrial uses as opposed to the existing state "greenfields" standard. The Town of Seabrook supports this change. As an adjunct to this legislation, the

existing owners of the facility have agreed to upgrade (at their expense) the appearance of the never completed Seabrook II. As part of the consideration of this legislation the counsel to the NDFC, with the cooperation of the existing Seabrook owners and other interested parties, has prepared annotations to the bill that explain its intent. These April 12, 2001 annotations will be part of the legislative history of the bill. An issue involving decommissioning funding in the event of a premature shutdown may prompt a later amendment to the bill. The committee believes enactment of this legislation will enhance the sale of Seabrook. All proceeds from the sale of the plant will reduce stranded costs. Given the increasing price of electricity, the sale value of Seabrook is also expected to increase. The committee believes it is a good time to sell Seabrook both to reduce stranded costs and shift operational risks away from customers. **Vote 14-0.**

HB 758, relative to the sale of gasoline containing ethers. OUGHT TO PASS WITH AMENDMENT

Rep. Terie T. Norelli for Science, Technology and Energy: Methyl tertiary-butyl ether (MTBE) is an alcohol-based gasoline additive that was first introduced in the 1970's to replace lead as an octane booster. Since the early 1990's it has also been added in higher concentrations to reformulated gasoline (RFG) to meet the minimum oxygen requirement of the federal RFG program. Because of the potential for contamination of water resources by MTBE and other ethers, the desire to take action at the state level to ban or limit the use of MTBE is justifiable. Unfortunately, the federal Clean Air Act (CAA) places restrictions on states' ability to regulate fuel components without approval of the US Environmental Protection Agency (EPA). In addition, four New Hampshire counties that are in non-attainment for ozone are required to use RFG based upon a decision by NH to opt into the program in 1991 as part of our ozone reduction strategy required by law. At that time the decision was seen as a way of avoiding some of the more onerous requirements of centralized auto emissions testing. RFG has a minimum oxygenate requirement of 11% by volume of gasoline. The most common oxygenate used to meet this mandate is MTBE. Ethanol is an alternative used in some areas, primarily in the Midwest where it is more readily available, however, ethanol cannot be readily blended with gasoline sold in the east because of transportation and distribution problems.

Several states have attempted to limit MTBE concentrations in gasoline. Minnesota substituted ethanol. Maine took the legal route of opting out of the RFG program with EPA approval. New York and California both banned MTBE and are now being sued in federal court for violating federal law. Connecticut is considering moving the date further out for their ban because their only option is to substitute ethanol. In light of these actions in other states, it appears the quickest and most successful route to the elimination of MTBE is by opting out of the federal RFG program.

The bill as introduced would have limited MTBE and other ethers by October of this year to levels that are below those contained even in conventional gasoline and virtually eliminated all ethers by 2003. Conventional gasoline is currently the fuel that is being sold in the six New Hampshire counties that are not required to use RFG. Due to the fact that state regulations would then contradict federal regulations it is unlikely that fuel dealers would even consider supplying non-RFG gasoline in the four counties where it is federally required due to the imposition of significant daily fines for violating the federal rule. In other words the committee felt that either RFG would continue to be supplied despite the proposed legislation, or we would be faced with the situation where there would be supply disruptions and price spikes. We do not believe this was the intention of the sponsors, however, it would be an unintended consequence of the proposed legislation if enacted.

The committee shares the sponsors' goals of removing MTBE in the shortest time-frame possible. The committee believes that the first step toward accomplishing this goal is to opt out of the RFG program with EPA approval. Failure to achieve federal approval would mean the need to substitute ethanol (contrary to the proposed legislation that limits ALL ethers) because the RFG program still contains a mandate for oxygenated gasoline. Requiring the use of ethanol would be a distribution nightmare on the East Coast both in terms of gasoline price increases and supply disruptions. Thus without EPA approval to opt out and without substituting ethanol, the state would end up in federal court as California and New York have.

The bill, as amended by the committee, requires the NH Department of Environmental Services (DES) to submit a request by January 1, 2002, to the EPA to opt out of the RFG program as soon as possible, but no later than January 1, 2004. The bill contains authorizations for DES to substitute air emission reductions for the loss of RFG air credits. Thus it is much more likely that New Hampshire will be able to successfully opt out of the RFG program without the threat of federally-imposed auto emissions testing or legal challenges. Once the opt-out has been approved the committee amendment strengthens the existing statutory authority the DES commissioner already has to limit or ban MTBE. The amendment requires the commissioner to limit or ban MTBE provided a readily available, reasonably priced alternative exists.

The committee believes the amendment is likely to provide the quickest, most successful route to the elimination of MTBE and other ethers. Some people disagree with this approach and want a more confrontational approach. Unfortunately states that have adopted more confrontational approaches may feel they have accomplished something, but in reality these states have neither banned nor limited MTBE with much success to date. **Vote 13-1.**

STATE FEDERAL RELATIONS AND VETERANS AFFAIRS

HCR 12, requesting that the federal government lift federal preemption of regulation of gas pipelines and pipelines carrying other hazardous substances. **OUGHT TO PASS WITH AMENDMENT**

Rep. Jonathan E. Hill for State-Federal Relations and Veterans Affairs: The number of miles of natural gas pipeline in New Hampshire has increased significantly in recent years and it is anticipated that it will increase even more in the future. At the present time, the state Public Utilities Commission has a role in some aspects of interstate pipeline safety, but not all aspects. HCR 12 asks the federal government to allow the state greater involvement in pipeline safety and to clarify jurisdictional issues. The Public Utilities Commission testified that there are several pipelines crossing our state that New Hampshire has no safety information on. The Public Utilities Commission further testified that it would be advantageous for New Hampshire to have a more hands-on involvement in interstate pipeline safety. **Vote 11-2.**

TRANSPORTATION

HB 590, relative to access to motor vehicle records by insurance companies. **OUGHT TO PASS WITH AMENDMENT**

Rep. Robert J. Letourneau for Transportation: This bill as amended establishes the terms and conditions under which life insurance companies may access motor vehicle records. The bill as introduced would have allowed life insurance companies unfettered access to the motor vehicle records. This would have subverted our privacy law as passed by this House. This amended bill allows our citizens consent and knowledge of motor vehicle record access for life insurance underwriting purposes. This amendment also allows for trucking companies to access motor vehicle records for Commercial Drivers Licenses as required by federal law. **Vote 14-3.**

WAYS AND MEANS

HB 218-FN, relative to the motor vehicle road toll law and motor vehicle registration fees. **OUGHT TO PASS WITH AMENDMENT**

Rep. John S. Langone for Ways and Means: The committee feels that this bill, as amended, accomplishes the intent of the Dept. of Safety and the Transportation Committee. This bill allows the Commissioner of Safety to hire inspectors and increases the fees of trucks and motor vehicle registrations which haven't been raised since 1989. It also removes the "Dedicated Funds" section of the bill. The fiscal impact for 2002 is a \$4,500,000 net gain to the highway fund; \$900,000 for much needed truck emissions, dealer and inspection station enforcement and \$600,000 to local governments for local road assistance. Without passage of this bill and increased levels of enforcement for which it provides, the state of New Hampshire could lose \$14-15,000,000 of Federal Aid Highway Funds each year. **Vote 15-2.**

HB-604-FN, relative to increasing certain fees and making other changes to fish and game licenses. **OUGHT TO PASS**

Rep. Jeff Gilbert for Ways and Means: The Committee voted on a bipartisan basis 12-6 to approve the proposed license fee increases of approximately 40% over a two year period. These fees represent nearly all of the sources of funding for the Department of Fish and Game. The fees have not been raised since 1989 and the new fee structure is essential to maintaining the Department's present level of services. The Committee noted the strong support given to the bill by the Fish and Game Committee and Executive Director Vetter's testimony that the new fee structure will be very competitive with our neighboring Northeastern states and in numerous meetings around the state and the public hearing before the Fish and Game Committee no objections were voiced by our citizens or sportsmen or conservation groups. **Vote 12-6.**

HB 742-FN-L, relative to collection of the education property tax and establishing a program to rebate certain excessive property tax payments of eligible taxpayers. **MAJORITY: OUGHT TO PASS AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE**

Rep. Frank V. Sapareto for the Majority of Ways and Means: The majority of the committee felt that this bill accomplishes two extremely important efforts. First, by treating a state tax like a state tax it eliminates the ability to determine a donor or receiver town. Public perception of the state property tax is poor at best due to the concept of donor/receiver. Second, this bill provides substantial and much needed relief to property tax payers who can't afford property taxes and ensures that no one will be forced from their homes. This is the most refined circuit breaker/safety net proposal as it has been introduced and crafted over four legislative terms. Unlike other circuit breakers, this program is self-funding and actually generates state revenues. It

is estimated that it will generate approximately ten times the amount of property tax relief, under the current hardship provision, which it completely replaces. Critics complain that the interest generated by this tax belongs to the towns. But, the majority feels that this money belongs to the taxpayers and not to the towns. People pay taxes, not towns. The appropriations for this bill, as stated in the bill, are derived from the Education Trust Fund. **Vote 9-7.**

Rep. Susan W. Almy for the Minority of Ways and Means: This bill is the sketch of a plan to move the collection of the statewide property tax (at \$6.60) to the Department of Revenue Administration, in order to take the "float" (recompense for administration of the tax) from the municipalities and use it for an education property tax circuit breaker. It would require at least five million dollars for start up and two million a year for routine administration, but no appropriation has been provided. Numerous details necessary for this to work have been omitted. This is an extremely expensive way to fund the circuit breaker, which is similar to that in most other plans, but which would apparently be left with about the same amount of money that now funds only state-wide property tax relief in donor towns.

BILLS REMOVED FROM CONSENT CALENDAR

COMMERCE

HB 304-FN, relative to insurance coverage for prostate cancer testing. **INEXPEDIENT TO LEGISLATE**

Rep. William B. Tsiros for Commerce: The committee recognizes that prostate cancer is one of the leading causes of death in this country. However, this bill does not offer any new or better methods to diagnose or treat the disease. On the other hand, it will create havoc in managed health care by allowing a man to ignore the advice of his physician and seek examinations and diagnostic decisions on his own, putting early and accurate treatment at more risk. **Vote 15-0.**

HB 668, prohibiting the use of genetic testing for certain insurance purposes. **INEXPEDIENT TO LEGISLATE**

Rep. Leo W. Fraser, Jr. for Commerce: This bill prohibits life, disability and long-term care insurers from requiring an individual to undergo genetic testing or to disclose the results of a genetic test. The majority of the committee believes that this bill is too broad and is also premature. Under present laws, an applicant for these types of insurance is required to provide information about his or her own health history. Under this bill, an applicant would be permitted to withhold health information from an insurer. In addition, the definition of genetic testing in the bill is over broad and could be construed to include a number of routine medical tests. Although other states have adopted laws relative to genetic testing, none of these laws incorporate the provisions in HB 668. If requirements such as these were to be adopted in New Hampshire, they could have a chilling effect on the insurance market in the state, especially the emerging long-term care market.

This issue has been discussed in the legislature in previous sessions. Last year a committee to study issues relating to the use of medical testing in underwriting insurance was established with the adoption of HB 1589 (Chapter 304, Laws of 2000). Unfortunately, this committee was not able to fulfill its charge before the reporting date and has requested an extension. The committee believes that since insurers are not requiring applicants to undergo genetic testing in New Hampshire now, it makes more sense to allow for the careful review of this issue. As the use of genetic testing expands in the future, we will be able to identify any problems associated with it and will have the opportunity to craft responsible legislation to address any problems **Vote 9-4.**

HB 670, establishing an international trade commission to investigate and report on the effects of international trade agreements on New Hampshire self-governance. **INEXPEDIENT TO LEGISLATE**

Rep. Leo W. Fraser, Jr. for Commerce: This bill would establish a legislative commission to review existing trade agreements made at the federal level. The committee feels that it would not be appropriate to establish this commission for the following reasons: 1) the state already has an International Trade Advisory Council which includes legislative members, 2) careful review of those trade agreements would require staff and hired consultants, funding for which is not included in the bill and, 3) passage of this bill would send a negative message to New Hampshire businesses that export and to our global trading partners. The Department of Research and Economic Development testified in strong opposition to HB 670. **Vote 14-0.**

HB 690, adopting the "Financial Information Privacy Protection Model Act." **OUGHT TO PASS WITH AMENDMENT**

Rep. John B. Hunt for Commerce: The amendment replaces the entire bill. As amended HB 690 will create a medical privacy statute covering all insurance companies and agents. Under this law no medical information may be shared without the consumer giving permission (opt-in). The committee feels that although the Health Insurance Portability & Accountability Act

of 1996 (HIPAA) regulations are not completed, it is important to have a medical privacy law in New Hampshire. The committee also feels it is very important that department rules generated under this act not be confused with other rules generated by the insurance department as required under a separate federal statute known as Gramm-Leach-Bliley (GLB). GLB is an act relative to financial institutions and does not effect medical privacy. **Vote 11-1.**

EDUCATION

HB 679, establishing a commission to examine models of out-of-school care for children in kindergarten through grade 12. **OUGHT TO PASS WITH AMENDMENT**

Rep. Iris Estabrook for Education: The committee believes a study of models of out-of-school care is of great importance in addressing issues such as early onset substance abuse, teen pregnancy and juvenile crime, in addition to its implications for education. The amendment broadens the commission's membership to reflect these complexities. **Vote 16-0.**

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 346-FN, relative to requirements for medical examination and determination of gainful occupation for group II retirees injured in the performance of duty. **INEXPEDIENT TO LEGISLATE**

Rep. William R. Zolla for Executive Departments and Administration: This bill would remove the requirements of periodic medical examinations and determination of gainful occupation in excess of disability benefits for a group II member who is granted an accidental disability retirement due to injury in the performance of duty. The committee felt that to remove these safeguards would not be in the best interest of the retirement system in general or the remaining members within the benefit pool. The fiscal note estimated the cost of this bill at approximately \$800,000.00 to the retirement system. In addition, there was testimony that this bill could involve Article 28-a issues and might be in violation of the constitution. **Vote 17-1.**

FINANCE

HB 306-FN, relative to driver education training reimbursement. **INEXPEDIENT TO LEGISLATE**

Rep. Paul J. Dwyer, Sr. for Finance: We are obligated under current law to fund the high school driver training program with funds appropriated from the vanity plate sales. There are sufficient funds for the high school program but to include the private school driver training would cause us to fund the addition with general funds. **Vote 20-0.**

HB 741-FN-A-L, relative to supplemental grants to certain municipalities to cap tax effort per pupil. **INEXPEDIENT TO LEGISLATE**

Rep. Francine Wendelboe for Finance: This bill provides for supplemental grants from the Education Trust Fund to certain municipalities to cap tax effort per pupil. The sponsor's intent was to insure that no community would have to pay more than \$5.00 per thousand of assessed valuation. While the committee was sympathetic to the sponsor's goal of targeting aid, this approach does not help bring the legislature closer to resolving the pressing issues of funding an adequate education now before us. Once we have agreed upon a basic structure, this and other proposals might better be considered. **Vote 21-1.**

FISH AND GAME

HB 158, relative to the use of an artificial light to locate moose. **OUGHT TO PASS WITH AMENDMENT**

Rep. David S. Woodward for Fish and Game: This bill as amended would allow people and moose tours in Coos County to use lights for "spotting" moose for recreational viewing through the second Monday in October (i.e. Columbus Day). The Committee felt that this north country activity was an excellent addition to tourism and a way for people to enjoy seeing New Hampshire's wildlife. **Vote 16-1.**

JUDICIARY

HB 495, relative to judicially appointed officials. **OUGHT TO PASS WITH AMENDMENT**

Rep. Larry G. Elliott for Judiciary: The bill provides guidelines for the court on how to appoint administrators and guardians ad litem. This bill would allow parties to come together and pick their own administrator or guardian. Also, the bill would provide a uniform way of appointing masters and guardians throughout the state. Currently, each court exercises its own discretion in the procedures of appointing these individuals. The bill excludes marital masters and guardian ad litem appointed in child custody cases. **Vote 12-0.**

LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES

HB 724, relative to pooled risk management programs for public employers. **INEXPEDIENT TO LEGISLATE**

Rep. Robert E. Clegg, Jr. for Labor, Industrial and Rehabilitative Services: The committee felt this bill was an attempt to involve the legislature in a business battle for clients. One company wants the legislature to force a depletion of surplus of the competing party to force an increase in the competition rates to a level as high as theirs. Since the beneficiary of this bill is the "new kid on the block" and passage would result in increased costs to city and town insurance, the committee recommends Inexpedient to Legislate. **Vote 12-1.**

MUNICIPAL AND COUNTY GOVERNMENT

HB 596, relative to the acquisition of land by a town. **OUGHT TO PASS WITH AMENDMENT**

Rep. Robert W. Brundige for Municipal and County Government: This bill enables a town to acquire real estate by a majority vote of the board of selectmen instead of requiring a vote by the legislative body. The proposal must first be approved by the planning board and the conservation commission. The selectmen must then hold two (2) public hearings at least ten (10) days but no more than fourteen (14) days apart. Upon the written petition of fifty (50) or more voters prior to the selectmen's vote, the proposed acquisition or sale shall be inserted in the warrant for town meeting. **Vote 16-1.**

PUBLIC WORKS AND HIGHWAYS

HB 716-FN, relative to minimum wages of employees in public works. **INEXPEDIENT TO LEGISLATE**

Rep. Michael J. Rozek for Public Works and Highways: This bill proposes establishing certain minimum wage determinations for the construction of public projects. This bill would dramatically increase the costs associated with the construction of public projects for local communities, counties and the state. The prevailing wage rate for construction projects would be set by the Commissioner of Labor. This legislation would add another layer of government when it is not necessary. Because of the additional cost and increase in the size of government without helping to solve any existing problems, the committee felt that this was not in the best interest of all citizens involved. This legislation is almost identical to a statute that was repealed in 1985. **Vote 13-5.**

WAYS AND MEANS

HB 562-FN-A-LOCAL, establishing a New Hampshire education tax on consumption and transactions and accumulating certain principal sums in a state trust for education to provide for future education funding. **INEXPEDIENT TO LEGISLATE**

Rep. Howard C. Dickinson for Ways and Means: This bill, as amended by the sponsors, proposes a combination consumption and sales tax which is so high it will fund our current education obligations while at the same time raising sufficient revenues to generate a 4 billion dollar "education trust fund" in 10 years. While this may be a laudable goal, it clearly places an extreme burden on our taxpayers in the short term. For this reason, and the fact that all other provisions of this bill are included in legislation retained by the committee, we unanimously recommend HB 562 as inexpedient to legislate. **Vote 17-0.**

HB 761-FN-A-L, relative to a statewide school tax on income for purposes of funding a constitutionally adequate education and making an appropriation therefor. **INEXPEDIENT TO LEGISLATE**

Rep. Karen K. McRae for Ways and Means: This bill would have imposed an income tax without reducing or removing the statewide property tax. Additionally, it would allow for differing property tax rates to exist between communities for the purpose of funding the state's responsibility for adequacy. It would also have let the Dept. of Revenue Administration change the rate annually with no legislative oversight. We have other bills which better address education funding. **Vote 16-0.**

LAI D ON TABLE

- HB 50-FN-A-L**, relative to sources of funding an adequate education. (Pending question is Inexpedient to Legislate.)
- HB 185-FN-L**, repealing the prospective repeals of the education property tax and related laws. (Pending question is the adoption of the majority committee report of Ought to Pass.)
- HB 358-FN**, relative to tolls on the Everett turnpike. (Pending question is the adoption of the committee report of Inexpedient to Legislate.)
- HB 747-FN-LOCAL**, relative to increases in the cost of an adequate education. (Pending question is the adoption of the committee amendment.)
- HR 10**, affirming revenue estimates for fiscal years 2001, 2002, and 2003. (Pending question is Ought to Pass.)

HOUSE BILLS AMENDED BY THE SENATE

- HB 489**, relative to the regulation of rural electric cooperatives by the public utilities commission and relative to transition and default service. (House Concurred 4/19/01))

HOUSE DEADLINES

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, APRIL 23

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

1:00 p.m. Regular meeting.

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

9:00 a.m. Regular meeting.

TUESDAY, APRIL 24

CHILDREN AND FAMILY LAW, Room 206, LOB

10:00 a.m. **SB 136**, establishing a committee to study the use of multi-disciplinary team investigations of child abuse and neglect allegations.

11:00 a.m. **SB 55**, creating a commission to study the need for and location of architecturally secure facilities and community shelter care facilities to service juveniles.

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

CRIMINAL JUSTICE AND PUBLIC SAFETY, Room 204, LOB

10:00 a.m. **SB 25**, relative to preliminary breath tests.

11:00 a.m. **SB 27**, allowing the state to apply for review of a state prison sentence by the superior court’s review division.

1:00 p.m. **SB 44**, relative to false academic documentation.

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

EDUCATION, Room 207, LOB

10:00 a.m. Full committee work session on early learning initiatives.

2:00 p.m. **SB 68**, relative to school district placements of children living in foster homes.

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

EXCAVATING AND DREDGING PERMITS APPLICATION AND APPEAL PROCEDURES STUDY (HB 1127, Chapter 86:2, Laws of 2000), Room 303, LOB

2:00 p.m. Regular meeting.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 100, State House

9:00 a.m. Subcommittee work session on **SB 17-FN**, relative to accidental disability retirement benefits upon the death of a retired group II member, **SB 72-FN**, relative to payment of medical benefits costs for group II members of the retirement system, **SB 73-FN**, relative to benefits awarded a surviving spouse of a police officer or firefighter killed in the line of duty and **SB 115-FN**, granting a cost of living adjustment to certain retired group II firefighters.

10:30 a.m. **SB 111-FN**, extending the term for the payment of group health insurance premiums for certain retired members of the retirement system.

11:00 a.m. **SB 125-FN**, relative to election of optional allowances by retirement system members granted disability retirement and relative to an exception to the 120-day requirement for payment of compensation.

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

FINANCE - (DIVISION II), ROOM 212, LOB

10:00 a.m. Work session on the following bills:

HB 207-FN-L, increasing the state aid contribution to municipalities that expand, upgrade, or develop new wastewater treatment facilities to provide for expanded septage handling and disposal capacity.

HB 298-FN-L, relative to charter schools and establishing a charter school revolving fund.

HB 515-FN-L, establishing parental choice scholarships.

HB 629-FN-A, relative to equipment upgrades, improvements, or purchases at the regional vocational education centers and making an appropriation therefor.

HB 656-FN-L, relative to the formula for distributing school building aid grants.

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

10:00 a.m. **SB 150**, relative to community services for persons with developmental disabilities.

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

12:15 p.m. Tour of Electronic Data Systems facility (medicaid).

2:00 p.m. Subcommittee work session on **SB 42**, relative to charges for access to medical records.

JUDICIARY, Room 208, LOB

10:00 a.m. Subcommittee D work session on legislation pertaining to Judicial Conduct.

11:00 a.m. **SB 144-L**, increasing bail commissioners' fees.

1:00 p.m. **SB 100**, establishing a committee to study the feasibility of creating a mental health court division.

2:00 p.m. **SB 35**, relative to a term for the chief justice of the supreme court.

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

MUNICIPAL AND COUNTY GOVERNMENT, Room 301, LOB

9:00 a.m. County Government subcommittee organizational meeting.

10:00 a.m. Municipal Governance subcommittee organizational meeting.

1:00 p.m. Land Use subcommittee organizational meeting.

RESOURCES, RECREATION AND DEVELOPMENT, Room 305, LOB

10:00 a.m. **SB 89**, establishing a committee to study methods of strengthening and clarifying the comprehensive shoreland protection act and its application.

11:00 a.m. **SB 33**, relative to the definition of "campsite."

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

STATE FEDERAL RELATIONS AND VETERANS AFFAIRS, Rooms 306-308, LOB

9:30 a.m. Briefing by Senator Bob Smith followed by questions from the committee.

Room 306, LOB

11:00 a.m. **SCR 2**, calling on the President and the Congress to fully fund the federal government's share of the average per pupil expenditure in public elementary and secondary schools in the United States under the Individuals with Disabilities Education Act.

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

TRANSPORTATION, Room 203, LOB

9:00 a.m. Subcommittee work session on **SB 84**, relative to funeral processions.

10:00 a.m. **SB 184**, relative to review of fees for the removal and impoundment of motor vehicles.

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

11:00 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. Full committee work session on state revenue issues.

WEDNESDAY, APRIL 25

CRIMINAL JUSTICE AND PUBLIC SAFETY, Room 204, LOB

10:00 a.m. Subcommittee work session on ***HB 550-FN***, relative to remedies under the right-to-know law.

EDUCATION, Room 207, LOB

10:00 a.m. ***SB 15***, extending the reporting date for the commission on the status of community-technical education.

10:30 a.m. ***SB 14***, relative to the definition of "school" for the purpose of the universal service fund for schools and libraries.

Following the public hearing, public hearing on proposed amendment to ***SB 14***, relative to the definition of "school" for the purpose of the universal service fund for schools and libraries. The proposed amendment legalizes the Mascoma and Bartlett school district meetings. Copies of the amendment are available from the Sergeant-at-Arms Office.

11:00 a.m. ***SB 92***, relative to the distribution of special education funds.

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

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

9:00 a.m. Rescheduled regular business.

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

JUDICIARY, Room 208, LOB

9:30 a.m. ***SB 18***, relative to termination of small trusts.

10:30 a.m. ***SB 61***, establishing a procedure for summary administration of estates.

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

MUNICIPAL AND COUNTY GOVERNMENT, Room 301, LOB

10:00 a.m. ***SB 169***, relative to the procedure for appeal of a timber yield tax assessment and relative to the notice of intent to cut.

11:00 a.m. ***SB 85***, relative to collateralization of municipal trust funds.

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

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

3:00 p.m. Rescheduled regular meeting.

FRIDAY, APRIL 27

PET OVERPOPULATION STUDY (RSA 437-A), Room 102, LOB

10:00 a.m. Regular meeting.

MONDAY, APRIL 30

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.

NEW HAMPSHIRE COUNCIL ON APPLIED TECHNOLOGY AND INNOVATION (RSA 12-H:1), Room 207, LOB

9:00 a.m. Director of Information Technology Management, Tom Towle, will present the status of the state information technology plan. Pending "IT" legislation will also be reviewed.

TUESDAY, MAY 1

CHILDREN AND FAMILY LAW, Room 206, LOB

10:00 a.m. **SB 26**, relative to probate court procedures regarding adoptions.

10:45 a.m. **SB 123**, establishing a committee to study how information regarding private individuals is obtained, maintained, and employed by the division of children, youth and families.

11:30 a.m. **SB 74**, relative to providing services under the Child Protection Act.

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

COMMERCE, Room 302, LOB

10:00 a.m. **SB 21**, establishing a commission to develop recommendations for legislation to reduce regulatory barriers to the creation of affordable housing.

10:45 a.m. **SB 121**, relative to the advisory committee on international trade.

11:30 a.m. **SB 40**, changing the method by which the insurance department assesses insurers to fund its administration fund.

1:30 p.m. **SB 41**, relative to technical corrections for life, accident and health insurance.

2:30 p.m. **SB 47**, relative to ownership of certified public accounting firms.

3:30 p.m. **SB 108**, relative to the definition of "funeral home."

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

EDUCATION, Room 207, LOB

10:00 a.m. **SB 78-FN-L**, relative to the distribution of special education records to certain educationally disabled pupils.

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

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 100, State House

9:00 a.m. Subcommittee work session on **HB 282-FN-LOCAL**, enabling political subdivision employers to establish minimum hours of service for optional membership in the retirement system by political subdivision employees AND **HB 341-FN**, adding police officers of the New Hampshire hospital campus police force to group II of the New Hampshire retirement system.

10:00 a.m. **SB 71**, establishing a **study committee** relative to the regulation and compensation of persons licensed under the real estate practice act.

11:00 a.m. **SB 143-FN**, establishing a **study committee** relative to registering and regulating home improvement contractors.

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

WEDNESDAY, MAY 2

CHILDREN AND FAMILY LAW, Room 206, LOB

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

1:00 p.m. Subcommittee work session on **HB 447**, relative to the establishment of parenting plans in certain domestic cases.

COMMERCE, Room 302, LOB

9:30 a.m. **SB 56**, relative to health care providers discontinuing service in New Hampshire.

10:30 a.m. **SB 57**, relative to the economic development matching grants program.

11:30 a.m. **SB 98**, relative to notice requirements prior to the sale of manufactured housing parks.

1:30 p.m. **SB 99**, relative to the exemption from the community benefits law for charitable trusts.

2:30 p.m. **SB 103**, changing the qualification requirements for charitable organizations that conduct bingo or lucky 7.

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

JUDICIARY, Room 208, LOB

2:00 p.m. Subcommittee work session on **HB 352**, limiting railroad liability for passenger rail service.

NH-CANADIAN TRADE COUNCIL (RSA 12-A:2-g), Room 204, State House

11:00 a.m. Regular meeting.

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

2:30 p.m. Regular meeting.

MONDAY, MAY 7

BRAIN AND SPINAL CORD INJURY ADVISORY COUNCIL (RSA 137-K:2), Room 205, LOB

2:00 p.m. Regular meeting.

CERTIFICATE OF NEED TASK FORCE (RSA 151-C:16), Rooms 306-308, LOB

10:00 a.m. Regular meeting.

TUESDAY, MAY 8

PUBLIC WORKS AND HIGHWAYS, Room 201, LOB

10:00 a.m. **SB 190**, dedicating the I-93 causeway at Moore Dam and the Cottage Street Bridge in Littleton.

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

FRIDAY, MAY 11

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

10:00 a.m. Regular meeting.

MONDAY, MAY 14

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

1:00 p.m. Complaint hearing.

FRIDAY, MAY 18

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

9:00 a.m. Regular meeting.

COMMISSION ON THE EDUCATION OF THE DEAF (HB 1283, Chapter 43:2, Laws of 2000), Room 205, LOB

10:00 a.m. Regular meeting.

OFFICIAL NOTICES

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, 181, 183, 184, 185, 186, 189, 204, 205, 207, 208, 209, 210, 211, 213, 214, 218, 274, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 293, 298, 299, 302, 303, 305, 308, 309, 313, 315, 316, 317, 318, 319, 321, 322, 324, 325, 326, 327,329, 334, 335, 337, 341, 344, 346, 347, 362, 414, 463, 511, 535, 538, 543, 544, 547, 548, 549, 552, 555, 556, 557, 559, 561, 587, 604, 605, 606, 643, 644, 648, 654, 655, 656, 667, 675, 708, 710, 713, 715, 736, 741, 744, 745, 747, 749, 755, 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 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: 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: May 2 and May 16 in the Upham Walker House.

Rep. Paul M. Mirski

The New Hampshire Order of Women Legislators will hold a tea honoring former First Ladies and installation of officers on Thursday, April 26 at 2:00 p.m. in the Executive Council Chambers.

Rep. Julie M. Brown

A reception to celebrate County Government Week and launch the NH Association of Counties Web site, www.nhcounties.com, will be held Thursday, April 26th from 8:30 a.m. to 10:00 a.m. at the Executive Council Chambers. All House and Senate members are invited.

Reps. William E. Leber and James G. Phinizy

The New Hampshire Autism Awareness Rally, as part of the National Observance, will be held on Friday, April 27 at Noon on the State House steps. All legislators are invited to come and show their support.

Rep. Debra A. Naro

The Council on Applied Technology Committee will meet on April 30 at 9:00 a.m. in Room 207, LOB. House members are welcome to attend but please notify the undersigned by e-mail (john.alger@conriver.net) so he can be sure the room has sufficient space.

Rep. John R.M. Alger

The Merrimack County Republican Committee will host a Tribute to the Republican Speakers of the House on Wednesday, May 2nd at the Grappone Conference Center at the Courtyard by Marriott in Concord. Doors open at 5:30 p.m. and dinner will be served at 6:15 p.m.

Rep. Michael D. Whalley

This year's National Day of Prayer will be held on Thursday, May 3rd from noon to 12:45 p.m. We will be gathering on the State House steps for prayer. This year is also the 50th anniversary of the National Day of Prayer.

Rep. Ronald J. Nowe

The NH Wellness and Primary Prevention Council, the NH Children's Trust Fund and the NH Department of Health and Human Services invites you to join them for a Legislative Breakfast to celebrate strengths of Family Resource Centers in New Hampshire. Keynote speaker will be Lew Feldstein, President of the NH Charitable Foundation. The breakfast will take place May 9 from 7:45 a.m. to 9:00 a.m. at St. Paul's Church. Family Resource Center staff from around the state will be present to share information about their programs.

Rep. Barbara C. French

The New Hampshire Women's Lobby is pleased and honored to announce that Sen. Katherine W. Wheeler and Rep. Barbara C. French will receive Meritorious Service Awards and Commissioner Donald Shumway will receive the Citizen Award at our Annual "Spring Celebs" on Wednesday, May 9th from 4:30 to 6:30 p.m. at the Holiday Inn in Concord. All are invited to join us in honoring three outstanding New Hampshire citizens. Tickets are \$10 for members and \$15 for nonmembers and are available from members or from the NH Women's Lobby Office at 224-9105.

Reps. Frances D. Potter, Beth Rodd and Marjorie K. Smith

The Annual Legislative Shooting Day is scheduled for **Monday, May 14th**. Many members have asked for the date. Details for the event will follow.

Rep. Howard C. Dickinson and Candace C.W. Bouchard

In recognition of your support, the NH Law Enforcement Officers' Memorial Committee cordially invites you to the Annual NH Law Enforcement Officers' Memorial Ceremony. The ceremony will be held on Friday, May 18 beginning promptly at 10:00 a.m. on the memorial site in front of the LOB. The ceremony will proceed rain or shine. Refreshments will be provided immediately following the event. Please contact Captain Timothy J. Acerno of the Fish and Game at 271-3129 or Chief John Curran of the Meredith Police Department at 279-4561 if you have any questions.

Gene G. Chandler, Speaker

The Kids Cabinet will meet at 2:00 p.m. in the Governor and Council Chambers on the following Fridays: May 18 and June 15.

Rep. Raymond Buckley

The OWLS Annual Golf Tournament will be held on Monday, June 18 at the Passaconway Golf Club, Litchfield. More information will follow.

Rep. Betsy McKinney

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:

Apr 25 – Town Hall, Opera House, 2 Union Street, Littleton, 7:00 p.m. Combined officials/informational meeting, Littleton-Bethlehem, projects begins on NH 116 at the Western end of Myron Road in Littleton and continues east 4.0 miles to approximately 2000 feet west of Wing Road intersection in Bethlehem.

Apr 25 – Rochester Community Center, 150 Wakefield Street, Rochester, 7:00 p.m. Public meeting/final meeting, Skyhaven Airport Master Plan.

Apr 26 – Windham Middle School, 112 Lowell Road, Windham, 6:00 p.m. Advisory Task Force Meeting, Salem-Manchester, I-93 widening.

Apr 30 – Wentworth Elementary School Gymnasium, NH Route 25, Wentworth, 7:00 p.m. Public hearing (special committee) Warren-Wentworth, NH Route 25 bridge replacement over Baker River.

May 1 – Newfields Town Hall, NH Route 85, Newfields, 7:00 p.m. Selectmen's meeting, Newfields, NH Route 85 over B&M Railroad (construction detour discussion)

May 7 – Benton Town Hall, 221 Coventry Road, Benton, 6:30 p.m. Combined official/informational meeting, Benton, NH Route 116 over Whitcher Brook.

May 14 – Acworth Town Hall, Town Hall Road, 7:00 p.m. Public officials/informational meeting, Acworth, NH Route 123A/Cold River bridge rehabilitation.

May 15 – Keene Public Library, 60 Winter Street, Keene, 6:30 p.m. Final design ATF meeting, Keene-Swanzey, NH Route 9, 10, 12 and 101 upgrade.

May 16 – West Running Brook School, 1 West Running Brook Lane, Derry, 4:00 p.m. Resource Agency meeting, Salem-Manchester, I-93 widening.

May 23 – Keene Public Library, 60 Winter Street, Keene, 6:30 p.m. Final design ATF meeting, Keene-Swanzey, NH Route 9, 19, 12 and 101 upgrade.

May 24 – Londonderry High School Cafeteria, 295 Mammoth Road, Londonderry, 6:00 p.m. Resource Agency meeting, Salem-Manchester, I-93 widening

May 24 – Wayfarer Inn, Bedford, 8:00 a.m. 3rd Annual Conference, Bike/Ped Conference.

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 in **April 2000**. 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
April 23	9:30	Cavalry Christian School	3 &4/17
April 23	11:00	Dover Children’s Home	Teens/12
April 23	1:00	East Andover Home School Group	Gr 4-HS
April 24	8:30	UNH	College/40
April 24	10:00	Seminary Hill – West Lebanon	4/40
April 24	1:00	Trinity Home School Group – Bow	K-9/30
April 25	9:30	Milford Area Christian HomeSchool	K-9/30
April 25	9:30	Newbury Christian School –Newbury,VT	MS/12
April 26	9:30 & 11:00	Ray School – Hanover	3/76
April 26	1:00	NH Hospital Assoc.Admin.Assistants	15
April 26	1:00	NH-HAVA-Volunteer Administrators	25
April 30	11:00 & 12:30	Gonic Elem	4/60

NOTICE

The **28th Annual Bill White Memorial Legislative Golf Tournament** is scheduled for Monday, June 11 at Androscoggin Valley Country Club in Gorham, NH. The entry fee for this annual tourney is \$60 per person and includes greens fee, cart, barbecue and prizes. A *shot-gun* start is scheduled for 9:00 a.m. The format is "Captain and Crew." Sign-up as a foursome or sign-up by yourself and be placed in a foursome. A maximum of 120 players will be allowed. Please return your entry and payment no later than May 29th to Sandy Wheeler at the LOB Lobby Desk. Please make checks payable to Legislative Golf Tournament, care of David S. Saltmarsh.

For your convenience, arrangements have been made with the Town & Country Motor Inn (located directly across the street from the golf course) for special lodging rates of \$44 plus tax per person, per night for those of you who may choose to come up early or stay late. If you choose to stay over, you must book your room in advance by calling the Inn at 1-800-325-4386. Currently, we are planning other events for Sunday and Monday, details to follow.

Reps. David M. Scanlan and Peter H. Burling

28th Annual Bill White Memorial Legislative Golf Tournament

Names (1)_____(2)_____

(3)_____(4)_____

Telephone No: _____ Amount Enclosed: _____

WEDNESDAY, APRIL 25

AMENDMENTS
(LISTED IN NUMERICAL ORDER)

2001-0873h

Amendment to CACR 5
Proposed by the Committee on Judiciary - R

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

RELATING TO: the rulemaking authority of the supreme court.

PROVIDING THAT: supreme court may adopt rules that have the force and effect of law, and that the general court may regulate these matters by statute and may accept or reject any rule adopted by the supreme court, and that in the event of a conflict between a statute and a rule, the statute, if otherwise valid, shall supersede the rule.

Amend the resolution by replacing paragraph I with the following:

I. That article 73-a of the second part of the constitution be repealed and reenacted to read as follows:

[Art.] 73-a. [Supreme Court Administration.] The chief justice of the supreme court shall be the administrative head of all the courts. The chief justice shall, with the concurrence of a majority of the supreme court justices, have the power by rule to regulate the administration of, and the practice, procedure, and rules of evidence in, all courts in the state. The rules so adopted shall have the force and effect of law. Notwithstanding part I, article 37, the general court may regulate these matters by statute and may accept or reject any rule adopted by the supreme court. In the event of a conflict between a statute and a rule, the statute, if otherwise valid, shall supersede the rule.

Amend the resolution by replacing paragraph IV with the following:

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

"Are you in favor of amending article 73-a of the second part of the constitution to read as follows:

[Art.] 73-a. [Supreme Court Administration.] The chief justice of the supreme court shall be the administrative head of all the courts. The chief justice shall, with the concurrence of a majority of the supreme court justices, have the power by rule to regulate the administration of, and the practice, procedure, and rules of evidence in, all courts in the state. The rules so adopted shall have the force and effect of law. Notwithstanding part I, article 37, the general court may regulate these matters by statute and may accept or reject any rule adopted by the supreme court. In the event of a conflict between a statute and a rule, the statute, if otherwise valid, shall supersede the rule."

AMENDED ANALYSIS

This constitutional amendment concurrent resolution provides that the supreme court may adopt rules that have the force and effect of law, and that the general court may regulate these matters by statute and may accept or reject any rule adopted by the supreme court. The resolution also provides that in the event of a conflict between a statute and a rule, the statute, if otherwise valid, shall supersede the rule.

2001-0610h

Amendment to HB 105-FN-A
Proposed by the Committee on Finance - R

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

1 New Subdivision; Agricultural Nutrient Management Program. Amend RSA 431 by inserting after section 35 the following new subdivision:

Agricultural Nutrient Management Program

431:36 Program Established.

I. The commissioner of the department of agriculture, markets, and food shall establish an agricultural nutrient management program. The program shall assist agricultural land and livestock owners with efforts to minimize potential adverse effects on waters of the state resulting from agricultural nutrients including fertilizers, animal manures, and agricultural compost. The purpose of the program shall be to provide educational, technical, and financial assistance to agricultural land owners with implementing best management practices as provided in RSA 431:34-35, and such other practices deemed necessary to mitigate water pollution. The goal of the program is to assist and enable the continued viability of farming in New Hampshire and the preservation of open space in a manner that is compatible with the state's public health and environmental objectives. The commissioner shall be authorized to accept grants, gifts, and donations from any public or private sources for the purposes stated in this paragraph.

II. The commissioner shall report by October 1 of each year, beginning 2002, to the house environment and agriculture committee, the senate environment committee, the house finance committee, and the senate finance committee. The report shall include:

(a) The use and current status of the fund;

(b) The work accomplished;

(c) The number of grantees and the amount of the grant received by each; and

(d) The effectiveness of the implementation of agricultural best management practices needed to more fully protect water quality.

2 Appropriations.

I. The sum of \$20,000 is appropriated to the department of agriculture for each year of the biennium, ending June 30, 2003, for the purpose of funding the agricultural nutrient management program established under RSA 431:36. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

II The commissioner shall apply for a grant of \$30,000 through the department of environmental services from the Environmental Protection Agency pursuant to section 319 of the Clean Water Act for nonpoint source pollution programs.

AMENDED ANALYSIS

This bill requires the commissioner of the department of agriculture, markets, and food to establish a program of agricultural nutrient management in the state of New Hampshire. This bill provides for funding through June 30, 2003, and requires the commissioner to apply for a grant from the department of environmental services.

2001-0009h

Amendment to HB 152

Proposed by the Majority of the Committee on Fish and Game - R

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

AN ACT relative to expanding the legal methods of taking deer.

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

2 New Section; Taking Deer by Crossbow; Rulemaking. Amend RSA 208 by inserting after section 7 the following new section:

208:7-a Taking Deer by Crossbow; Rulemaking. The executive director of fish and game, with the consent of the commission, may adopt rules under RSA 541-A to allow for the taking of deer by crossbow during the regular firearms season, for persons holding a valid firearms deer tag, or as specified in RSA 206:23-c. Such rules may include, but not be limited to, conditions or limitations as to the portions of the state crossbows may be used, the manner and method of taking with a crossbow, mandatory education requirements for the use of a crossbow, and any additional licensing requirements and associated fees.

3 Effective Date. This act shall take effect January 1, 2003.

AMENDED ANALYSIS

This bill expands the permitted methods of hunting deer to include crossbow for persons holding a firearms deer tag and adds a rulemaking provision allowing the executive director of fish and game to adopt rules regarding the regulation and use of crossbow.

2001-0825h

Amendment to HB 158

Proposed by the Committee on Fish and Game - C

Amend RSA 208:8-a, I-a as inserted by section 1 of the bill by replacing it with the following:

I-a. The provisions of paragraph I shall not apply to a person using an artificial light to locate or view a moose prior to 9:00 p.m. on any day during the period of September 1 through the second Monday of October. In addition, the exception in this paragraph shall be limited to the following roads in Coos county.

- (a) Class I, II, and III state highways.
- (b) Class IV, V, and VI city or town roads, with the permission of the local governing body.

2001-0937h

Floor Amendment to HB 158

Proposed by Rep. McKinney

Amend RSA 208:8-a, I-a as inserted by section 1 of the bill by replacing it with the following:

I-a. The provisions of paragraph I shall not apply to a person using an artificial light to locate or view a moose from 9:00 a.m. to 9:00 p.m. on any day during the period of September 1 through the second Monday of October. In addition, the exception in this paragraph shall be limited to the following roads in Coos county.

- (a) Class I, II, and III state highways.
- (b) Class IV, V, and VI city or town roads, with the permission of the local governing body.

2001-0465h

Amendment to HB 177-FN-A

Proposed by the Committee on Finance - R

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

1 Appropriation; Department of Administrative Services; Wheelchair Van for Veterans' Home. The sum of up to \$25,000 is hereby appropriated for the fiscal year ending June 30, 2001 to the department of administrative services, for the purpose of matching private donations on a dollar per dollar basis for the purchase of a wheelchair van for the veterans' home in the town of Tilton. This appropriation shall not lapse until June 30, 2002. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

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

AMENDED ANALYSIS

This bill appropriates state funds to match private donations for the purchase of a wheelchair van for the veterans' home in Tilton.

2001-0348h

Amendment to HB 201

Proposed by the Majority of the Committee on Election Law - R

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

AN ACT relative to voters presenting identification to obtain a ballot.

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

1 Election Day Morning Procedures; Statutes Posted; Reference Added. Amend RSA 658:29 to read as follows:

658:29 Statutes Posted. The secretary of state shall prepare and distribute copies of the following RSA sections which the selectmen shall post or cause to be posted outside the guardrail in the polling place: RSA 654:38, 39; RSA 658:29; RSA 659:~~13~~, ~~13-a~~, 27, 30, 31, 32, 103; RSA 665:15; RSA 666:4, 5, 8, 9, 10, 11, 12.

2 New Section; Optional Procedure for Obtaining a Ballot. Amend RSA 659 by inserting after section 13 the following new section:

659:13-a Optional Procedure for Obtaining a Ballot.

I. The legislative body of a municipality may adopt the alternative procedure for obtaining a ballot established in paragraph II. Upon adoption, the alternative procedure shall be followed in lieu of the procedure established in RSA 659:13 at all elections in the municipality. If the legislative body votes to discontinue use of the alternative procedure for obtaining a ballot, the procedure established in RSA 659:13 shall be followed at all elections in the municipality held after such vote. The governing body of the municipality shall notify the secretary of state of the adoption of the alternative procedure for obtaining a ballot or of the vote to discontinue the alternative procedure for obtaining a ballot.

II. In municipalities adopting the procedures in this paragraph, a person desiring to vote shall, before being admitted to the enclosed space within the guardrail, announce his or her name and present his or her New Hampshire driver's license, armed services identification card, United States passport, or any other form of photographic identification to one of the ballot clerks who shall thereupon repeat the name; and, if the name is found on the checklist by the ballot clerk, the ballot clerk shall put a checkmark beside it and again repeat the name. If the person does not have his or her driver's license, passport, or other form of photographic identification, the ballot clerk shall notify the person of the affidavit provided for in RSA 659:27. The voter, unless challenged as provided for in RSA 659:27-33, or unless failing to present proper identification and failing to sign an affidavit, shall then be allowed to enter the space enclosed by the guardrail. After the voter enters the enclosed space, the ballot clerk shall give the voter one of each ballot to be voted on in that election which shall be folded as it was upon receipt from the secretary of state.

3 Preservation of Challenge Affidavits. Amend RSA 659:103 to read as follows:

659:103 Preservation of Challenge Affidavits. The affidavits made by challenged voters as provided in RSA 659:27 shall be preserved by the town clerk for at least one year following the date of a state election. In contested elections, all affidavits ***made by challenged voters*** shall be retained by the town clerk until the contest is settled and all appeals periods have expired or for at least one year, whichever is longer. ***Affidavits made pursuant to RSA 659:13-a shall be retained with the ballots for the period of time established in RSA 659:100.***

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

AMENDED ANALYSIS

This bill permits municipalities to require that voters present identification or sign an affidavit to obtain a ballot.

2001-0468h

Amendment to HB 218-FN

Proposed by the Committee on Ways and Means - R

Amend the bill by replacing sections 6-7 with the following:

6 Motor Vehicles; Certificates of Title and Registration of Vehicles; Registration Fees; Fees to be Collected; Prorated Fees for

Motor Vehicles. Amend RSA 261:141, III(g) to read as follows:

(g) For all motor vehicles other than those in RSA 261:141, I:

0-3000 lbs. [~~\$19.20 (\$1.60)~~] **\$25.20 (\$2.10** per month)

3001-5000 lbs. [~~\$31.20 (\$2.60)~~] **\$37.20 (\$3.10** per month)

5001-8000 lbs. [~~\$43.20 (\$3.60)~~] **\$49.20 (\$4.10** per month)

8001-73,280 lbs. \$.84 per hundred lbs. gross weight.

7 Appropriation; Motor Vehicle Inspectors. The sums of \$900,000 for the fiscal year ending June 30, 2002 and \$630,526 for the fiscal year ending June 30, 2003, are hereby appropriated to the department of safety for the purpose of hiring 10 motor vehicle inspectors for the enforcement duties established in RSA 266:1-a. Said appropriations shall be a charge against the highway fund.

Amend the bill by deleting section 8 and renumbering the original sections 9-10 to read as 8-9, respectively.

AMENDED ANALYSIS

I. Deletes the maximum amount for road toll bonds required of licensed distributors of motor fuel.

II. Permits the commissioner of safety to waive interest assessed for road toll violations.

III. Requires the commissioner of safety to establish the interest rate assessed on road toll violations.

IV. Requires special fuel users to retain records necessary for purposes of administering the road toll laws.

V. Repeals road toll provisions relating to heating oil suppliers.

VI. Increases registration fees for motor vehicles.

VII. Makes an appropriation to pay for the hiring of motor vehicle inspectors.

This bill is a request of the department of safety.

2001-0876h

Amendment to HB 252

Proposed by the Committee on Judiciary - R

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

AN ACT relative to rules promulgated by the supreme court.

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

1 New Section; Supreme Court; Rules of Practice and Procedure and Rules of Evidence; Power to Prescribe. Amend RSA 490 by inserting after section 4-a the following new section:

490:4-b Rules of Procedure and Evidence; Power to Prescribe.

I. The supreme court shall have the power to prescribe rules of practice and procedure and rules of evidence to be followed in all courts of this state. All such rules in effect prior to the effective date of this section shall remain in full force and effect, except as they may be changed by statute or by rule of court pursuant to this section.

II. The rules described in paragraph I shall not abridge, enlarge, or modify any substantive right. All preexisting laws, which conflict with the proposed rules, shall be of no further force and effect after such rules have taken effect.

III. The rulemaking procedures of the supreme court shall be subject to the provisions of the right to know law, RSA 91-A, except that the failure to comply with RSA 91-A shall not invalidate a rule adopted under this section.

IV. The supreme court shall transmit to the speaker of the house of representatives and the president of the senate a copy of all rules, including emergency rules, at the time that they are promulgated by the court. Each rule so transmitted shall include a provision addressing the extent to which the rule shall apply to proceedings then pending before any court, a list of any statute that will conflict with the rule, as well as an explanatory note concerning the purpose of, and need for, the proposed rule. The transmission shall also include any minority views of justices or committee or subcommittee members concerning the proposed rule.

2 Contingency. If a constitutional amendment is adopted by the voters in the 2002 election which provides that the supreme court may adopt rules that have the force and effect of law, and that the general court may regulate these matters by statute and may accept or reject any rule adopted by the supreme court, and that in the event of a conflict between a statute and a rule, the statute shall supersede the rule, section 1 of this act shall take effect January 1, 2003. If such a constitutional amendment is not adopted, then section 1 of this act shall not take effect.

3 Effective Date.

I. Section 1 of this act shall take effect as provided in section 2 of this act.

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

AMENDED ANALYSIS

This bill provides that rules promulgated by the supreme court have the force and effect of law and may be changed by statute, and requires that supreme court rulemaking procedures comply with the right to know law. This bill takes effect only if CACR 5 of the 2001 legislative session is adopted in the 2002 general election.

2001-0695h

Amendment to HB 270-FN

Proposed by the Committee on Finance - R

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

1 General Court; Travel Allowance to Members. Amend RSA 14:15-a, I, (b)(1) and (2) to read as follows:

- (1) For the first 45 miles, [~~\$-38~~] **\$.42** per mile; and
- (2) For all miles in excess of 45 miles, [~~\$-19~~] **\$.23** per mile.

2 Application. The rules for travel allowance for members of the general court provided for in RSA 14:15-a, I(b)(1) and (2) as amended by section 1 of this act shall be used for the calculation of reimbursement to members beginning on or after December 4, 2002.

3 Effective Date. This act shall take effect December 4, 2002.

2001-0609h

Amendment to HB 276-FN-A

Proposed by the Committee on Finance - R

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

AN ACT relative to reimbursement of legal fees of supreme court employees who were subpoenaed and incurred legal fees during the impeachment proceedings regarding chief justice David A. Brock and making an appropriation therefor.

Amend the bill by replacing section 1 with the following:

1 Appropriation; Reimbursement of Legal Fees of Supreme Court Employees. The sum of \$7354 is appropriated for the fiscal year ending June 30, 2002 to the supreme court, for the purpose of reimbursing supreme court employees who were subpoenaed during the impeachment proceedings regarding chief justice David A. Brock and incurred legal fees. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

AMENDED ANALYSIS

This bill makes an appropriation to the supreme court to reimburse supreme court employees who were subpoenaed and incurred legal fees during the impeachment proceedings regarding chief justice David A. Brock.

2001-0945h

Floor Amendment to HB 304-FN

Proposed by Rep. Poulin

Amend RSA 417-G:2, I as inserted by section 1 of the bill by replacing it with the following:

- I. Each insurer that issues or renews any policy of accident and health insurance providing benefits for hospital expense, medical-surgical expense, or major medical expense shall provide in each group or individual policy, contract or certificate of insurance issued or renewed for persons who are residents of this state, coverage for testing for the presence of prostate cancer, in accordance with the standards of the American Cancer Society, for men 50 years of age or older with a life expectancy of 10 years, and for men 45 years of age or older who are recognized as high risk. The coverage shall be as follows:
- (a) An initial examination conducted by his licensed doctor and any follow-up clinical tests deemed necessary by the doctor for men 50 years of age or older, and for men 45 years of age or older who are considered high risk.
- (b) An annual examination conducted by his licensed doctor and any follow-up clinical tests deemed necessary by the doctor, including a prostate-specific antigen blood test or a digital rectal examination performed in accordance with the standards of the American Cancer Society, for men 50 years of age or older and for men 45 years of age or older who are considered high risk.

AMENDED ANALYSIS

This bill requires insurance coverage for testing for the presence of prostate cancer for men 50 years of age or older, and for men 45 years of age or older who are considered high risk.

2001-0941h

Floor Amendment to HB 319-FN

Proposed by Rep. Souza

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

AN ACT including "unborn child" in the definition of "another" for the purpose of capital murder, first and second degree murder, manslaughter, and negligent homicide.

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

- 1 Homicide; Capital Murder; Definition of Unborn Child. Amend RSA 630:1, IV to read as follows:
- IV. As used in this section and RSA 630:1-a, 1-b, 2, 3 and 4, the meaning of "another" ~~[does not include a foetus]~~ **shall include an unborn child.**
- 2 New Paragraph; Capital Murder; Exemption for Abortion. Amend RSA 630:1 by inserting after paragraph IV the following new paragraph:
- IV-a.(a) Nothing in this section or RSA 630:1-a, 1-b, 2, 3, or 4 shall apply to any act committed by the other of the unborn child, to any medical procedure, including abortion, performed by a physician or other licensed medical professional at the request of the pregnant woman or her legal guardian, or to the lawful dispensation or administration of lawfully prescribed medication. For the purposes of this section and RSA 630:1-a, 1-b, 2, 3, and 4, "abortion" means the act of using or prescribing any instrument, medicine, drug, or any other substance, device, or means with the intent to terminate the clinically diagnosable pregnancy of a woman with knowledge that the termination by those means will, with, reasonable likelihood, cause the death of the unborn child. Such use, prescription, or means is not an abortion if done with the intent to save the life or preserve the health of an unborn child, or to remove a dead unborn child caused by spontaneous abortion, or to remove an ectopic pregnancy.

- (b) "Conception" means the fusion of a human spermatozoon with a human ovum.
- (c) "Gestation" means the time during which a woman carries an unborn child in her body from conception until birth.
- (d) "Pregnant" means the female reproductive condition of having an unborn child in the woman's body.
- (e) "Unborn child" means the offspring of human beings from conception until birth.

3 New Paragraph; Homicide; Negligent Homicide; Definition of "Another" to Include Fetus.

Amend RSA 630:3 by inserting after paragraph III the following new paragraph:

IV. As used in this section, the meaning of "another" shall include ~~[a fetus]~~ ***an unborn child as defined in RSA 630:1, IV-a.***

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

AMENDED ANALYSIS

This bill provides that an unborn child shall be included in the definition of "another" for the purpose of capital murder, first and second degree murder, manslaughter and negligent homicide.

2001-0797h

Amendment to HB 348-FN

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

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

AN ACT relative to suspending the issuance of any permits for the land application of sludge and short paper fiber in certain excavation areas.

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

- 1 Suspension of Permit Issuance. Notwithstanding any other law to the contrary, the department of environmental services shall suspend issuing any new permits for the land application of sludge and short paper fiber, as defined in RSA 485-A:2, in any excavation area, as defined in RSA 155-E:1, VI, located over a stratified drift aquifer as determined by the most recent United States Geological Survey aquifer map or in any affected site, as defined in RSA 12-E:1, I, located over a stratified drift aquifer as determined by the most recent United States Geological Survey aquifer map.
- 2 Repeal. Section 1 of this act, relative to land application of sludge and short paper fiber, is repealed.
- 3 Effective Date.
 - I. Section 2 of this act shall take effect July 1, 2003.
 - II. The remainder of this act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This act temporarily suspends the issuance of any new permits for the land application of sludge and short paper fiber in certain excavation areas for a period of 2 years.

2001-0855h

Amendment to HB 354-FN-A-LOCAL

Proposed by the Committee on Finance - R

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

- 2 Statement of Intent. It is the intent of the general court to extend the kindergarten construction program to provide grants to offset a substantial portion of the cost of construction of kindergarten facilities, exclusive of site acquisition and core facilities, to

any eligible school district which does not operate a kindergarten program, and which has voted to adopt kindergarten in the district.

3 Kindergarten Construction Program; Appropriation Amended. Amend 1997, 348:6 to read as follows:

348:6 Appropriation; Kindergarten Construction. A sum not to exceed [~~\$22,500,000~~] **\$24,000,001** hereby appropriated to the department of education for the purposes of constructing kindergarten classrooms. This appropriation shall be nonlapsing and in addition to any other appropriation to the department of education; provided, however, that the department of education shall not approve grant requests for such purposes for more than:

- I. \$6,000,000 in the biennium ending June 30, 1999.
- II. \$5,000,000 in the fiscal year ending June 30, 2000.
- III. \$5,000,000 in the fiscal year ending June 30, 2001.
- IV. [~~\$6,500,000~~] **\$7,000,000** in the fiscal year ending June 30, 2002.
- V. \$1,000,000 in the fiscal year ending June 30, 2003.**
- VI. \$1 in the fiscal year ending June 30, 2004.**

4 Kindergarten Construction Program; Bonding Amount Amended. Amend 1997, 348:7, I as amended by 1997, 351:56 to read as follows:

348:7 Bonds Authorized.

I. To provide funds for the appropriation made in section 6 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of [~~\$22,500,000~~] **\$24,000,001** and for said purpose may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with RSA 6-A; provided that bonds or notes shall not be issued in excess of:

- (a) \$6,000,000 in the biennium ending June 30, 1999.
- (b) \$5,000,000 in the fiscal year ending June 30, 2000.
- (c) \$5,000,000 in the fiscal year ending June 30, 2001.
- (d) [~~\$6,500,000~~] **\$7,000,000** in the fiscal year ending June 30, 2002.
- (e) \$1,000,000 in the fiscal year ending June 30, 2003.**
- (f) \$1 in the fiscal year ending June 30, 2004.**

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

AMENDED ANALYSIS

This bill extends the kindergarten construction program through the fiscal year ending June 30, 2004 and increases by \$1,500,001 the amount of the bonded appropriation for the kindergarten construction program.

2001-0281h

Amendment to HB 392

Proposed by the Committee on Environment and Agriculture - R

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

AN ACT relative to a property tax exemption for property of agricultural fairs.

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

1 New Section; Agricultural Fairgrounds Tax Exempt. Amend RSA 72 by inserting after section 23-b the following new section:

72:23-bb Agricultural Fairgrounds. The real estate and personal property of agricultural fairgrounds which qualify as nonprofit under section 501(c)(3) or section 501(c)(5) of the Internal Revenue Code shall be exempt from taxation. On or before November 1 of each year the owner of the agricultural fairgrounds shall enter into an agreement with the municipality in which the property is situated to pay the municipality, on December 1 of each year, a sum in lieu of taxes to defray the applicable costs of municipal services.

2 Annual List. Amend RSA 72:23-c, I to read as follows:

I. Every religious, educational and charitable organization, Grange, ***agricultural fairground***, the Veterans of Foreign Wars, the American Legion, the Disabled American Veterans, the American National Red Cross and any other national veterans association shall annually, on or before April 15, file a list of all real estate and personal property owned by them on which exemption from taxation is claimed, upon a form prescribed and provided by the board of tax and land appeals, with the selectmen or assessors of the place where such real estate and personal property are taxable. If any such organization or corporation shall willfully neglect or refuse to file such list upon request therefor, the selectmen may deny the exemption. If any organization, otherwise qualified to receive an exemption, shall satisfy the selectmen or assessors that they were prevented by accident, mistake or misfortune from filing an application on or before April 15, the officials may receive the application at a later date and grant an exemption thereunder for that year; but no such application shall be received or exemption granted after the local tax rate has been approved for that year.

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

AMENDED ANALYSIS

This bill grants an exemption from property taxes to agricultural fairgrounds. The owners of the agricultural fairgrounds shall make a payment in lieu of taxes to the municipality.

2001-0752h

Amendment to HB 393-FN

Proposed by the Committee on Environment and Agriculture - R

Amend RSA 433:21, I as inserted by section 1 of the bill by replacing it with the following:

I. "Certificate" means a document indicating that plant stock has been inspected and found to be apparently free from dangerous insects and plant diseases.

Amend RSA 433:21, VI as inserted by section 1 of the bill by replacing it with the following:

VI. "Director" means the state entomologist, qualified by scientific training and practical experience, directly answerable to the commissioner, in charge of and responsible for the activities of the division of plant industry.

Amend RSA 433:21, X and XI as inserted by section 1 of the bill by replacing them with the following:

X. "Horticultural services" means any arborist, landscape architect or gardening consultant whose function is that of providing services relative to horticulture.

XI. "License" means an authorization from the director to sell plant stock.

Amend RSA 433:23 as inserted by section 3 of the bill by replacing it with the following:

433:23 Certified Stock. All nursery stock shipped into New Hampshire shall bear on each consignment or package ~~an unexpired~~ a valid license or certificate ***number indicating*** that the contents of that consignment or package have been inspected by a duly authorized inspecting officer, and that the contents are apparently free from all dangerous insects and plant diseases, and are therefore certified stock.

Amend RSA 433:28, V as inserted by section 5 of the bill by replacing it with the following:

V. Nursery stock infected with plant diseases or infested with plant pests shall not be offered for sale or given away.

Amend RSA 433:32, I(a) as inserted by section 10 of the bill by replacing it with the following:

(a) Selling, distributing, receiving, or delivering nursery stock which has not been licensed or certified.

2001-0174h

Amendment to HB 399

Proposed by the Committee on Election Law - R

Amend RSA 654:7-a, II as inserted by section 1 of the bill by replacing it with the following:

II. Any person whose name is not on the checklist but who is otherwise a qualified voter shall be entitled to vote by requesting to be registered to vote at the polling place on election day. The voter may then vote at that election. The applicant ~~may~~ **shall** be required to produce appropriate proof of qualifications as provided in RSA 654:12. The applicant shall complete an election day affidavit which shall be prescribed by the secretary of state **and provided to the applicant by an election official**, and which shall contain the following written oath or affirmation:

"I do hereby certify under penalty of perjury that to the best of my knowledge, I am a qualified voter, and that I am not disqualified on any ground from voting, and I have not voted and will not vote at any other polling place this election."

(Signature of Applicant)

2001-0835h

Amendment to HB 423

Proposed by the Committee on Science, Technology and Energy - R

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

AN ACT relative to the sale of generation assets, the provision of transition service, and the funding of the energy efficiency program for Public Service Company of New Hampshire.

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

1 Findings. The general court finds that:

I. Commodity prices for oil and natural gas have substantially increased in the past year, resulting in higher wholesale electricity prices in New Hampshire and throughout the New England region. The higher wholesale electricity prices have prevented competitive electricity suppliers from being able to compete with standard transition service causing them to exit the market or not even enter it in the first place.

II. Given the increase in wholesale electricity prices and the potential lack of a significant number of viable competitive suppliers, it is important that measures be taken to protect customers from the potential of a noncompetitive and volatile electricity market. A critically important measure that should be undertaken to protect customers from price volatility and a noncompetitive market is for the public utilities commission to delay the divestiture of Public Service Company of New Hampshire's ("PSNH") fossil generation assets until the commission determines such sale is in the public interest. Delay in the divestiture of PSNH's fossil generation assets would allow for the use of those assets to serve transition service. While this delay in divestiture dates is in the public interest today, the general court finds that competitive electricity markets should provide benefits for customers over the long term. When the sale of PSNH's fossil assets is in the public interest, the public utilities commission should proceed with the sale of those assets in order to establish competitive electricity markets.

III. The planned sale of PSNH's generation assets will be done in a manner consistent with RSA 374:30.

IV. Changes to RSA 369-B and RSA 374-F which are designed to protect PSNH customers from current price volatility must be accomplished in a manner that shall not affect the validity, effectiveness, or finality of Order No. 23,550 issued by the public utilities commission, and does not diminish the value of the settlement agreement to either PSNH or PSNH's customers.

2 Limited Electrical Energy Producers; Retention of Savings by Electric Utility. Amend RSA 362-A:4-d to read as follows:

362-A:4-d Retention of Savings by Electric Utility. An electric utility that is party to an approved renegotiation of a commission order under RSA 362-A:4-c shall be entitled to retain ~~up to~~ 20 percent of the savings resulting from such renegotiation~~[, subject to order of the commission]~~.

3 Authority to Issue Finance Orders; Transition Service. Amend RSA 369-B:3, IV(b)(1)(A)-(D) to read as follows:

(A) *For purposes of implementing RSA 369-B:3, IV(b), transition service shall be available for the periods of time set forth in subparagraphs (b)(1)(B) and (b)(1)(C), subject to the commission’s authority to lengthen the transition service period under RSA 374-F. From competition day until ~~[initial transition service end day]~~ the completion of the sale of PSNH’s ownership interests in fossil and entitlement interests in nuclear generation assets located in New Hampshire, PSNH shall supply such transition service and default service in its retail electric service territory from its generation assets and, if necessary, through supplemental power purchases in a manner approved by the commission. ~~[After initial transition service end day]~~ Once PSNH is no longer supplying transition service, to the extent applicable, any provider or providers of transition service shall have been chosen through a competitive bid process, administered by the commission, to provide such service. The commission may, if it finds it to be in the public interest, divide the competitive bid process into multiple categories or multiple competitive bids;*

(B)(i) Transition service for residential customers, street lighting customers, and general delivery service rate G customers shall be available until 24 months after initial transition service end day. From competition day until initial transition service end day, the price of transition service for these customers shall be \$0.044 per kilowatt-hour. From initial transition service end day to 12 months after initial transition service end day, the price of transition service for these customers shall be \$0.044 per kilowatt-hour, or the competitively bid price for transition service, whichever is less. From 12 months after initial transition service end day to 24 months after initial transition service end day, the price of transition service for these customers shall be \$0.046 per kilowatt-hour, or the competitively bid price for transition service for these customers, whichever is less. If the competitively bid price exceeds these fixed prices, the differences shall be reconciled for these customers in the manner prescribed in the original proposed settlement;

(ii) *If the commission extends transition service beyond 33 months while PSNH retains its fossil generation assets, the price of transition service during such period may be PSNH’s actual, prudent, and reasonable costs of providing such power, as approved by the commission. The commission, in approving such transition service pricing, shall also consider setting a transition price which will facilitate a smooth transition to market prices, provided the commission determines such transition effectively, fully, and contemporaneously mitigates stranded costs and is in the public interest.*

(iii) At the end of the transition service period, up to 25 percent of the residential customers, street lighting customers, and general delivery service rate G customers who have not chosen a competitive supplier may be assigned randomly to registered competitive suppliers other than the transition service supplier or suppliers, if the commission finds such random assignment to be in the public interest. The commission shall develop procedures and regulations for this assignment process. Any random assignment must be affirmatively approved by an individual customer;

(C) Transition service for all other customers shall be available until 12 months after initial transition service end day. From competition day to initial transition service end day, the price of transition service for these customers shall be \$0.044 per kilowatt-hour. From initial transition service end day to ~~[12 months after initial transition service end day]~~ *the day that PSNH ceases to provide transition service*, the price of transition service for these customers ~~[shall]~~ *may be PSNH’s actual, prudent, and reasonable costs of providing such power as approved by the commission. The commission may extend transition service for these customers if it determines an extension to be in the public interest. The commission, in approving such transition service pricing, shall also consider setting a transition price which will facilitate a smooth transition to market prices, provided the commission determines such transition effectively, fully, and contemporaneously mitigates stranded costs and is in the public interest. Thereafter, the price of transition service shall be* the competitively bid price for transition service;

(D) Any difference between the price of transition service from competition day to ~~[initial transition service end day]~~ *the day that PSNH ceases to provide transition service* and PSNH’s actual, prudent, and reasonable costs of providing such power *as determined by the commission* shall first be separated between the 2 groups of customers described in subparagraphs (b)(1)(B) and (b)(1)(C), used first to offset any differences described in subparagraph (b)(1)(B), and the net then reconciled for each group of customers either by changing the recovery end date, or by decreasing the stranded cost recovery charge, as the commission finds to be in the public interest;

4 Authority to Issue Finance Orders; System Benefits Charge. Amend RSA 369-B:3, IV(b)(6) to read as follows:

(6) The total system benefits charge shall be ~~[fixed at \$0.002]~~ **no greater than \$0.003** per kilowatt-hour for 33 months from competition day divided between low-income assistance and energy efficiency/conservation programs. In the event that the commission finds that a significant amount of unencumbered dollars have accumulated in either program, and are not needed for program purposes, the commission shall refund such unencumbered dollars to ratepayers in a timely manner;

5 Electric Utility Restructuring Policy Principles; Universal Service; Default Service. Amend RSA 374-F:3, V(c) to read as follows:

(c) Default service should be designed to provide a ~~[temporary]~~ safety net and to assure universal access and system integrity. Default service should be procured through the competitive market ~~[and based on short-term market prices,]~~ and may be administered by independent third parties. The ~~[cost]~~ **allocation of the costs** of administering default service should be borne by the customers of default service **in a manner approved by the commission**. If the commission determines it to be in the public interest, the commission may implement measures to discourage misuse, or long-term use, of default service. Revenues, if any, generated from such measures should be used to defray stranded costs.

6 Electric Utility Restructuring; Implementation; System Benefits Charge; Energy Efficiency Programs. Amend RSA 374-F:4, VIII(b) to read as follows:

(b) ~~[The system benefits charge referred to in RSA 374-F:3, VI shall be limited as follows:~~

~~(1) During the first year after competition is certified to exist pursuant to RSA 38:36, the portion of the system benefits charge due to energy efficiency programs, new renewable programs, and programs for low-income customers shall not exceed 2.5 mills per kilowatt hour for any utility whose rates are at or above regional average as determined by the commission;~~

~~(2) During the **first and** second year after competition is certified to exist pursuant to RSA 38:36, the portion of the system benefits charge **referred to in RSA 374-F:3, VI** due to energy efficiency programs, new renewable programs, and programs for low-income customers shall not exceed 3 mills per kilowatt hour for any utility [whose rates are at or above regional average as determined by the commission].~~

7 Sale of PSNH Fossil Generation Assets; Date. Amend 2000, 249, 7, II to read as follows:

II. The sale of PSNH fossil generation assets shall take place no ~~[later]~~ **sooner** than July 1, ~~[2001]~~ **2003**, unless the commission finds ~~[due to circumstances beyond its control]~~ that ~~[further delay]~~ **an earlier sale** is in the public interest.

8 Energy Efficiency Program. The public utilities commission shall phase-in, as quickly as can be effectively administered by Public Service Company of New Hampshire, an energy efficiency program for Public Service Company of New Hampshire that is funded at a rate of \$0.0018 per kilowatt-hour to be allocated from the system benefits charge. The public utilities commission shall not decrease the amount of the system benefits charge allocated to low-income customers due to passage of this act.

9 Liquidation of Generation Assets. As part of the public utilities commission's administration of the liquidation of Public Service Company of New Hampshire's generation assets, the commission shall:

I. Allow and consider bids for the generation assets that may include proposals for providing transition service at a ceiling price for any customer class. Should such a bid be accepted by the commission, the commission shall consider such transition service commitment as part of the competitive bid process under RSA 369-B:3, IV(b)(1)(A). If such transition service is used, then it shall be considered the "competitively bid price" for purposes of RSA 369-B:3, IV(b)(1)(B) and (C), as applicable.

II. Expeditiously initiate and complete, in a manner consistent with RSA 374:30, the sale of nuclear generation assets located in New Hampshire required by the settlement in a manner that benefits all New Hampshire customers with stranded cost recovery obligations associated with such assets.

10 Temporary Energy Surcharge. In order to avoid excessive deferrals that may accrue under the provisions of RSA 369-B:3, IV(b)(1)(B)(i), the public utilities commission may impose an energy surcharge on electricity purchased by residential, street lighting, and general delivery service rate G customers of Public Service Company of New Hampshire that take transition service between initial transition service end day and 24 months after initial transition service end day as defined in RSA 369-B:2, VII. Money collected from such a surcharge shall be applied to reducing any amounts that would otherwise be deferred under RSA 369-B:3, IV(b)(1)(B)(i) after taking into account the provisions of RSA 369-B:3, IV(b)(3)(D).

11 Effect on Finance Order. The provisions of this act shall amend the specific provisions of public utilities commission Order No. 23, 550, approving the issuance of rate reduction bonds, issued by the public utilities commission in Docket No. DE 99-099. All provisions of RSA 369-B, including the amendments made by this act, and all provisions of commission Order No. 23,550, as amended by this act, shall remain in full force and effect and are hereby ratified and confirmed in all respects. The provisions of this act shall not affect the validity, effectiveness, or finality of commission Order No. 23,550, or the validity of any rate reduction bonds issued thereto. The general court finds that commission Order No. 23,550, as amended by this act, satisfies all of the conditions and requirements of RSA 369-B, as amended, including without limitation, RSA 369-B:3, IV, and is deemed to be authorized and issued pursuant to RSA 369-B, as amended, and that the implementation of such order, as amended, is in the public interest.

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

AMENDED ANALYSIS

This bill:

I. Entitles an electric utility to retain 20 percent of the savings from an approved renegotiation of a public utilities commission order.

II. Modifies the terms of transition service for customers of Public Service Company of New Hampshire.

III. Modifies the system benefits charge authority.

IV. Requires the public utilities commission to make certain determinations prior to approving the sale of Public Service Company of New Hampshire fossil generation assets.

V. Authorizes the public utilities commission to impose an energy surcharge on transition service customers of Public Service Company of New Hampshire.

2001-0576h

Amendment to HB 443

Proposed by the Majority of the Committee on Science, Technology and Energy - R

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

AN ACT relative to a state energy plan.

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

1 Purpose. The state of New Hampshire has recently moved to restructure its electric and natural gas industries. Electric utilities were formerly responsible for developing least cost energy plans and integrated resource plans. While it is expected that the restructuring of the electric and natural gas industries will provide market responses to energy supply and demand conditions, it is nonetheless important that the governor's office of energy and community services and the public utilities commission be involved in some aspects of energy planning.

2 Findings. The general court finds that a comprehensive and integrated energy plan will provide useful information about the supply of and demand for natural gas and electricity, the adequacy of transmission and distribution infrastructure, siting requirements, fuel diversity, and energy efficiency and conservation. The general court further finds that use of the system benefits charge to fund the plan within the limitations legislatively established for those charges is in the public interest.

3 State Energy Plan.

I. The governor's office of energy and community services, in consultation with the public utilities commission and other state agencies as needed, shall prepare a state energy plan covering a 10-year period. The governor's office of energy and community services shall solicit the input of independent parties, including the Whittemore School of Business and Economics at the University of New Hampshire. The plan shall be consistent with the legislative policies set forth in RSA 162-H, RSA 378:37, RSA 374-F, and RSA 369-A. The plan shall include:

(a) An analysis of the demand projections for energy consumption of electricity and natural gas in New Hampshire.

- (b) An analysis of the adequacy of electricity generation in New Hampshire, and of transmission and distribution resources in New Hampshire for the natural gas and electric industries, and how regional generation, transmission, and distribution resources affect New Hampshire.
- (c) An analysis of siting requirements for electric generation resources and natural gas and electric transmission and distribution resources.
- (d) An analysis of fuel diversity for electricity generation.
- (e) An analysis of the efficient use of energy resources and conservation initiatives.
- (f) An analysis of how these New Hampshire-specific issues relate to regional initiatives to assure the adequacy of generation, transmission, and distribution assets.
- (g) Recommendations, based on the analyses completed under subparagraphs (a)–(f), for state implementation actions to achieve the legislative policies set forth in RSA 162-H, RSA 378:37, RSA 374-F, and RSA 369-A, or for other energy policies that should be pursued.

II. In developing the plan, the governor’s office of energy and community services shall seek public comment by holding at least 4 public hearings in different geographic locations around the state.

III. The governor’s office of energy and community services is authorized to expend up to \$100,000 to complete the plan. Such funds shall be provided proportionally by jurisdictional electric distribution utilities out of funds collected from the energy efficiency portion of each utility’s approved system benefits charge, or as otherwise directed by the public utilities commission.

IV. The governor’s office of energy and community services shall complete the state energy plan by November 1, 2002. Prior to publication of the plan, the governor’s office of energy and community services shall consult with the legislative oversight committee on electric utility restructuring established by RSA 374-F:5 and the gas utility restructuring oversight committee established by RSA 374:60. Upon completion, the plan shall be distributed to the speaker of the house of representatives, the senate president, the chairpersons of the house science, technology, and energy committee and the senate energy and economic development committee, the governor, and the state library.

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

AMENDED ANALYSIS

This bill requires the governor's office of energy and community services, in consultation with the public utilities commission and other state agencies, to prepare a state energy plan covering a 10-year period. This bill authorizes the governor’s office of energy and community services to expend up to \$100,000 to be provided by jurisdictional electric distribution utilities, to complete the plan.

2001-0339h

Amendment to HB 450

Proposed by the Majority of the Committee on Judiciary - R

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

AN ACT relative to certain work product under the right-to-know law.

Amend the bill by deleting section 3 and renumbering the original section 4 to read as section 3, respectively.

AMENDED ANALYSIS

This bill clarifies that certain work papers are not subject to the right-to-know law.

2001-0741h

Amendment to HB 463-FN

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

Amend RSA 161-F:43, VII as inserted by section 3 of the bill by replacing it with the following:

VII. "Vulnerable" means that the physical, mental, or emotional ability of a person is such that the person is unable to protect his or her own rights and interests or to manage personal, home, or financial affairs without assistance or support.

Amend the bill by replacing sections 4-8 with the following:

4 Clarification of Reporting Requirements. Amend the introductory paragraph of RSA 161-F:46 to read as follows:

Any person, including, but not limited to, physicians, other health care professionals, social workers, clergy, **financial officers** and law enforcement officials, ~~[having reason to believe]~~ **suspecting or believing in good faith** that any ~~[incapacitated]~~ adult ~~[protected under the provisions of this subdivision]~~ **who is or who is suspected to be vulnerable** has been subjected to ~~[physical]~~ abuse, neglect, **self-neglect**, or exploitation or is living in hazardous conditions shall report or cause a report to be made as follows:

5 Immunity From Liability. Amend RSA 161-F:47 to read as follows:

161-F:47 Immunity From Liability. Any person or agency, other than an alleged perpetrator, participating in good faith in the making of a report of an alleged incident of adult abuse, neglect or exploitation **or providing information relative to such incident** shall have immunity from any liability, civil or criminal, that might otherwise be incurred or imposed. Any ~~[such participant]~~ **person or agency providing information in good faith, including materials requested by the department pursuant to RSA 161-F:56**, shall have the same immunity with respect to participation in any investigation by the commissioner or his authorized representative or in any judicial proceeding resulting from such report.

6 "Incapacitated" Changed to "Vulnerable." Amend RSA 161-F:51 to read as follows:

161-F:51 Duties and Responsibilities.

I. The commissioner or his **or her** authorized representative, upon the substantiation of a report of abuse, neglect, or exploitation of ~~[an incapacitated]~~ **a vulnerable** adult, shall provide, when necessary, protective services to such adults.

II. The commissioner or his **or her** authorized representative shall refer all cases of serious bodily injury to ~~[an incapacitated]~~ **a vulnerable** adult **known or suspected to be the result of abuse, neglect, or exploitation** to **local law enforcement**, the department of justice or to the county attorney for possible criminal prosecution. The commissioner or his **or her** authorized representative ~~[may]~~ **shall** also report other cases of abuse, neglect, or exploitation ~~[as he deems appropriate, under procedures to be developed jointly by the department and the attorney general,]~~ to **local law enforcement**, the department of justice, or ~~[to]~~ the office of the county attorney for possible criminal prosecution **if there is reason to believe a crime has been committed**.

7 "Incapacitated" Changed to "Vulnerable." Amend RSA 161-F:53 to read as follows:

161-F:53 Entry of Premises. If either ~~[an incapacitated]~~ **a vulnerable** adult reported or suspected of being abused, neglected, or exploited refuses, or a caretaker or caregiver refuses, to allow the representative of the department entrance to the premises for the purpose of investigating a report of abuse, neglect, or exploitation, the probate court, in the county where the adult is found, upon a finding of probable cause, may order an authorized representative of the commissioner, a police officer, or other authorized individual to enter said premises in furtherance of such investigation.

8 Reference to Financial Records Added; Petition to Probate Court Authorized. Amend RSA 161-F:56 to read as follows:

161-F:56 Access to Information. In the course of an investigation conducted pursuant to this subdivision, the department's authorized representative may make any inquiries and obtain such information as is necessary to further such investigation. The department's authorized representative may review and photocopy any books, files, medical records, **photographs**, **financial records**, or other records **on any medium** that pertain to patients, residents, clients or alleged victims of abuse, neglect, or exploitation. **In the event any person or agency refuses to allow the department access to materials necessary to further its investigation, the probate court, upon a finding of probable cause, may order the person or agency to release its records to the department.**

2001-0909h

Floor Amendment to HB 469-FN-LOCAL

Proposed by Rep. Norelli

Amend the bill by replacing section 1 with the following:

1 Minimum Hourly Rate. Amend the introductory paragraph of RSA 279:21 to read as follows:

279:21 Minimum Hourly Rate. Unless otherwise provided by statute, no person, firm, or corporation shall employ any employee at an hourly rate lower than that set forth in the federal minimum wage law, as amended, or as follows, whichever is higher:

Date Hourly Rate

~~[April 1, 1991 to September 30, 1996 \$4.25~~

~~October 1, 1996 to August 31, 1997 \$4.75]~~

On and after September 1, 1997 \$5.15

On and after October 1, 2001 \$5.65

On and after October 1, 2002 \$6.15

Tipped employees of a restaurant, hotel, motel, inn or cabin, who customarily and regularly receive more than \$20 a month in tips directly from the customers will receive a base rate from the employer of not less than \$2.38 per hour. With any change to the minimum wage after the effective date of this section, the employer is responsible to pay employees \$2.38 per hour or 45 percent of the applicable minimum wage whichever is higher. If an employee shows to the satisfaction of the commissioner that the actual amount of wages received at the end of each pay period did not equal the minimum wage for all hours worked, the employer shall pay the employee the difference to guarantee the applicable minimum wage. The limitations imposed hereby shall be subject to the following exceptions:

2001-0860h

Amendment to HB 495

Proposed by the Committee on Judiciary - C

Amend RSA 493-B:1, I as inserted by section 1 of the bill by replacing it with the following:

I.(a) "Appointed official" means an administrator, an administrator de bonis non, a special administrator, a guardian ad litem except as provided in subparagraph (b)(2), an auditor, an appraiser, a referee, a master, or any other person appointed by a court; part or all of whose compensation is to be paid by one or more parties to an action pending before the court.

(b) "Appointed official" shall not include:

- (1) An executor nominated by a decedent or an appraiser nominated by such executor.
- (2) A guardian ad litem appointed in a matter involving the custody of minor children.
- (3) A marital master duly appointed under the marital master program.

2001-0599h

Amendment to HB 520

Proposed by the Committee on Election Law - R

Amend the bill by replacing section 1 with the following:

1 Nominations; General Qualifications; Domicile. Amend RSA 655:2 to read as follows:

655:2 Domicile. To hold any elective office in the state, a person must have a domicile in the state. ***Registration to vote or voting in another state during the relevant time period shall create a presumption that a person does not have a***

domicile in this state.

2001-0878h

Amendment to HB 543-FN

Proposed by the Committee on Public Works and Highways - R

Amend the bill by replacing section 2 with the following:

2 State Treasurer; Application of Receipts; Reference Amended. Amend RSA 6:12, I (vvv) to read as follows:

(vvv) Moneys deposited in the harbor dredging and pier maintenance fund established in RSA ~~[271-A:21]~~ **12-G:46**.

Amend the bill by replacing sections 5-6 with the following:

5 Resources and Economic Development; Review of Reports Required; Reference Changed. Amend RSA 12-A:34 to read as follows:

12-A:34 Review of Reports Required. For the purpose of ensuring comparability of impact reports on economic development programs issued under RSAs 4-C:6-a, 12-A:33, ~~[12-G:26-a]~~ **12-G:30**, and 162-A:23-a, the department of resources and economic development, in consultation with the legislative budget assistant, shall periodically review such reports at least once every 5 years and make recommendations to be utilized by the agencies making such reports for an improved and consistent methodology for assessing the quantity and quality of jobs created and saved and the growth potential and environmental impacts of such programs. This section shall not apply to promotional literature.

6 Pease Development Authority. RSA 12-G is repealed and reenacted to read as follows:

CHAPTER 12-G

PEASE DEVELOPMENT AUTHORITY

12-G:1 Declaration of Purpose.

I. The general court recognizes that the closure and redevelopment of Pease Air Force Base is a matter of great concern for the town of Newington, the city of Portsmouth, the seacoast region, and the state of New Hampshire. Therefore, the general court finds that a comprehensive study of all issues related to the closure and redevelopment of Pease Air Force Base is necessary to ensure proper planning and optimal use of the property. The study shall have as a primary concern the impact of the closure and redevelopment of Pease Air Force Base on the economies, environment, and quality of life of the affected communities, the seacoast region, and the state.

II. The general court further recognizes that the economies, environment, and quality of life of the affected communities, the seacoast region, and the state will depend on the speedy and proper redevelopment of Pease Air Force Base. Thus, it is hereby declared to be in the public interest and to be the policy of the state to foster and promote the redevelopment of Pease Air Force Base by implementing the comprehensive conversion and redevelopment plan being prepared by the former Pease Air Force Base redevelopment commission and the Pease development authority.

III. It is further declared that creation of a development authority to implement the comprehensive conversion and redevelopment plan and to promote, oversee, and integrate the development of Pease Air Force Base is in all respects for the benefit of the affected communities, the seacoast region, and the state and for the improvement of their welfare and prosperity, including the creation of employment and other business opportunities. It is also the intent of the general court that the authority be empowered to assume from the Pease Air Force Base redevelopment commission the responsibility for obtaining federal approval of the comprehensive conversion and redevelopment plan and complete any steps in the planning process that may remain incomplete as of July 1, 1990, and to create a development authority with the power, duties, and authority to implement all aspects of the comprehensive conversion and redevelopment plan subject to provisions of this chapter, including without limitation, taking title in the name of the state of New Hampshire, acting by and through the authority, to any or all of Pease Air Force Base.

IV. The general court further recognizes that integration of the functions of the former New Hampshire state port authority with the functions and duties of the Pease Development Authority will allow for faster and more coordinated development of New Hampshire ports with the conversion and redevelopment of Pease Air Force Base. Thus, it is declared to be in the public

interest and the policy of the state to combine in one authority all power, authority, and responsibility for the promotion and development of Pease Air Force Base and the ports of New Hampshire for the benefit of the seacoast region and all of the citizens of New Hampshire. It is also the intent of the general court that in the furtherance of its responsibility to promote and develop New Hampshire ports that they remain working ports with due consideration given to the commercial, recreational, and private interests associated therewith.

12-G:2 Definitions. In this chapter:

I. "Airport district" means:

(a) The property conveyed, granted, or otherwise transferred to the authority by the federal government or any agency thereof pursuant to section 13(g) of the Surplus Property Act of 1944, as amended, or such other provision of federal law authorizing transfer of federal surplus property for airport purposes. Property conveyed, granted, or otherwise transferred to the authority in this manner shall automatically become part of the airport district, but may be removed from the airport district by the authority in accordance with the procedures prescribed in RSA 12-G:13, II, after the contraction of the airport district has been approved by the governing body of the municipality in which the land sought to be taken from the airport district is located; or

(b) Property conveyed, granted, or otherwise transferred to the authority by the federal government or any agency thereof, or otherwise acquired by the authority, and declared or designated by the authority as the "airport district" in accordance with the procedures prescribed in RSA 12-G:13, II, after the expansion of the district has been approved by the governing body of the municipality in which the land sought to be added to or taken from the airport district is located. Such property may be subsequently removed from the airport district by the authority in accordance with the procedures prescribed in RSA 12-G:13, II, after the contraction of the airport district has been approved by the governing body of the municipality in which the land sought to be taken from the airport district is located.

II. "Airport project" means the development, construction, reconstruction, maintenance, or operation of any property of the authority or of any airport by the authority, including all real property and tangible and intangible personal property, structures, machinery, equipment, and appurtenances or facilities which are part of such airport or used or useful in connection therewith either as ground facilities for the convenience of handling aviation equipment, passengers, and freight or as part of aviation operation, air navigation, and air safety operation, and excluding any division project.

III. "Airport property" means all real property and tangible and intangible personal property, rights, and facilities of the authority excluding division property.

IV. "Appointing authorities" means the governor and executive council, the president of the senate, the speaker of the house of representatives, the mayor and city council of the city of Portsmouth, and the board of selectmen of the town of Newington.

V. "Authority" means the Pease development authority.

VI. "Board" means the board of directors of the authority.

VII. "Bond" means any bond, note, or other evidence of indebtedness issued under this chapter.

VIII. "Commission" means Pease Air Force Base redevelopment commission established pursuant to 1989, 3:2.

IX. "Director" means a member of the board.

X. "Division" means the Pease development authority, division of ports and harbors.

XI. "Division director" means the director of the division of ports and harbors.

XII. "Division project" means the development, construction, reconstruction, maintenance, or operation of any property of the authority related to the ports, harbors, and navigable tidal rivers of the state under the jurisdiction of the authority, including dredging activities authorized under RSA 12-G:45 and including all real property and tangible and intangible personal property, structures, machinery, equipment, and appurtenances or facilities used or useful in connection therewith and listed on the inventory of division projects maintained pursuant to RSA 12-G:43, I(e).

XIII. "Division property" means all real property and tangible and intangible personal property, rights, and facilities of the authority related to ports, harbors, and navigable tidal rivers administered or operated by the authority through the division and listed on the inventory of division property maintained pursuant to RSA 12-G:43, I(e).

XIV. "Division revenues" means any appropriations received by the division and any rents, profits, fees, charges, receipts, and other income derived or to be derived by the authority from the purchase, sale, leasing, development, or operation of division property or projects and the operation of related facilities located thereon.

XV. "Excess revenues" means those revenues other than division revenues in excess of the funds identified in the audit performed pursuant to RSA 12-G:29 required (a) to pay the costs of operating, maintaining, and repairing all property and projects of the authority except division property and division projects, (b) to pay the costs of administering and operating the authority, including, but not limited to, all wages, salaries, benefits, and other expenses authorized by the board or the executive director except those costs of administering and operating the division, (c) to pay the principal of, and premium, if any, and the interest on the outstanding bonds of the authority, except any bonds issued in relation to any division property or project, as the same become due and payable, (d) to create and maintain reserves established pursuant to RSA 12-G:18 or required or provided for in any resolution authorizing, or any security document securing, such bonds of the authority, (e) to create and maintain a capital improvement fund for airport property and airport projects to be established by the board in an amount not more than \$10,000,000, and (f) to pay all taxes owed by the authority related to its ownership or operation of airport property or airport projects. Excess revenue shall not include any revenues generated from property transferred or conveyed to the authority pursuant to section 13(g) of the Surplus Property Act of 1944, 50 U.S.C. App. section 1622(g), as amended, within the airport district, unless the board and the Federal Aviation Administration deem, in compliance with applicable Federal Law, including but not limited to 49 U.S.C. App. section 2210(a)(12), such revenues to be excess revenues within the meaning of this chapter.

XVI. "Land use controls" means all municipal ordinances and requirements or rules of the authority regulating the use, development, and improvement of property, including, but not limited to, zoning ordinances, subdivision regulations, site plan review regulations, and building, electric, plumbing, and fire codes.

XVII. "Pease Air Force Base" means all land, easements, buildings, structures, and appurtenances owned or controlled by the United States Department of Defense on January 1, 1990, in the towns of Newington and Greenland, or the city of Portsmouth.

XVIII. "Person" means any individual, trust, firm, joint stock company, corporation (including a government corporation), partnership, association, state (including the state of New Hampshire), municipality, commission, United States government or any agency thereof, political subdivision of the state, or any interstate body.

XIX. "Port authority" means the New Hampshire state port authority established pursuant to 1957, 262:1.

XX. "Resolution" means:

(a) The statements of intent adopted by formal vote of the commission on the dates set forth below and related to the following:

(1) The New Hampshire Air National Guard on August 1, 1989.

(2) The Pease Air Force Base trash-to-energy plant on August 15, 1989.

(3) The proposed wildlife refuge at Pease Air Force Base on August 29, 1989.

(4) Asbestos in housing at Pease Air Force Base on October 10, 1989.

(5) The provision of health care for military retirees on October 24, 1989.

(b) Any other statement of intent designating a resolution and adopted by the commission since March 20, 1989.

XXI. "Revenues" means the gifts, contributions, and appropriations from any source and the rents, profits, fees, charges, receipts, and other income derived or to be derived by the authority from the purchase, sale, leasing, or development of Pease Air Force Base and the operation of related facilities located thereon and all right to receive the same, including investment earnings and the proceeds of any borrowing hereunder or of any sale or disposition or insurance of any assets of the authority, excluding division revenues.

XXII. "Security document" means any trust agreement, security agreement, or resolution authorizing the issuance of or securing bonds.

XXIII. "State" means the state of New Hampshire.

XXIV. "Surplus Property Act" and all references to section 13(g) of the Surplus Property Act of 1944, as amended, mean any

provision of federal law authorizing transfer of federal surplus property for airport purposes, including 49 U.S.C. section 47151(a); 50 U.S.C. App. section 1622(g), as amended, to the extent applicable prior to the enactment of 49 U.S.C. section 47151(a); and any other provision of federal law that may be subsequently enacted that authorizes the transfer of federal surplus property for airport purposes.

XXV. "Vessel" means boats of all sizes propelled by sail, machinery, or hand, scows, dredgers, shellfish cars, and craft of every kind.

12-G:3 Pease Development Authority Established.

I. There is hereby created a body politic and corporate of the state, to be known as the Pease development authority, to carry out the provisions of this chapter. The authority is hereby deemed to be a public instrumentality, and the exercise by the authority of the powers conferred by this chapter shall be deemed and held to be the performance of public and essential governmental functions of the state.

II. Any resolution or contract executed or approved by or on behalf of the commission shall be binding on, shall inure to the benefit of, and shall be performed by, the authority whether so expressed or not. All rights, title, and interest in and to all assets and all obligations and liabilities of the commission vested in or possessed by the commission on June 1, 1990, shall vest in and be possessed, performed, and assumed by the authority. The passing of rights, remedies, duties, covenants, agreements, and obligations in accordance with this paragraph shall not increase or diminish them.

III. Nothing in this chapter shall be construed as requiring the authority to assume, adopt, or otherwise be bound by the bylaws, votes, or decisions of the commission or any advisory committee thereof except as set forth in paragraph II and RSA 12-G:44.

IV. Any rule or contract executed or approved by or on behalf of the port authority shall be binding on, shall inure to the benefit of, and shall be performed by, the authority whether so expressed or not. All rights, title, and interest in and to all assets and all obligations and liabilities of the port authority vested in or possessed by the port authority when the duties, functions, and jurisdiction of the port authority are transferred to the authority shall vest in and be possessed, performed, and assumed by the authority. The passing of rights, remedies, duties, covenants, agreements, and obligations in accordance with this paragraph shall not increase or diminish them. Nothing in this chapter shall be construed as precluding the authority from amending or rescinding, to the extent permitted by law, and by law, rule, vote, or decision rendered by the port authority prior to the transfer to the authority of the duties, functions, and jurisdiction of the port authority.

12-G:4 Management by Board of Directors; Executive Director.

I. The management of the authority shall be vested in a board of 7 directors to be appointed as follows:

(a) One member appointed by the governor and executive council.

(b) One member appointed by the mayor and city council of the city of Portsmouth.

(c) One member appointed by the board of selectmen of the town of Newington.

(d) One member appointed by the president of the senate.

(e) One member appointed by the speaker of the house of representatives.

(f) One member appointed jointly by the mayor and city council of the city of Portsmouth and the board of selectmen of the town of Newington.

(g) One member who is nominated by majority vote of the legislative delegation of Strafford county, including the senators whose districts include towns in Strafford county and who is appointed by the governor, the senate president, and the speaker of the house. The member appointed in this manner shall be a resident of Strafford county and shall serve an initial term of 2 years beginning June 1, 1993. Subsequent terms shall be governed by the provisions of this section. The member appointed in this manner may be removed from office for cause after hearing by the Strafford county legislative delegation.

II. The governor shall appoint the chairman of the board, who shall serve in that capacity at the pleasure of the governor. Directors shall hold office for 3 years and until their successors shall have been appointed. State-appointed directors may be removed from office pursuant to the provisions of RSA 4:1. Directors appointed by the municipal appointing authorities may be removed from office for cause after hearing by the municipal appointing authorities.

III. Four members of the board shall constitute a quorum. A minimum of 4 affirmative votes shall be required for any action of the board, except for the adoption of land use controls, which shall require 5 votes.

IV. The directors shall serve without compensation from the authority, except for such incidental expenses determined by the board to be necessary and incurred while performing business of the authority.

V. Directors shall be residents of the state. No director shall be an elected public official of the state, federal government, or any political subdivision of the state or federal government. Notwithstanding any other provision of law, public employees and appointed officials of the state and any of its political subdivisions may serve, if appointed in accordance with the provisions of this chapter, as directors of the authority.

VI. The board shall appoint an executive director, who shall be the chief executive and administrative officer of the authority and who shall have general and active supervision and direction over the day-to-day business and affairs of the authority and its officers and employees, subject, however, to the direction and control of the board. The executive director shall be responsible for ensuring that all division revenues and all costs associated with operating and maintaining division property and division projects are accounted for separately from all other revenues and costs of the authority and shall perform all such other duties as from time to time may be assigned to the executive director by the board. The executive director shall hold office for an indefinite term at the pleasure of the board. The executive director shall also be the secretary of the authority, shall keep a record of the proceedings of the authority, and shall be the custodian of all books, documents, and papers filed with the authority and of its minute book and seal. The executive director shall have the power to cause copies to be made of all minutes and other records and documents of the authority and to give certificates under the seal of the authority to the effect that such copies are true copies, and all persons dealing with the authority may rely upon such certificates. The executive director may employ such assistants, legal counsel, and clerical and administrative staff as is directed by the board and within the limits of funds available for that purpose. The executive director may from time to time, with the prior consent of the board, establish and maintain such operating divisions within the authority as he or she shall deem necessary for the proper and efficient conduct of business under this chapter and may assign such staff members to any such division. The salary of the executive director shall be established by the board.

12-G:5 Statements of Financial Interests; Content; Form.

I. Every member of the board shall file by July 1 of each year a verified written statement of financial interests in accordance with the provisions of this section, unless the member has already filed a statement in that calendar year.

II. A member of the board shall not be allowed to enter into or continue his or her duties, unless the member has filed a statement of financial interests with the secretary of state.

III. Statements of financial interests shall contain the following information:

(a) The name, address, and type of any professional, business, or other organization in which the reporting individual was an officer, director, associate, partner, proprietor, or employee, or served in any other professional or advisory capacity, and from which any income in excess of \$10,000 was derived during the preceding calendar year.

(b) The description of any debt and the name of the creditor for all debts in excess of \$5,000 owed by the reporting individual, as well as the description of any debt and the name of the debtor for all debts in excess of \$5,000 owed to the reporting individual, but only if the creditor or debtor, respectively, or any guarantor of the debt, has done work for or business with the state in the preceding calendar year. Loans issued by financial institutions whose normal business includes the making of loans of the kind received by the reporting individual, and which are made at the prevailing rate of interest and in accordance with other terms and conditions standard for such loans at the time the debt was contracted need not be disclosed. Debt issued by publicly-held corporations and purchased by the reporting individual on the open market at the price available to the public need not be disclosed.

IV. The statement of financial interests shall be completed by typewriting or hand printing, and shall be verified, dated, and signed by the reporting individual personally. It shall be submitted on a form prescribed by the secretary of state.

12-G:6 Disqualification of Member. If any director, or the spouse or issue of any director, shall be interested either directly or indirectly or shall be a director, officer, or employee of or have an ownership interest in any firm or corporation interested directly or indirectly in any contract or other matter with the authority, including any loan to any eligible mortgagor or loan to or purchase of any loan from any lending institution, such interest shall be disclosed to the board and shall be set forth in the minutes of the board. The member having such interest shall not participate on behalf of the authority in any proceedings or

decision relating to such contract or matter.

12-G:7 Duties.

I. The authority assumes from the commission and shall perform the following duties:

(a) Monitoring the proposed closing of Pease Air Force Base.

(b) Conducting a comprehensive study of all issues related to the closure, conversion, redevelopment, and future use of Pease Air Force Base. This study shall have as a primary concern the impact of the closure and redevelopment of Pease Air Force Base on the economies, environment, and quality of life of the affected communities, the seacoast region, and the state.

(c) Reviewing all options relative to the most appropriate use of Pease Air Force Base.

(d) Formulating and adopting a comprehensive plan for conversion and redevelopment of Pease Air Force Base and submitting this plan to the federal authorities no sooner than 30 days following submission to the appointing authorities.

(e) Submitting the comprehensive plan for the conversion and redevelopment of Pease Air Force Base to the appropriate agency or agencies of the federal government.

II. The authority shall at all times act in a manner which is consistent with the public good and pursuant to this chapter shall seek to implement the comprehensive plan for the conversion and redevelopment of Pease Air Force Base identified in paragraph I.

12-G:8 Incorporation; Powers. The authority shall have all of the powers necessary or convenient to carry out the purposes and provisions of this chapter, including the power:

I. To sue and be sued in all courts and to initiate or participate in actions and proceedings, whether judicial, administrative, arbitral, or otherwise.

II. To have a seal, and to alter such seal at pleasure and to use it by causing it or a facsimile to be affixed or impressed or reproduced in any manner.

III.(a) To employ or retain as independent contractors architects, engineers, attorneys, accountants, and such other advisors and employees, consultants, and agents as may be necessary in its judgment without regard to any personnel or civil service law or personnel or civil service rule of the state, to prescribe their duties and qualifications, and to fix and pay their compensation, if any.

(b) To appoint qualified individuals to serve as unpaid volunteers or advisors under such terms and conditions as it may deem necessary. Such volunteers or advisors may be reimbursed for such incidental expenses determined by the board to be necessary and incurred while performing the business of the authority.

IV. To purchase, receive, take by grant, gift, devise, bequest, or otherwise, lease, or otherwise acquire, own, hold, improve, employ, use, and otherwise deal in and with property or any interest therein, whether tangible or intangible, for its purpose.

V. To sell, convey, lease, exchange, transfer, abandon, or otherwise dispose of, or mortgage, pledge, or create a security interest in, all or any of its airport or division property or any interest therein, except that no real property of the division may be sold, conveyed, exchanged, transferred, or otherwise disposed of, except by license, lease, or other agreement subject to a term of not more than seven years, without the prior approval of the governor and the executive council.

VI. To apply for and accept gifts, loans, grants, property, funds, money, materials, labor, supplies, or services from the United States of America or its agencies or departments or any state agency or any political subdivision of the state, or any other person, to carry out the terms and provisions of, or make agreements with respect to, any such gifts, loans, or grants, and to do any and all things necessary, useful, desirable, or convenient in connection with procuring, accepting, or disposing of such gifts, loans, or grants.

VII. To purchase, take, receive, subscribe for, or otherwise acquire, hold, make a tender offer for, vote, employ, sell, lend, lease, exchange, transfer, or otherwise dispose of, mortgage, pledge, or grant a security interest in, use, or otherwise deal in and with, bonds and other obligations, shares, or other securities or interests therein issued by others, whether engaged in a similar or different business or activity.

VIII. To make and execute agreements, contracts, and other instruments necessary or convenient in the exercise of the powers and functions of the authority under this chapter, including contracts with any person, firm, corporation, municipality, state agency, governmental unit, or other entity, foreign or domestic, provided that no contract in excess of \$10,000, including contracts under paragraphs III and XV, shall be made without requests for proposal. This requirement may be eliminated by an affirmative vote of 5 members of the board on any particular matter. Justification for eliminating the requirement shall be recorded in the minutes of the meeting.

IX. To borrow money for purposes not related to division property or division projects at such rate or rates of interest as the authority may determine, issue its notes, bonds, or other obligations to evidence such indebtedness, and secure any of its obligations by mortgage or pledge of all or any of its airport property or any interest therein, tangible or intangible, whether then owned or thereafter acquired.

X. To arrange for guaranties of its notes, bonds, or other obligations pursuant to RSA 12-G:31 by the federal government or by any private insurer or otherwise, and to pay any premiums therefor.

XI. To issue such notes, bonds, or other obligations, whether or not the income therefrom to the holders is exempt from federal income taxation.

XII. To purchase notes, bonds, or other obligations of the authority at such price or prices, in such manner, and upon such terms as the authority may determine.

XIII. To invest and reinvest its funds, and take and hold property as security for the payment of funds so invested.

XIV. To procure insurance against any loss in connection with its airport or division property or projects in such amount or amounts and from such insurers, including the federal government, as it may deem necessary or desirable, and to pay any premiums therefor. Nothing in this paragraph shall be construed as a waiver of the sovereign immunity of the state except as authorized under RSA 491:8.

XV. To enter into and perform contracts and agreements, whether or not they may be deemed to constitute indebtedness under applicable law, for the joint and separate planning, financing, construction, purchase, operation, maintenance, use, sharing costs of, ownership, mortgaging, leasing, sale, disposal of, or other participation in facilities, products, or services of any person who engages in business on property owned or controlled by the authority.

XVI. To maintain a principal office in the state and an office or offices at such other place or places as it may determine.

XVII. To make any inquiry, investigation, survey, feasibility study, or other study which the authority may deem necessary to enable it to carry out effectively the provisions of this chapter.

XVIII. To apply to the appropriate agencies and officials of the federal government and the state for licenses, permits, or approvals of its plans, airport projects, or division projects as it may deem necessary or advisable, and to accept such licenses, permits, or approvals as may be tendered to it by such agencies or officials, upon such terms and conditions as it may deem appropriate.

XIX. To make bylaws and establish committees for the management and regulation of its affairs as it may deem necessary, and subject to agreements with bondholders, to make rules pursuant to its own procedures for the use of its airport projects and property and division projects and property, including but not limited to zoning, subdivision, and site plan review regulations, and building, electric, plumbing, and fire codes, and to establish and collect rentals, fees, and all other charges for the use of projects under the jurisdiction of the authority and for services or commodities sold, furnished, or supplied by the authority.

XX. To design, construct, maintain, operate, improve, and reconstruct such airport projects and division projects as shall be consistent with the purposes and provisions of this chapter, including without limitation the maintenance and development of aviation and port services, including landing fields, heliports, hangars, shops, passenger and freight terminals, control towers, piers, wharves, navigation aids, and all facilities necessary or convenient in connection with any such airport project or division project and also to contract for the construction, operation, or maintenance of any parts thereof, or for services to be performed thereon, and to rent parts thereof and grant concessions thereon, all on such terms and conditions as the authority may determine.

XXI. To take such other action as it may deem necessary and advisable in the furtherance of the purposes of this chapter.

12-G:9 General Authority Power. In addition to the powers and duties specifically enumerated in RSA 12-G:7, RSA 12-G:8, and

RSA 12-G:42, the authority shall have every power enumerated in the laws of the state granted to the authority, the division, the executive director, the division director, the port authority, or any administrative unit of the authority.

12-G:10 Coordination With Department of Resources and Economic Development. The authority shall coordinate its publicity efforts and the activities of the division with the department of resources and economic development.

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

I. Except for any classified employee of the division, the authority may hire, fix, and pay compensation, prescribe duties and qualifications, and establish personnel policies without regard to any personnel or civil service law or personnel or civil service rule of the state. Except for any classified employee of the division, the employees of the authority shall not be classified employees of the state within the meaning of RSA 21-I:49. Except for any classified employee of the division, any individual employed by the authority shall be deemed an employee at will and shall serve at the pleasure of the authority.

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

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

IV. Notwithstanding any other provision of law, the authority or the executive director may assign as necessary any employee of the authority with appropriate skills and training to perform any responsibility, task, or duty assigned by statute to the authority or the division, including without limitation, on a temporary basis, any responsibility, task, or duty previously or otherwise assigned to any classified employee of the division. To the extent that the wages, salary, benefits, or other expenses, including without limitation reasonable overhead expenses, of any employee of the authority assigned to carry out any responsibility, task, or duty of the division are paid from the fund established under RSA 12-G:36 or revenues of the authority other than division revenues, such fund or other source of revenue shall be reimbursed for the cost of such wages, salary, benefits, and other expenses, including without limitation reasonable overhead expenses, from funds drawn from the fund established under RSA 12-G:37 and, to the extent authorized, from the fund established under RSA 12-G:46. The executive director of the authority, subject to the approval of the board, is authorized to determine and fix, as necessary, rates of reimbursement.

12-G:12 Coordination Between State and Federal Governments.

I. In addition to any other duties set forth in any provision of this chapter, the authority shall coordinate with, and provide information to, the United States Department of Defense, and any official or employee thereof, regarding any matter related to the ownership, condition, closure, conversion, redevelopment, or future use or operation of Pease Air Force Base. Notwithstanding any other provision of law, no political subdivision of the state shall submit any plan regarding the closure, conversion, redevelopment of future use, or operation of Pease Air Force Base without the prior approval of the authority.

II. Notwithstanding any provision of law, except for the authority, no political subdivision or any agency of the state or governmental unit thereof, may apply for or receive pursuant to any provision of federal law any funds, grants, or other assistance from the Office of Economic Adjustment within the United States Department of Defense relative to the closure, conversion, redevelopment, or future use of Pease Air Force Base without prior approval of the authority. Except for the authority, no state political subdivision, or any agency or governmental unit thereof, shall apply for or receive any funds, grants, or other assistance from any agency of the federal government relative to the closure, conversion, redevelopment, or future use of Pease Air Force Base without prior notification to the authority. The provisions of this paragraph shall not apply to the adjutant general or to school administrative units for the city of Portsmouth or the town of Newington.

III. Except for the adjutant general and notwithstanding any other provision of law, the authority shall be the only person in the state authorized to negotiate, purchase, or otherwise obtain on behalf of the state or any of its political subdivisions any fee ownership, easement, lease, or other property interest in any property in, or on a part of, Pease Air Force Base, except that the town of Newington may negotiate for and reacquire from the federal government the "Old Stone School" and associated yard located on Nimble Hill Road and the city of Portsmouth may negotiate for and acquire Jones School and Brackett School and associated yards located on Northwood Road and Rockingham Drive, respectively. The board may grant exemptions in its sole discretion from this provision to any state agency or political subdivision on such terms and conditions as it may deem appropriate.

IV. Notwithstanding any other provision of law, the authority shall be the only person authorized in the state to accept on behalf of the state or any of its political subdivisions any title to, or any other interest in, the runway, taxiways, parking aprons, hangars, control tower, airspace, or other property or related facilities at Pease Air Force Base, from the United States pursuant to section 13(g) of the Surplus Property Act of 1944 (50 U.S.C. App. section 1622(g)), as amended.

12-G:13 Local Land Use Controls.

I. Notwithstanding any other provision of law, any and all land use controls of the town of Newington and the city of Portsmouth shall not apply to any of the property at Pease Air Force Base transferred, conveyed, or otherwise granted to the authority by the federal government or any agency thereof. The authority shall have the exclusive jurisdiction in adopting and establishing land use controls for the property at Pease Air Force Base transferred, conveyed, or otherwise granted to the authority by the federal government or any agency thereof.

II. The authority shall adopt land use controls including, without limitation, regulations to establish zones, building codes, subdivision regulations, site plan review, and fire codes in order to implement the comprehensive conversion and redevelopment plan prepared by the commission no later than December 31, 1991. All land use controls and amendments to such controls shall be enacted in accordance with rules of procedure adopted by the authority and shall include at least one public hearing. In order to adopt, amend, interpret, or override any land use control, 5 affirmative votes of the authority shall be required. All land use controls enacted by the authority shall be filed in the Rockingham county registry of deeds, the clerk's office for the town of Newington, the clerk's office for the city of Portsmouth, and the New Hampshire office of state planning. This paragraph shall not apply to any division property or projects listed on the inventory required under RSA 12-G:43, I(e).

III. In adopting land use controls, the authority may adopt, in whole or in part, the land use controls of the town of Newington and/or the city of Portsmouth. If the authority opts not to adopt the land use controls of Newington and/or Portsmouth, in whole or in part, the authority shall adopt its own land use controls which are consistent with the comprehensive conversion and redevelopment plan prepared by the commission and consistent with the master plans of the town of Newington and the city of Portsmouth. This paragraph shall not apply to any division property or projects listed on the inventory required under RSA 12-G:43, I(e).

IV. The land use controls and any amendments to them adopted by the authority shall only apply to all airport property at Pease Air Force Base acquired by the authority from the federal government or any agency thereof, and shall remain applicable and enforceable after the sale, lease, assignment, or other transfer of any or all of such property to such person by the authority. All other property at Pease Air Force Base shall be subject to all land use controls of the municipalities in which such property is located. This paragraph shall not apply to any division property or projects listed on the inventory required under RSA 12-G:43, I(e).

V. With the exception of the airport zone and that portion of the airport industrial zone acquired by the authority pursuant to the Surplus Property Act of 1944, section 13(g), in the enforcement of land use controls, the following shall apply to property located at Pease Air Force Base:

- (a) The authority shall delegate enforcement of the land use controls to the appropriate land use boards of the town of Newington and the city of Portsmouth for airport property within each municipality, respectively.
- (b) If the town of Newington or the city of Portsmouth, as appropriate, rejects the enforcement on the basis of Part I, Art. 28-a of the New Hampshire constitution, the authority may delegate such enforcement to the community which did not reject it or to another community. If the town of Newington and/or the city of Portsmouth elects to perform said enforcement, the building inspection services, zoning enforcement services, and planning services of Portsmouth and/or Newington shall be made available to the authority for all land within the authority's control. In addition, the building code boards of appeal, the zoning boards of adjustment, and the planning boards of the respective municipalities shall process building code appeals, administrative appeals, special exception and variance requests, as well as subdivision, site plan review, and conditional use applications. The

only charge that may be made for such services shall be the standard application fees charged by the municipalities for local permits.

(c) In all instances, the authority shall retain the power to make the final decision regarding applicability, interpretation, and enforcement of its land use controls, which shall require 5 affirmative votes.

(d) Any action of the authority in the exercise of its powers under this section shall be subject to a motion for rehearing and appeal in accordance with the appropriate provisions of RSA 677. In addition to any other person deemed to be an aggrieved person, the city of Portsmouth and the town of Newington and any abutters shall have standing to appeal land use decisions made by the authority.

(e) Any property located at the former Pease Air Force Base which is sold, leased, or otherwise conveyed by the United States government to any person other than the state of New Hampshire or one of its political subdivisions shall be in full compliance with all applicable municipal land use regulations, building codes, electrical codes, plumbing codes, and related codes prior to being occupied for any use by any person.

VI. The authority, after notice and hearing and in addition to any contract right or other power, may impose an administrative fine not to exceed \$2,000 for each offense upon any person who violates any provision of the authority's land use controls applicable to the airport zone or that portion of the airport industrial zone acquired by the authority pursuant to the Surplus Property Act of 1944, section 13(g). The proceeds of any administrative fine levied pursuant to this section shall be deposited in the Pease Development Authority Airport Fund. The authority shall adopt rules relative to:

(a) A schedule of administrative fines which may be imposed under this paragraph for violations of the authority's land use controls as provided in this paragraph;

(b) Procedures for notice and hearing prior to imposition of an administrative fine; and

(c) Procedures for rehearings and appeals to the board.

Any final action by the board in the exercise of the authority's powers under this section shall be subject to appeal in accordance with RSA 677.

VII. Notwithstanding any provisions of this section, all property on Pease Air Force Base west of McIntyre Road shall be designated a wildlife preserve under the control of the United States Department of the Interior, United States Fish and Wildlife Service, National Wildlife Refuge, or other appropriate federal or state agency. Except for the establishment of a national veteran cemetery, the authority shall not permit the development of the property designated a wildlife refuge or preserve.

VIII. In any event, regulatory power over all land use controls at Pease Air Force Base except for the airport district and all property west of McIntyre Road designated as a wildlife preserve shall revert exclusively to the municipalities no later than January 1, 2020, or sooner at the election of the authority.

12-G:14 Limitations on State and Local Taxation; Provision of Services.

I. The exercise of the powers granted by this chapter shall be in all respects for the benefit of the people of the state, for their well-being and prosperity, and for the improvement of their social and economic conditions, and, except as provided in paragraph II, the authority shall not be required to pay any tax or assessment on any property or project owned by the authority under the provisions of this chapter or upon the revenues from such property or project, nor shall the authority be required to pay any recording fee or transfer tax of any kind on account of instruments recorded by it or on its behalf. Nothing in this section shall be construed to exempt any transferee, lessee, or tenant of the authority from paying any recording fee, transfer tax, or other tax required by state law.

II. All airport property within the boundaries of Pease Air Force Base but outside of the airport district located thereon that is owned or occupied by a person, other than the authority or any other entity exempted from taxation under RSA 72:23, shall be taxable by the municipality in which the property is located as though such property were not owned by the exempt entity and were held in fee simple. Upon leasing or renting by the authority of any of its airport property outside the airport district to a non-exempt entity for any use, the municipality in which such property is located shall subject such property to any and all applicable property taxes of the municipality as though such property were not owned by the state or authority and were held in fee simple. Tax payments shall be made as follows:

(a) In the case of such airport property rented from the authority, the renter shall pay, in lieu of real estate taxes, to the municipality in which the property is located an amount equal to the amount that would have been paid as ad valorem taxes in respect to such property, had it been owned by a nongovernmental person.

(b) In the case of such airport property leased from the authority, the lessee of such property shall pay all taxes duly assessed against such property no later than the due date. If the lessee fails to pay such duly assessed taxes by the due date:

(1) Interest shall accrue on the unpaid taxes at a rate of 18 percent per annum from the due date until such taxes are paid;

(2) The municipality in which the leased airport property is located shall have a lien, subordinate only to any existing lien of the authority or the state, upon any personal property including, but not limited to, equipment owned by the lessee, which lien shall continue in force from the due date until the taxes and accrued interest are paid; and

(3) The municipality may bring suit against the lessee in any court of competent jurisdiction for the recovery of any unpaid taxes and interest, together with reasonable attorney's fees and costs.

(c) Such tax payments shall be made at the times and in the manner prescribed for ad valorem property taxes for nongovernmental persons and shall be based on the valuation of the property determined by the respective municipality for such purpose, subject to any equalization or proportionality factor to be applied within such municipality. If the lessee or authority determines that any valuation made by a municipality is excessive, it may seek a reduction of the valuation by following the procedures prescribed in RSA 76 for the abatement of taxes.

III. For all airport property within the boundaries of Pease Air Force Base and within the airport district that is owned, leased, or occupied by a person, other than the authority, who is subject to the payment of a municipal services fee in lieu of real estate taxes for the provision of services by or on behalf of the authority which are traditionally provided by the town of Newington and/or the city of Portsmouth, and to the extent such municipal services fee is based in whole or in part on the valuation of the property by the respective municipality for such purpose, subject to any equalization or proportionality factor to be applied within such municipality, if the lessee or authority determines that any valuation made by a municipality is excessive, it may seek a reduction of the valuation by following the procedures prescribed in RSA 76 for the abatement of taxes.

IV. Notwithstanding any other provision of law:

(a) Security for all land and buildings within the airport district and security for all flights at Pease Air Force Base shall be provided by the authority. All other police services within the airport district shall be provided by the municipalities. Any municipality providing police services to the authority within the airport district shall be reimbursed in timely manner pursuant to a contract with the authority for all costs incurred by the municipality in providing such services, including but not limited to, salaries, benefits, insurance, equipment, and associated administrative expenses.

(b) The provision of all other services to land, buildings, and people in the airport district which are traditionally provided by the town of Newington and/or the city of Portsmouth shall be exclusively the responsibility of the authority. These services shall include, but not be limited to, the provision of fire protection, roadway maintenance, runway and parking apron maintenance, maintenance of all underground storage facilities, public assistance, public education, and public utilities. In accordance with the provisions of RSA 12-G:8, VIII, the authority may contract with any person for the provision of these services.

(c) Outside of the airport district the provision of the municipal services by the towns of Greenland and Newington and the city of Portsmouth shall be governed by the general law of the state and the other provisions of this chapter.

V. Notwithstanding any other provision of law, all property formerly held by the port authority and transferred to the authority, or acquired by the authority pursuant to RSA 12-G:39, is declared to be public property and shall be exempt from all taxes and special assessments of the state or any political subdivision thereof; provided that in lieu of such taxes the authority shall make payments to the city of Portsmouth in the amount of \$30,000 annually for the tax year commencing April 1, 2001, and each subsequent tax year for highway maintenance, fire protection, and other services.

12-G:15 Distribution of Excess Revenues.

I. Subject to the limitations contained in RSA 12-G:2, XV, excess revenues of the authority may be distributed by the board annually within 30 days of the end of the authority's fiscal year as follows:

(a) 50 percent to the state treasurer for deposit in the general fund.

(b) 50 percent to the town of Newington, the town of Greenland, and the city of Portsmouth, to be distributed based upon the ratio of the equalized assessed value of the real property within the boundaries of Pease Air Force Base, but not including the airport district, located within the town or city limits of each municipality to the total equalized assessed value of all such property.

II. Before any excess revenues are distributed pursuant to subparagraphs I(a) and (b), the authority shall reimburse in full on a pro rata basis the state, the town of Newington, and the city of Portsmouth for all funds provided to the commission or authority since March 30, 1989.

III. The annual report prepared by the authority pursuant to RSA 12-G:29 shall include a detailed explanation of any distribution of excess revenues made pursuant to this section or of any decision by the board not to make such distribution.

12-G:16 Limited Liability of State and Municipalities.

I. Except as provided in paragraphs II and III of this section, all obligations and liabilities incurred by the authority related to airport property or airport projects, whether arising from bonds, contracts, or otherwise, shall be corporate obligations of the authority and not general obligations of the state or any political subdivision thereof, and neither the full faith and credit nor the taxing power of the state, nor any subdivision thereof is pledged to support such obligations, except as provided in RSA 12-G:31, nor shall they be deemed a debt of the state or any political subdivision thereof in determining its borrowing capacity under any applicable law.

II. Any agreement between the United States and any agency thereof and the authority shall constitute a binding agreement between the United States and the state. Any agreement between the United States and the authority obligating the state to expend funds may be satisfied in full by revenues, bond proceeds, or other funds provided by the authority in the first instance, and if such funds are insufficient, then the obligations shall be satisfied by the state from other funds. Furthermore, any agreement between the United States and the authority requiring payment of funds by the authority to purchase any property at Pease Air Force Base shall be satisfied in full by revenues, bond proceeds, or other funds provided by the authority, and such payment shall not require a pledge of the full faith and credit of the state, except as otherwise provided under RSA 12-G:31.

III. All obligations and liabilities incurred by the authority related to division property or division projects, whether arising from bonds, contracts, or otherwise, shall be general obligations of the state of New Hampshire.

12-G:17 Issuance of Bonds. The authority may issue bonds which shall be obligations of the authority and not general obligations of the state, except as provided in RSA 12-G:31. Such bonds may be issued from time to time consistent with the purposes and provisions of this chapter, including, without limitation, financing the preacquisition costs and other costs of acquisition of any property or interest therein at Pease Air Force Base, or for any costs incurred in undertaking any airport project authorized by this chapter, or for paying or refunding any bonds issued pursuant to this section or interest thereon. The principal of, and premium, if any, and interest on all bonds shall be payable solely by the authority in accordance with the provisions of this chapter. Prior to each new issuance of bonds, the authority shall provide written notice to the state treasurer of the maximum amount of bonds proposed to be issued. The bonds shall be issued by the authority in such amounts as the board shall determine, not exceeding in the aggregate \$250,000,000. Bonds of each issue shall be dated, shall bear interest at such rate or rates, including rates variable from time to time as determined by such index, banker's loan rate, or other method as may be determined by the board, and shall mature at such time or times as may be determined by the board, except that no bonds shall mature more than 30 years from their date of issue. Bonds may be made redeemable before maturity either at the option of the authority or at the option of the holder, or upon the occurrence of specified events, at such price or prices and under such terms and conditions as may be fixed by the board prior to the issuance of the bonds. The board shall determine the form and details of the bond. Subject to RSA 93-A, the bonds shall be signed by at least 4 members of the board. The bonds may be sold in such manner, either at public or private sale, for such price, at such rate or rates of interest, or at such discount in lieu of interest as the board may determine.

12-G:18 Security Documents. Any bonds issued pursuant to RSA 12-G:17-28 may be issued pursuant to and entitled to the benefits of a security document between the authority and a corporate trustee, which may be any trust company or bank having the powers of a trust company within or without the state, or by a security document directly between the authority and the purchasers of the bonds, and such security document shall be in such form and executed in such manner as may be determined by the board. Such security document may include the mortgage, pledge, or grant of a security interest in any airport property of the authority and may pledge or assign, in whole or in part, the revenues held or to be received by the authority, excluding any division revenues, any contract or other rights to receive the revenues, whether then existing or thereafter coming into existence and whether then held or thereafter acquired by the authority, and any proceeds thereof, excluding any division revenues. Such security documents may contain provisions for protecting and enforcing the rights, security, and remedies of the bondholders as

may, in the discretion of the board, be reasonable and proper and not in violation of law. Such security documents may include provisions defining defaults and providing for remedies in the event of defaults, which may include the acceleration of maturities and the enforcement of any mortgage, pledge, or security interest, and covenants setting forth the duties of, and limitations on, the authority in relation to the custody, safeguarding, investment, and application of moneys, the issue of additional or refunding bonds, the fixing, revision, and collection of rates, charges, and other revenues, the use of any surplus bond proceeds, the establishment of reserves, the acquisition of any property or interest therein, or undertaking of any project, any contracts relating thereto, and subsequent amendments of such provisions and contracts. It shall be lawful for any bank or trust company to act as a depository or trustee of the proceeds of bonds, revenues, or other moneys under a security document and to furnish such indemnification or to pledge such securities and issue such letters or lines of credit or credit facilities as may be required by the authority acting under RSA 12-G:17-28. Any such security document may set forth the rights and remedies of bondholders and of the trustee and may restrict the individual right of action by bondholders.

12-G:19 Credit Facilities and Insurance. Any bonds issued pursuant to RSA 12-G:17-28 may be issued pursuant to lines of credit or other banking arrangements under such terms and conditions not inconsistent with this chapter, and under such agreements with the purchasers or makers thereof, as the board may determine to be in the best interests of the authority. In addition to other security provided herein or otherwise by law, bonds issued by the authority pursuant to RSA 12-G:17-28 may be secured, in whole or in part, by insurance or by letters or lines of credit or other credit facilities issued to the authority by any bank, trust company, or other financial institution, within or without the state, and the authority may make any pledge, mortgage, assignment, or security interest in respect of its airport property and revenues other than division revenues as security for the reimbursement by the authority to the issuers of such letters or lines of credit, insurance, or credit facilities or any payments made thereunder.

12-G:20 Perfection and Priority of Mortgage, Pledge, or Security Interest. Any mortgage, pledge, or security interest made by the authority under RSA 12-G:17-28 shall be valid and binding and shall be deemed continuously perfected for the purposes of RSA 382-A and all other laws from the time when the mortgage, pledge, or security interest is made. The airport property or revenues other than division revenues so mortgaged, pledged, or subjected to a security interest then held or thereafter acquired or received by the authority shall immediately be subject to the lien of such mortgage, pledge, or security interest without any physical delivery or segregation thereof or further act. The lien of such mortgage, pledge, or security interest shall be valid and binding against all parties having claims of any kind in tort, contract, or otherwise against the authority, irrespective of whether such parties have notice thereof. No such property or revenues may be used in a manner inconsistent with the terms governing such mortgage, pledge, or securities interest. Any agreement by which a pledge or security interest in personal property is created under RSA 12-G:17-28 shall be filed or recorded in the records of the secretary of state. Any mortgage or other agreement by which a security interest in real property is created under RSA 12-G:17-28 shall be filed with the register of deeds for Rockingham county.

12-G:21 Enforcement of Rights. Any owner of a bond issued under the provisions of RSA 12-G:17-28 and any trustee under a security document securing the same, except to the extent the rights given in this section may be restricted by such security document, may bring suit upon the bonds and may, either at law or in equity, by suit, action, mandamus, or other proceeding for legal or equitable relief, protect and enforce any and all rights under the laws of the state granted hereunder or under such security document and may enforce and compel performance of all duties required by this chapter or by such security document to be performed by the authority or by any director or officer of the authority.

12-G:22 Refunding Bonds. The authority, when authorized by the board, may issue refunding bonds for the purpose of paying any bonds issued under the provisions of RSA 12-G:17-28 at or prior to maturity or upon acceleration or redemption. Refunding bonds may be issued at such times prior to the maturity or redemption of the bonds being refunded as the board may determine. The refunding bonds may be issued in sufficient amounts to pay or provide the principal of the bonds being refunded, together with any redemption premium thereon, any interest accrued or to accrue to the date of payment of such bonds, the expenses of issue of the refunding bonds, the expenses of redeeming the bonds being refunded, and such reserves for debt service or other expenses from the proceeds of such refunding bonds as may be required by a security document securing the bonds. The authorization and issue of refunding bonds, the maturities and other details thereof, the security therefor, the rights of the holders thereof, and the rights, duties, and obligations of the authority in respect to the same shall be governed by the provisions of RSA 12-G:17-28 relating to the issue of bonds other than refunding bonds insofar as the same may be applicable.

12-G:23 Separate Funds. Any debt service fund, construction fund, debt service reserve fund, or other fund established in connection with the issuance of bonds pursuant to RSA 12-G:17-28 shall be kept separate from other moneys of the authority. The moneys deposited in any such funds, together with the income derived from any investments held as part of such funds, shall be expended without further authorization or appropriation as provided for in the security document establishing such funds.

12-G:24 Investment of Funds. Moneys in any fund or account created under the provisions of RSA 12-G:17-28, subject to the terms and provisions of any security document applicable thereto, may be invested. Except as otherwise provided by any such security document, obligations so purchased as an investment of money in said fund or account shall be deemed at all times to be part of said fund or account, and the interest thereon and any profit arising from the sale thereof shall be credited to said fund or account, and any loss resulting on their sale shall be charged to said fund or account, respectively.

12-G:25 Alteration of Rights of Bondholders. The state does hereby pledge to and agree with the holders of bonds issued RSA 12-G:17-28 that the state shall not limit or alter the rights hereby vested in the authority to fulfill the terms of any agreements made with the said holders of such bonds or in any way impair the rights and remedies of such holders until such bonds, together with the interest on them, with the interest on any unpaid installments of interest, and all costs and expenses in connection with any action or proceeding by or on behalf of such holders, are fully met and discharged. The authority is authorized to include this pledge and agreement of the state in any agreement with the holders of such bonds.

12-G:26 Tax Exemption. Bonds issued pursuant to RSA 12-G:17-28 and their transfer and income, including any profit made on their sale or transfer, shall at all times be exempt from all taxation by or within the state.

12-G:27 Investment Securities. Notwithstanding any of the provisions of RSA 12-G:17-28 or any recitals in any bonds issued pursuant to RSA 12-G:17-28, all such bonds shall be deemed to be investment securities under RSA 382-A.

12-G:28 Eligible Investments. Bonds issued under the provisions of RSA 12-G:17-28 are hereby made securities in which all public officers, agencies and authorities of the state and of its political subdivisions, insurance companies, investment companies, executors, administrators, trustees, and other fiduciaries may properly and legally invest funds, including capital in their control or belonging to them. Such bonds are hereby made securities which may properly and legally be deposited with and received by any state or municipal officer or any agency, authority, or political subdivision of the state for any purpose for which the deposit of bonds or obligations of the state or any political subdivision is now or may hereafter be authorized by law.

12-G:29 Audit and Annual Reports. The accounts of the authority shall be subject to an annual audit performed by an independent certified public accountant selected by the authority. The authority shall submit annually to all appointing authorities, to the house finance committee, the senate finance committee, the senate president, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library a detailed report of its operations and a complete financial audit for the preceding fiscal year, including financial statements prepared in accordance with generally accepted accounting principles.

12-G:30 Reports on Economic Development Programs.

I. The authority shall include, as part of its annual report or as a separate report published and made available to the public annually on or before September 1, beginning September 1, 1997, the following information regarding each economic development program funded, bonded, or guaranteed by the authority:

- (a) Information regarding the number of jobs to be created or saved and the related wages and benefits levels.
- (b) The growth potential of the program.
- (c) The environmental impact of the program.
- (d) The amount of the loan, grant, loan guarantee, bond guarantee, or tax incentives awarded.

II. The annual report shall also include information regarding the criteria for the awarding of economic development assistance and the means by which the authority tracks the progress which each awardee makes in meeting the job, wage, and benefit projection included in its application for assistance.

12-G:31 State Bond Guarantee.

I. In view of the general public benefits expected to be derived from the airport property acquisitions and airport projects to be financed under this chapter, and their contribution to the social and economic prosperity of the state and its political subdivisions, the governor and council may award an unconditional state guarantee of the principal and interest thereon of bonds issued pursuant to RSA 12-G:17-28. The full faith and credit of the state shall be pledged for any such guarantees of principal and interest, but the total amount of the principal of bonds guaranteed by the state under this section shall not exceed \$50,000,000, plus interest. The governor, with the advice and consent of the council, is authorized to draw a warrant for such a sum out of any money in the treasury not otherwise appropriated, for the purpose of honoring any guarantee awarded under

this section. The state’s guarantee shall be evidenced on each guaranteed bond by an endorsement signed by the state treasurer in substantially the following form:

The state of New Hampshire hereby unconditionally guarantees the payment of the whole of the principal and interest thereon of the within bond and for the performance of such guarantee the full faith and credit of the state are pledged.

State Treasurer

II. In connection with the award of a state guarantee, the governor and council may impose such terms and conditions as they may deem appropriate concerning the bonds, the use of any airport property or operation of any airport project and the revenues therefrom, and reimbursement to the state if any state funds are used to honor the guarantee. Such terms and conditions may be contained in an agreement between the state and the authority, to be executed on behalf of the state by the governor and the state treasurer and on behalf of the authority by at least 4 directors.

III. In lieu of a state guarantee under this section, the state treasurer is authorized to borrow upon the credit of the state a sum not exceeding the total state bond guarantee authorized in RSA 12-G:31, I to make a loan or loans to the authority for the purposes of this chapter relating to airport property and airport purposes, and issue general obligation bonds or notes in the name of and on behalf of the state in accordance with the provisions of RSA 6-A. The terms and conditions of any such loan shall be determined by the state treasurer and the governor and council may impose such other conditions as they may deem appropriate. Payments of principal and interest on the bonds or notes issued under this paragraph shall be made when due from available funds of the authority. The principal amount of bonds of the authority that may be guaranteed by the state under paragraph I of this section shall be reduced by the amount of bonds issued by the state under this paragraph.

12-G:32 Operating Budget. The authority shall comply with the requirements of RSA 9:1 through 9:9, relative to the budget.

12-G:33 Comprehensive Development Plan Required. Notwithstanding any other provision of law and subject to approval by the fiscal committee of the general court of a comprehensive development plan for the former Pease Air Force Base prepared and submitted by the authority, the governor and council may award an unconditional state guarantee of the principal and interest thereon of bonds issued under this section. The full faith and credit of the state shall be pledged for any such guarantees of principal and interest, but the total amount of the principal of bonds guaranteed by the state under this section shall not exceed \$35,000,000, plus interest. The comprehensive development plan shall include the designation and delineation of a research district within the bounds of the former Pease Air Force Base. The governor, with the advice and consent of the council, is authorized to draw a warrant for such a sum out of any money in the treasury not otherwise appropriated, for the purpose of honoring any guarantee awarded under this section. The state’s guarantee shall be evidenced on each guaranteed bond by an endorsement signed by the state treasurer in substantially the following form:

The state of New Hampshire hereby unconditionally guarantees the payment of the whole of the principal and interest thereon of the within bond and for the performance of such guarantee the full faith and credit of the state are pledged.

State Treasurer

12-G:34 Pease Matching Grants. Notwithstanding any other provision of law, the state treasurer is authorized to borrow upon the credit of the state a sum not exceeding \$5,000,000 to make a loan or loans to the authority to be used for the purposes of matching funds for Federal Aviation Administration grants, Economic Development Administration grants, and other available grants. General obligation bonds and notes shall be issued in the name of and on behalf of the state in accordance with the provisions of RSA 6-A. The terms and conditions of any such loan shall be determined by the state treasurer and the governor and council may impose such other conditions as they may deem appropriate. Payments of principal and interest on the bonds or notes issued under this paragraph shall be made when due from available funds of the authority.

12-G:35 Matching Funds. Notwithstanding any other provision of law, the state treasurer is authorized to borrow upon the credit of the state a sum not exceeding \$10,000,000 to make a loan or loans to the authority to be used solely for the purposes of matching public and private funds, and said aggregate moneys shall be expended solely for the development of the research district of the Pease International Tradeport. General obligation bonds and notes shall be issued in the name of and on behalf of the state in accordance with the provisions of RSA 6-A. The terms and conditions of any such loan shall be determined by the state treasurer and the governor and council may impose such other conditions as they may deem appropriate. Payments of principal and interest on the bonds or notes issued under this paragraph shall be made when due from available funds of the

authority.

12-G:36 Pease Development Authority Airport Fund; Expenditure of Other Revenues.

I. For the purpose of providing a fund to be known as the Pease Development Authority Airport Fund, the state treasurer shall credit to such fund any appropriation made to the authority for each fiscal year excluding division revenues and any appropriation related to the division, division property, a division project, or any activity of the division.

II. All sums so credited are appropriated to the authority:

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

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

(c) To pay the costs of administering and operating the authority, including, but not limited to, all wages, salaries, benefits, and other expenses authorized by the board or the executive director but excluding any such costs related to administering and operating the division, division property, or any division project;

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

(e) To create and maintain reserves established pursuant to RSA 12-G:18 or required or provided for in any resolution authorizing, or any security document securing, such bonds of the authority related to airport property or airport projects;

(f) To create and maintain a capital improvement fund for airport property and airport projects to be established by the board in an amount not more than \$10,000,000;

(g) To pay all taxes owed by the authority related to airport property or airport projects;

(h) To pay any excess revenues authorized pursuant to RSA 12-G:12; and

(i) In general for the payment of all expenses incident to the management and operation of the authority, excluding such expenses related to the management and operation of the division, division property, or any division project, as are consistent with its statutory purpose and as the board thereof may from time to time determine.

III. This fund shall constitute a continuing appropriation for the benefit of the authority. Any amount remaining in this fund to the credit of the authority at the close of any fiscal year shall be nonlapsing and shall be carried over and credited to its account for the succeeding year.

IV. Money in this fund shall be paid to the treasurer of the authority on manifests approved by the governor and council in the same manner as other state claims are paid, provided that there shall be advanced to the treasurer such money as may be requested by the treasurer of the authority and approved by the governor and council, and provided further that manifests covering the money so advanced shall be submitted according to regular procedure at the earliest practicable time.

V. The revenues received and due to the authority from all other sources, except by way of state appropriation or division revenues, from whatever source derived shall be retained by the authority and shall be used in such manner as the board may determine consistent with the provisions of this chapter or as is otherwise provided by law or by the terms and conditions incident to any gift, grant, devise, bequest, trust, or security document.

VI. Notwithstanding any other provision of law, no revenues of the authority other than division revenues shall be used for or paid on account of any obligation or liability of the authority related to or arising out of the ownership, operation, or maintenance of the division, division property, or any division project.

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

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

II. All sums so credited are appropriated to the authority:

- (a) To purchase, lease, acquire, own, improve, use, sell, convey, transfer, or otherwise deal in and with division property, a division project, or any interest therein, whether tangible or intangible, as otherwise authorized under this chapter;
- (b) To pay the costs of operating, maintaining, improving, and repairing all division property and division projects;
- (c) To pay all costs as allocated by the authority for administering and operating the division, including, but not limited to, all wages, salaries, benefits, and other expenses authorized by the board, the executive director, the division director, or other provision of law, including without limitation, reimbursement of the fund established under RSA 12-G:36 or any other source of revenue of the authority other than division revenues to the extent that the wages, salary, benefits, or other expenses, including without limitation reasonable overhead expenses, of any employee of the authority assigned to carry out any responsibility, task, or duty of the division are paid from the fund established under RSA 12-G:36 or from revenues of the authority other than division revenues;
- (d) To pay the principal of, and premium, if any, and the interest on any outstanding bonds of the state related to division property or division projects as the same become due and payable;
- (e) To pay all payments in lieu of taxes owed by the authority, if any, related to division property or division projects; and
- (f) In general for the payment of all expenses incident to the management and operation of the division, as are consistent with its statutory purpose and as the board may from time to time determine.

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

IV. Money in this fund shall be paid to the treasurer of the authority on manifests approved by the governor and council in the same manner as other state claims are paid, provided that there shall be advanced to the treasurer such money as may be requested by the treasurer of the authority and approved by the governor and council, and provided further that manifests covering the money so advanced shall be submitted according to regular procedure at the earliest practicable time.

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

12-G:38 Authorization to Seek Designation as Port of Entry or International Airport and to Establish Foreign Trade Zone and Free Port Area.

I. The authority shall be and is hereby authorized to make application to the Secretary of the Treasury of the United States for the purpose of having Pease Air Force Base, or portions thereof, designated, established, or constituted, a port of entry, or an international airport, pursuant to the Customs Reorganization Act, 19 U.S.C. section 1 et seq., as amended, and 19 U.S.C. section 58b, as amended, and regulations of the United States Customs Service, including 19 C.F.R. section 101.0, et seq. and 19 C.F.R. section 122.1, et seq.

II. The authority shall be and hereby is authorized to make application to the Secretary of Commerce of the United States for the purpose of establishing, operating, and maintaining foreign-trade zones in the state of New Hampshire, including without limitation at Pease Air Force Base, pursuant to the Free Trade Zone Act, 19 U.S.C. section 81a, et seq., as amended, providing for the establishment, operation, and maintenance of foreign trade zones in or adjacent to ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes. Unless precluded by federal law, any foreign trade zone or free port area previously under the jurisdiction of the former port authority, and all duties, responsibilities, and obligations associated therewith, shall be transferred to the authority when the duties, functions, and jurisdiction of the port authority are transferred to the authority.

III. The authority shall have full power and authority to select and describe the location of the zone for which application to establish may be made and to make such rules and take such other actions concerning the operation, maintenance, and policing of same as may be necessary to comply with the Free Trade Zone Act and the regulations adopted thereunder, or as may be

necessary to comply with such regulations made in accordance with the acts of Congress relating to foreign trade zones. The authority hereby granted to the authority confers on the authority the right and duty to do all things necessary and proper to carry into effect the establishing, maintaining, and operating of foreign trade zones with the state of New Hampshire to comply with the provisions of any acts of Congress or rules promulgated thereunder relating to foreign trade zones or free port areas. The authority shall also be authorized to set and collect fees for the management of any foreign trade zone or free port area established or maintained under this chapter.

IV. The authority shall have full power and authority to lease the right or to erect, maintain, and operate any structures or buildings or enclosures as may be necessary or proper for the establishing and operating of any such foreign trade zones that might be established at Pease Air Force Base or in the state of New Hampshire.

V. The authority shall have the power and the duty to establish areas at Pease Air Force Base and in and around the ports, harbors, and navigable tidal rivers of the state of New Hampshire wherein personal property in transit shall be exempt from the provisions of the stock-in-trade tax and such other taxes and customs as are normally levied in a port of entry. For the purpose of this section, personal property in transit through the areas established by the authority is defined as follows: goods, wares, and merchandise which is (a) moving in interstate or international commerce through or over the areas hereinbefore established, or (b) which was consigned to a warehouse, public or private, within the state, from outside the state, whether specified when transportation begins or afterward. Such property shall not be deprived of exemption because while in the warehouse the property is assembled, bound, joined, processed, disassembled, divided, cut, broken in bulk, relabeled, or repackaged. The exemption granted shall be liberally construed to effect the purposes of this chapter, provided, however, that the warehouse in which said goods, wares, or merchandise is stored shall not be owned, in whole or in part, by either the consignee or consignor.

Acquisition and Management of Division Property

12-G:39 Acquisition of Land for Port Purposes. In addition to any other power or authority conferred on the authority under this chapter, the authority, with the approval of the governor and council, may, in the name of the state, purchase, lease, or otherwise acquire lands or interests in land, including options, on, near, or adjacent to the tidal waters of the state suitable for constructing, establishing, and maintaining thereon piers, wharves, warehouses, or other facilities useful and necessary in the encouragement and development of commercial navigation. Before making any such purchase or acquisition, the authority shall submit to the governor and council a detailed description of the land or interests therein to be acquired, together with a statement of the purposes for which the property is suited and the cost of acquisition and estimated cost of development, as well as such other information as the governor and council shall require. The authority, with the approval of the governor and council, may accept gifts of land; and may in like manner accept and apply to the purchase of land or the development thereof, contributions, gifts, or aid in any form made or given for the purpose by any person, firm, or corporation, or by any municipality or by the United States, and may execute instruments necessary to qualify for such contributions, gifts, or aid. Any land or interest in land acquired by the authority pursuant to this section shall be considered division property and not airport property and shall not be included in the airport district.

12-G:40 Improvements. The authority, with the approval of the governor and council as to the nature and specifications of the intended project and the cost thereof, may undertake the improvement of any land acquired by it pursuant to RSA 12-G:39 by the construction thereon of piers, wharves, warehouses, or other facilities as specified in RSA 12-G:39. Any such improvement shall, insofar as possible, be self-liquidating; and the authority shall charge just and reasonable fees for the use thereof. All revenue received from such fees shall be considered division revenues, shall be accounted for separately from other revenues of the authority, and, after the deduction therefrom of the cost of operating such project, shall be applied to the amortization of any obligations of the authority related to division projects.

12-G:41 Reservation of Local Authority. All towns and cities within the confines of which there are ports, harbors, or navigable tide rivers of the state which are subject to the jurisdiction of the authority, or the division acting on behalf of the authority, shall retain all the powers of such town or city relative to such ports, harbors, and navigable tide rivers and the lands abutting the same, excluding lands located within the boundaries of the former Pease Air Force Base, so long as the authority has not by positive action or definite rule or regulation preempted the jurisdiction hereof. No town or city shall have any jurisdiction over the land or activities at the former Pease Air Force Base except as specifically authorized under other provisions of this chapter.

Division of Ports and Harbors

12-G:42 Additional Powers and Duties. The authority, acting through its division of ports and harbors, shall be responsible for the former functions, duties, and responsibilities of the port authority and shall have the following powers and duties in addition to any other powers and duties set forth in this chapter:

- I. Have the authority to make all necessary arrangements with port authorities of other states and federal departments, agencies, and foreign countries and their port entities for the interchange of business, and for such other purposes as will facilitate and increase the commerce of the ports, harbors, and tidal navigable rivers of the state.
- II. Establish offices for the transaction of division business at such places as, in the opinion of the authority, shall be advisable and necessary in carrying out the purposes hereof.
- III. Be authorized and empowered to appoint and compensate a chief harbor master and harbor masters for communities within the confines of which there are ports, harbors, or navigable tide waters of the state who will enforce the directives of the authority and the division, such as the placement of moorings, the assignment of anchorage areas, and the movement of traffic. The authority may appoint an assistant harbor master at any such place to assist the harbor master of such place in carrying out the harbor master's duties.
- IV. Be authorized and empowered to contract with and secure the services of a port terminal operating firm, subject to approval of governor and council, for the purpose of having such firm operate a part or all of the facilities of the authority, including piers, wharves, warehouses, parking and storage areas, or other facilities owned or leased by the authority acting through the division, with such operating firm having the exclusive right to operate the business of a port terminal operator and stevedore, including but not limited to the handling of cargo, the collection of fees from wharfage and dockage and other marine terminal operations, the maintenance and security of the premises, and the promotion, encouragement, and solicitation of business for such port facility or facilities. Such contract with an operating firm shall include the following provisions:
- (a) Said firm shall file with the division for its approval a tariff clearly defining the terms "wharfage" and "dockage" and the charges to be made therefor;
 - (b) The amount of minimum payments per year satisfactory to the authority to be paid to it for the exclusive right to operate upon the marine terminal, as described in the contract, the business of a port terminal operator and stevedore;
 - (c) The amount retained by said firm from all fees for which it is accountable, said amount being a percentage to cover administrative costs of collection;
 - (d) Said firm to supply a ship's manifest for every vessel using said facilities;
 - (e) Said firm to provide a performance bond in an amount and form acceptable to the authority, as well as insurance in amounts acceptable to the authority for fire and extended coverage, public liability, property damage, and other risks as required by the authority, the insurance company or companies to be licensed to do business in New Hampshire and to be acceptable to the authority;
 - (f) Said firm to file quarterly reports with the division indicating the amount of all fees for which it is accountable to the authority, the amounts collected, and the amounts retained, with a certified audit prepared by a certified public accountant submitted annually;
 - (g) Such other appropriate provisions which in the opinion of the attorney general will carry out the intent of this section and best protect the interest of the authority and of the state.
- V. Set and collect fees for mooring and slip permits and waiting lists for such permits. The authority shall establish fees for slips in harbors and tidal rivers that are equal to or proportional to the fees for moorings in harbors. Fees shall not be charged for slips at industrial piers along the Piscataqua River or at state-owned piers in harbors. The fees for slips shall be paid into the harbor dredging and pier maintenance fund established under RSA 12-G:46.
- VI. Install and continually maintain a uniform system for marking the intercoastal waters of the state including the state ports, harbors, and navigable tidal rivers not presently marked by the United States Coast Guard, using funds collected from the fees required under RSA 270-E:3, III, and any other funds so appropriated. Said marking system shall be installed on an incremental basis and maintained as necessary.
- VII. Have the responsibility for and jurisdiction over the state-owned commercial fishing piers and facilities at Portsmouth, Rye Harbor, and Hampton Harbor except as provided in RSA 12-A:7-a.
- VIII. Adopt rules, pursuant to RSA 541-A, relative to:
- (a) Port captains, pilots, and pilotage.

(b) Harbors and harbor masters.

(c) Setting and collecting fees for moorings, slips, waiting lists, and pilotage. A table of such fees shall be attached to the commission of each pilot.

(d) Setting and collecting fees authorized in the foreign trade zone and free port areas.

(e) Civil and criminal penalties for violations of the rules of the division.

(f) Any matter necessary for the proper administration of the division.

IX. Encourage any contractor bidding on a division project at the port of Portsmouth which is funded through the division or the state of New Hampshire, to employ the maximum possible number of New Hampshire residents. For the purposes of this paragraph, "resident" shall mean any person maintaining a dwelling within the state of New Hampshire who has a present intent to remain within the state for a period of time.

12-G:43 Division of Ports and Harbors.

I. There is established within the authority a division of ports and harbors. The division of ports and harbors shall:

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

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

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

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

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

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

II. The board shall appoint a director of the division of ports and harbors, who shall be the administrative officer of the division and who shall have general and active supervision and direction over the day-to-day business and affairs of the division and its employees, subject, however, to the direction and control of the board and the executive director. The division director shall perform all such other duties as from time to time may be assigned by the board or the executive director. The division director shall hold office for an indefinite term at the pleasure of the board. The division director shall also be the secretary of the division of ports and harbors advisory council, shall keep a record of the proceedings of the council, and shall be the custodian of all books, documents, and papers filed with the division or the ports and harbors advisory council. The division director shall have the power to cause copies to be made of all minutes and other records and documents of the council and to give certificates under the seal of the authority to the effect that such copies are true copies, and all persons dealing with the division or authority may rely upon such certificates. In addition to the classified employees of the division, the division director, with the concurrence of the executive director, may employ such assistants and clerical and administrative staff as are within the limits of funds available for that purpose. The salary of the division director shall be established by the board.

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

I. There is hereby established a division of ports and harbors advisory council consisting of 8 members, 6 of whom shall be appointed by the governor, with the advice and consent of the council. At least 3 of said appointive members shall be residents of the cities and towns of the seacoast region or tidal waters and at least one appointive member shall be a commercial fisherman

engaged in that industry on the seacoast, and each shall serve for a term of 5 years. Said members shall serve until their successors are appointed and qualified. Any vacancy occurring in the membership of the appointive members shall be filled by the governor and council for the unexpired term. In addition to the 6 appointive members, the commissioner of the department of resources and economic development and the mayor of the city of Portsmouth shall be, by virtue of their offices, members of the council.

II. The council shall elect one of its members as a chairman, one as a vice-chairman, and one as a treasurer. The members of the council shall receive no compensation for their services; but their reasonable expenses, incurred in the performance of their duties, shall be paid by the state. The council shall have the right to establish bylaws for the management of its affairs within the meaning of this chapter and the laws of the state. The division shall provide the council with the administrative support necessary to carry out its responsibilities under this chapter.

III. The council shall consult with and advise the division director with respect to the policy, programs, and goals of the division, the operation of the port, the selection of harbor masters and assistant harbor masters, and the procurement of services of a port terminal operating firm. In order to accomplish said purposes, the council shall meet with the division director no less frequently than quarterly, or at the call of the chairman or 3 council members. All potential conflicts of interest shall be adequately disclosed. The council shall file annually a report of its deliberations and recommendations with the board and the executive director.

IV. The division director shall present all rules proposed to be implemented by the authority under RSA 12-G:42, VIII to the council for consideration prior to filing a notice of proposed rule under RSA 541-A:6. The council shall present any objections to the proposed rule to the division director and to the board in writing within 15 days of submission to the council by the division director. The authority may adopt a rule to which the council has objected only after presenting a written reply to the council detailing the reasons for adopting the rule over the objections of the council.

12-G:45 Dredge Management in Tidal Waters. The division, subject to the supervision of the authority and in consultation with the division of ports and harbors advisory council, shall be responsible for managing harbor and channel dredging activities within the tidal waters of the state. The division shall:

I. Assess the existing dredge permitting process with state and federal permitting agencies for the purposes of identifying an improved review process.

II. Establish and implement a process to ensure that dredging projects are completed in a timely and cost effective manner, recognizing the need to:

(a) Coordinate with and utilize the services of the local and private sector to establish a reliable program; and

(b) Work in conjunction with other state and federal agencies to ensure uniform and timely compliance with other laws, regulations, and rules, including, but not limited to, permitting in accordance with RSA 482-A and RSA 485-A and to ensure that a certificate of consistency is obtained from the coastal zone management program; and

(c) Develop a long-range plan and schedule to serve as a guide for individual dredging activities.

III. Initiate and implement dredging projects, which may include dredging performed by the authority, to maintain and improve channels and harbors in accordance with the long-range plan and schedule.

IV. Submit an annual report to the senate president, the speaker of the house of representatives, and the governor and council on the status of current dredging projects and the projection of future dredging projects and costs.

12-G:46 Harbor Dredging and Pier Maintenance Fund Established.

I. There is hereby established a harbor dredging and pier maintenance fund to be used by the authority acting through the division to meet its obligation to initiate and implement dredging projects to maintain channels and harbors, and to initiate projects to maintain public piers in safe and efficient condition.

II. The fund shall be nonlapsing and continually appropriated for the purposes of initiating and implementing harbor dredging projects and maintaining public piers. The authority shall, in each biennium, request annual appropriations to the fund in an amount sufficient to provide for the funding of the authority's periodic harbor dredging and pier maintenance efforts. The state treasurer shall invest the moneys deposited in the fund as provided by law. Interest earned on moneys deposited in the fund shall be deposited into the fund.

III. The authority shall not encumber, obligate, or expend any funds from the harbor dredging and pier maintenance fund without the prior approval of the capital budget overview committee.

Pilots and Harbor Masters

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

12-G:48 Authority of Pilot. Any pilot appointed by the authority, who has given security for the faithful discharge of his or her duties, may take charge of any vessel, except pleasure or fishing vessels, or a vessel of 150 registered or enrolled tons and under, and shall pilot such vessel into and out of the river and harbor of the Piscataqua, first showing to the master thereof the pilot's appointment if requested.

12-G:49 Pilots Required. All vessels (except pleasure or fishing vessels, or vessels of 150 registered or enrolled tons or under, and U.S. flag coastwise vessels with a Federal pilot aboard) are required to be piloted by a pilot appointed by the authority into and out of the Piscataqua River and harbor from a point designated by the authority.

12-G:50 Chief Harbor Master.

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

- (a) Enforcement of authority directives and rules adopted pursuant to RSA 12-G:42, VIII.
- (b) Management of the assignment and placement of moorings.
- (c) Designation of anchorage areas.
- (d) Management of navigation aides outside of the federal channel.
- (e) Management of the movement of traffic, as necessary.
- (f) Direction of the removal or movement of vessels during emergencies.
- (g) Overseeing the dredge management program.
- (h) Overseeing the harbor management program.
- (i) Inquiring into and prosecuting all offenses occurring within the chief harbor master's jurisdiction.
- (j) Any other duties assigned by the authority or the division director.

II. The assistant harbor masters shall assist the chief harbor master in the performance of the chief harbor master's duties.

12-G:51 Power of Arrest. The chief harbor master shall have all of the powers of a police officer to make arrests for violations of the provisions of this chapter and rules adopted under the provisions of RSA 12-G:42, VIII.

12-G:52 Penalty. Whoever violates any of the rules of the authority adopted under the authority of RSA 12-G:42, VIII, or refuses or neglects to obey the lawful and reasonable orders of the chief harbor master, or resists the chief harbor master in the execution of the chief harbor master's duties, shall be guilty of a class B misdemeanor.

Construction and Effect of Other Laws

12-G:53 Construction and Effect of Other Laws.

I. All actions and proceedings of the authority shall be governed by the provisions of RSA 91-A.

II. Purchases and contracts of the authority may be made or let without regard to any provision of law relating to public purchases or contracts.

III. Except for rules adopted pursuant to RSA 12-G:42, VIII, the authority shall be exempt from the provisions of RSA 541-A and may adopt rules and bylaws in accordance with its own procedures. Except for rules adopted pursuant to RSA 12-G:42, VIII, the authority shall file in the office of legislative services a copy of all rules and bylaws adopted, amended, or repealed by the authority. All such rules and bylaws shall be filed in the office of legislative services within 7 days of such adoption, amendment, or repeal.

IV. Any rule adopted by the authority pursuant to RSA 12-G:42, VIII or RSA 12-G:47 shall be adopted in accordance with the provisions of RSA 541-A.

V. The provisions of this chapter shall be liberally construed in order to effect its purpose.

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

Amend the bill by deleting sections 7-9 and renumbering the original sections 10-22 to read as 7-19, respectively.

Amend the bill by replacing section 7 with the following:

7 Compensation of Certain State Officers; Group L Reference Deleted. Amend RSA 94:1-a, I by deleting in Group L:

Director, port authority

Amend the bill by replacing section 15 with the following:

15 Shoreland Exemptions; Reference Changed. Amend RSA 483-B:12, IV to read as follows:

IV. The ~~[state port authority]~~ **Pease development authority, division of ports and harbors** may request an exemption under this section for all or a portion of any land purchased, leased, or otherwise acquired by it pursuant to RSA ~~[271-A]~~ **12-G:39**.

Amend the bill by inserting after section 17 the following and renumbering the original sections 18-19 to read as 19-20, respectively:

18 Applicability; Appointments and Terms.

I. The appointments and terms of office of the members on the effective date of this act of the Pease development authority board of directors shall not be affected by the provisions of this act.

II. The members on the effective date of this act of the port authority board shall constitute the initial members of the division of ports and harbors advisory council pursuant to RSA 12-G:44. Such members appointed by the governor shall serve until such time as their respective terms were scheduled to expire pursuant to RSA 271-A:1.

III. The director of the port authority on the effective date of this act shall serve as the initial director of the division of ports and harbors pursuant to RSA 12-G:43, II until such time as the Pease development authority board of directors appoints a successor.

2001-0569h

Amendment to HB 545-FN

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

Amend RSA 635:9 as inserted by section 1 of the bill by replacing it with the following:

635:9 Trespassing on Railroad Property.

I. A person is guilty of a violation for trespassing on railroad property if that person, without the railroad carrier's consent, except to cross the property at a public highway or other authorized crossing, knowingly enters on the railroad property by:

(a) Standing, sitting, resting, walking, jogging, driving, or operating a vehicle including but not limited to a bicycle, motorcycle, snowmobile, car, or truck; or

(b) Engaging in recreational activity, including, but not limited to bicycling, hiking, fishing, camping, cross-country skiing, or hunting.

II. Notwithstanding RSA 651:2, II(c), a person violating this section shall be subject to:

- (a) A fine not to exceed \$100 for the first offense.
- (b) A fine not to exceed \$500 for the second offense.
- (c) A fine not to exceed \$1,000 for the third and subsequent offense.

Amend RSA 635:12, IV as inserted by section 1 of the bill by replacing it with the following:

IV. "Railroad property" means all tangible property owned, leased or operated by a railroad carrier, including a right-of-way, track, bridge, yard, shop, station, tunnel, viaduct, trestle, depot, warehouse, terminal or any other structure, appurtenance or equipment owned, leased or used in the operation of a railroad carrier including a train, locomotive, engine, railroad car, work equipment, rolling stock or safety device. "Railroad property" does not include a railroad carrier's administrative building or office, office equipment or intangible property such as computer software or other information, or an abandoned right-of-way.

AMENDED ANALYSIS

This bill establishes separate class A misdemeanor offenses for railroad stowaway and violation level offenses for trespassing on railroad property.

2001-0678h

Floor Amendment to HB 581-FN

Proposed by Rep. Bruno

Amend RSA 430:55 as inserted by section 1 of the bill by replacing it with the following:

430:55 Administrative Authority; Inspection; Rulemaking.

I. The commissioner of agriculture, markets, and food shall adopt rules in accordance with RSA 541-A for carrying out provisions of this subdivision. The commissioner ~~[shall]~~, in person or by deputy or agent, ***may, upon presentation of appropriate credentials and with permission,*** have ~~[free]~~ access at all reasonable hours to any place, building or vehicle ~~[in which]~~ ***to inspect for*** prohibited species ~~[may be harbored]~~ ***listed on the "New Hampshire prohibited invasive species list" as defined in RSA 430:53, III.***

II. If the property owner refuses to consent to the inspection, the commissioner or deputy or agent may obtain an administrative inspection warrant under RSA 595-B.

III. The commissioner shall have general authority to administer and enforce the provisions of this subdivision and the rules adopted under this subdivision, and to prosecute violations thereof.

AMENDED ANALYSIS

This bill allows the commissioner of agriculture, markets, and food to obtain an administrative inspection warrant to search for invasive species in any place, building, or vehicle, when the property owner refuses to consent to a search.

2001-0954h

Floor Amendment to HB 587-FN-A

Proposed by Rep. Bickford

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

AN ACT establishing a commission on the status of men.

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

1 Purpose. The general court recognizes men as an important resource for their families and children and wishes to explore the causes and consequences of a variety of social, economic, and health problems currently facing men, and make recommendations for relief. Specifically, the general court recognizes that fatherlessness is a severe social problem and New Hampshire children who have a poor or non-existent relationship with their father are the largest users of state-funded juvenile services. In addition, the health of men whose average life expectancy was formerly on a par with that of women are now dying 10 years sooner with much higher rates of suicide and mortality rates from the 15 leading causes of disease and accidents. And educationally, the general court recognizes the need to address the poor performance of boys in the areas of reading and language skills and increase the grade passage rate for boys while encouraging the pursuit of post-secondary degrees. Therefore, the general court recommends the establishment of a commission on the status of men.

2 New Chapter; State Commission on the Status of Men. Amend RSA by inserting after chapter 19-H the following new chapter:

CHAPTER 19-I

State Commission on the Status of Men

19-I:1 Commission Established; Members; Appointment and Vacancy.

I. There is hereby created a state commission on the status of men, hereinafter called the commission, consisting of 7 members.

II. All members of the commission shall be appointed by the governor and council for terms of 3 years each, provided that the initial appointees to the commission shall serve the following terms:

(a) the first 2 persons appointed shall serve one-year terms.

(b) the second 2 persons appointed shall serve 2-year terms.

(c) the last 3 persons appointed shall serve 3-year terms.

III. At least one member shall be invited from the university system of New Hampshire.

IV. If a vacancy occurs on the commission, the governor and council shall appoint a new member to fill the vacancy for the remainder of the term.

19-I:2 Compensation. The members of the commission shall receive no compensation and shall not be entitled to reimbursement for expenses but shall be entitled to reimbursement for mileage at the same rate provided for state employees.

19-I:3 Officers. The governor and council shall designate the chairperson, vice-chairperson, secretary, and treasurer of the commission.

19-I:4 Duties. The duties of the commission shall include, but not be limited to:

I. Examining issues and effects of cultural biases and stereotyping beginning with childhood experiences and progress in public schools, and extending to include a study of male suicide and adult concerns such as family relations, promoting education and policies which bring fathers and children closer together.

II. Studying health problems unique to men or which predominantly affect men, and making appropriate recommendations.

III. Promoting initiatives and programs that will enable men to develop career skills and continue their education so that they become productive and responsible citizens.

19-I:5 Cooperation. The commission shall cooperate with any state or federal agency or any private organization in conducting investigations and studies in the area of the status of men. All state agencies shall assist the commission in carrying out its duties.

19-I:6 Report. The commission shall submit a biennial report of its activities on or before November 1 to the governor and council, the commissioner of administrative services, the president of the senate, and the speaker of the house. The report shall include any recommendations the commission finds for the general court to consider.

19-I:7 Authority to Accept Gifts. The commission may accept any gifts, donations, or grants from any source whatsoever provided the gifts, donations, or grants so received shall be used exclusively in the furtherance of the duties of the commission.

19-I:8 Records. The commission shall file and keep its records in space and facilities made available for such purposes in the offices of the secretary of state by the secretary of state.

19-I:9 Administratively Attached. The commission shall be administratively attached to the department of administrative services.

3 Prospective Repeal of Chapter. RSA 19-I, relative to the state commission on the status of men, is repealed.

4 Effective Date.

I. Section 3 of this act shall take effect September 1, 2009.

II. The remainder of this act shall take effect July 1, 2001.

AMENDED ANALYSIS

This bill establishes a commission on the status of men to address issues of cultural bias and stereotyping, health problems unique to men, and methods for encouraging personal growth. The commission is terminated on September 1, 2009.

2001-0800h

Amendment to HB 590

Proposed by the Committee on Transportation - R

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

AN ACT permitting life insurance companies access to certain motor vehicle records.

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

1 New Subparagraph; Administration of Motor Vehicle Laws; Access to Records by Life Insurance Companies. Amend RSA 260:14, V(a) by inserting after subparagraph (9) the following new subparagraph:

(10) For use by life insurance companies authorized to write life insurance policies in this state, or their authorized agents, on a case-by-case basis, and upon representation by the company or authorized agent, on a form satisfactory to the department, that the named person's written consent to the release of the record has been obtained and that the record will be used solely in connection with claims investigation, rating, and underwriting.

2 Administration of Motor Vehicle Laws; Written or Express Consent. Amend RSA 260:14, V(c)(1) to read as follows:

(1) No person shall be required to provide his or her *written or* express consent to the release of personal information as a condition of doing business with any other person *or legitimate business*.

3 Administration of Motor Vehicle Laws; Clarification of Restriction on Re-release of Motor Vehicle Information. Amend RSA 260:14, VI(a) to read as follows:

(a) Except as provided in subparagraph (b), an authorized recipient of personal information for a particular use under the provisions of subparagraph V(a) may not ~~[use the information]~~ sell, rent, transfer, or make the information available to another person for the same or for any other use.

4 Administration of Motor Vehicle Laws; Re-release of Motor Vehicle Information by Certain Motor Vehicle Businesses and Life Insurance Companies. Amend RSA 260:14, VI(b) to read as follows:

(b) An authorized recipient of personal information for a particular use under subparagraphs V(a)(1), (4), (8), ~~[and]~~ (9), *and (10)* may sell, rent, transfer or make the information available to another person for the same use only, subject to the limitations in the particular subparagraph.

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

AMENDED ANALYSIS

This bill establishes the terms and conditions under which life insurance companies may access motor vehicle records. It also provides that written or express consent to the release of motor vehicle records shall not be required as a condition of doing business with another person or business. The bill further clarifies that an entity permitted to obtain motor vehicle records for a particular purpose may use the information but is restricted in the re-release of such information. Finally, the bill allows various motor vehicle businesses and life insurance companies to re-release motor vehicle information under certain circumstances.

2001-0853h

Amendment to HB 596

Proposed by the Committee on Municipal and County Government - C

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

1 Capital Reserve Funds; Acquisition of Land by Majority Vote of Town Selectmen. Amend RSA 35:15, II to read as follows:

II. Expenditures from any fund established for the acquisition of land pursuant to RSA 35:1 shall be made only as authorized:

(a) By a majority vote of the legal voters present and voting at an annual or special meeting, in the case of a town, school district or village district, or by majority vote of the county delegation, in the case of a county, or.

(b) By the selectmen, appointed as agents pursuant to RSA 41:14-a, provided that the selectmen shall not have authority to expend any sum in excess of the amount contained in any capital reserve account created for the purchase of land other than any grant moneys which may be received.

2 Town Officers; Sale of Town-Owned Land, Buildings or Both; Acquisition by Selectmen Permitted. Amend RSA 41-14-a to read as follows:

41:14-a **Acquisition or** Sale of ~~[Town-Owned]~~ Land, Buildings, or Both.

I. If adopted in accordance with RSA 41:14-c, ~~[in towns with 10,000 or more inhabitants,]~~ the selectmen shall have the authority to **acquire or** sell ~~[town-owned]~~ land, buildings, or both; provided, however, they shall first submit any such proposed **acquisition or** sale to the planning board and to the conservation commission for review and recommendation by those bodies, where a board or commission or both, exist. After the selectmen receive the recommendation of the planning board and the conservation commission, where a board or commission or both exist, they shall hold 2 public hearings at least 10 but not more than 14 days apart on the proposed **acquisition or** sale; provided, however, upon the written petition of 50 registered voters presented to the selectmen, prior to the selectmen’s vote, according to the provisions of RSA 39:3, the proposed **acquisition or** sale shall be inserted as an article in the warrant for the town meeting. The selectmen’s vote shall take place no sooner than 10 days nor later than 14 days after the second public hearing which is held.

II. The provisions of this section shall not apply to **the sale of** and the selectmen shall have no authority to sell:

(a) Town-owned conservation land which is managed and controlled by the conservation commission under the provisions of RSA 36-A.

(b) Any part of a town forest established under RSA 31:110 and managed under RSA 31:112.

(c) Any real estate that has been given, devised, or bequeathed to the town for charitable or community purposes.

3 Town Officers; Sale of Town-Owned Land, Buildings or Both; Adoption Procedure. Amend RSA 41:14-c to read as follows:

41:14-c Adoption Procedure.

I. Towns may adopt the provisions of RSA 41:14-a at any duly warned meeting. Once adopted, these provisions shall remain in effect until specifically rescinded by the town at any duly warned meeting.

II. Towns with 10,000 or more inhabitants may adopt the provisions of RSA ~~[41:14-a or 14-b or both,]~~ **41:14-b** at any duly warned meeting. Once adopted, these provisions shall remain in effect until specifically rescinded by the town at any duly warned meeting.

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

AMENDED ANALYSIS

This bill enables a town of any size to acquire real estate by a majority vote of the board of selectmen. The bill also clarifies that a town does not have the authority to sell real estate given to a town for charitable or community purposes.

2001-0884h

Floor Amendment to HB 604-FN

Proposed by Reps. Dickinson, McRae, Sapareto and Almy

Amend the bill by replacing sections 30 and 31 with the following:

30 Repeal. The following are repealed:

I. RSA 214:9, VIII(a), relative to the nonresident 15-day fishing license.

II. RSA 214:9, VIII-b, relative to the one-day family fishing license.

31 Effective Date.

I. Sections 2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22, 24, 26, and 28 of this act shall take effect July 1, 2003.

II. The remainder of this act shall take effect July 1, 2002.

001-0705h

Amendment to HB 610

Proposed by the Committee on Environment and Agriculture - R

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

1 Sale of Dairy Products; Sale of Raw Milk Cheese Allowed. Amend RSA 184:30-a to read as follows:

184:30-a Pasteurization Required. No milk or milk products as defined in RSA 184:79 shall be sold, offered for sale or served unless pasteurized. This shall not serve to prohibit the direct sale of raw milk or cream from the producer, store or milk pasteurization plant to the final consumer, or milk or cream from a producer to stores, nor the serving of raw milk at bona fide boarding houses where the milk is produced on the premises, provided that in the dining room of such boarding houses a sign is prominently displayed stating that such raw milk is served therein, *nor the sale within the state of cheese made from raw milk when such cheese has been aged a minimum of 60 days at 35 degrees fahrenheit or colder, and is clearly labeled as unpasteurized.*

2 New Paragraph; Manufacture and Sale of Unpasteurized Cider. Amend RSA 434:40-b by inserting after paragraph IV the following new paragraph:

V. That unpasteurized cider may be sold within the state if such cider is clearly labeled as unpasteurized.

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

AMENDED ANALYSIS

This bill allows the sale of cheese made from raw milk if such cheese is aged for 60 days and the sale of unpasteurized apple cider within the state. Such products shall be clearly labeled as unpasteurized.

2001-0621h

Amendment to HB 676-LOCAL

Proposed by the Committee on Environment and Agriculture - R

Amend the bill by replacing sections 2 and 3 with the following:

2 Membership and Compensation.

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

(a) Three members of the house of representatives, appointed by the speaker of the house, including one member of the environment and agriculture committee and one member of the municipal and county government committee.

(b) Three members of the senate, appointed by the president of the senate, including one member of the environment committee and one member of the ways and means committee.

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

3 Duties. The committee shall study the creation of enabling legislation for the formation of regional districts for collection and marketing of certain components in the solid waste stream including, but not limited to, aluminum, steel, various metals, newsprint, plastics, and glass, and the collection of other post-consumer wastes. The purpose of such districts shall be to reduce toxicity in the solid waste stream, reduce the amount of solid waste destined for disposal, and allow increased public sector management of waste materials. A component of proposed legislation shall be state reimbursement of costs to municipalities that are members of such regional districts.

2001-0418h

Amendment to HB 677

Proposed by the Committee on Election Law - R

Amend RSA 655:41, II as inserted by section 2 of the bill by replacing it with the following:

II. The city clerk may perform the responsibilities of the supervisors of the checklist under this section.

Amend RSA 655:43, I as inserted by section 4 of the bill by replacing it with the following:

I. Nomination papers shall be filed with the secretary of state no later than 5:00 p.m. on the Wednesday one week before the primary. ***Nomination papers to be filed shall be grouped by municipality.*** No nomination papers shall be accepted by the secretary of state unless the candidate shall have met the age and domicile qualifications for the office he ***or she*** seeks at the time of the general election and meets all the other qualifications at the time of filing; and if a candidate for the office of governor, executive councilor, state senator, or state representative, unless ~~he~~ ***the candidate*** shall file with the nomination papers an affidavit of qualifications as provided in RSA 655:28 and 655:29; and if a candidate for United States senator or United States representative, unless ~~he~~ ***the candidate*** shall meet the qualifications for office under RSA 655:3 and 655:4.

AMENDED ANALYSIS

This bill requires a political organization to file a declaration of intent to be nominated as political party. This bill permits the city clerk to perform the responsibilities of the supervisors of the checklist for certifying nomination papers. This bill also requires nomination papers to be signed by registered voters and makes certain changes to the procedure for filing nomination papers.

2001-0493h

Amendment to HB 679

Proposed by the Committee on Education - C

Amend the bill by replacing section 3 with the following:

3 Membership and Compensation.

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

(a) Three members of the house of representatives, appointed by the speaker of the house, one of whom shall be a member of the education committee, one of whom shall be a member of the criminal justice and public safety committee, and one of whom shall be a member of the health, human services and elderly affairs committee.

- (b) Three members of the senate, appointed by the president of the senate, one of whom shall be a member of the education committee, one of whom shall be a member of the judiciary committee, and one of whom shall be a member of the public institutions, health and human services committee.
- (c) The chair of the New Hampshire School Boards Association or designee.
- (d) The chair of the New Hampshire School Administrator's Association or designee.
- (e) A representative of the business community, appointed by the governor.
- (f) A representative of the department of education, appointed by the commissioner of the department of education.
- (g) Representatives of the bureaus of child care development and of juvenile justice, division of children youth and families, appointed by the commissioner of the department of health and human services.
- (h) Three parents of children in kindergarten through grade 12, from different parts of the state, appointed by the governor.
- (i) A member of the New Hampshire Kids Cabinet, appointed by the governor.
- (j) A member of the New Hampshire Child Advocacy Network, specializing in the prevention of youth crime, appointed by the governor.
- (k) A representative of a statewide organization whose focus is out-of-school programming for school age children, appointed by the governor.
- (l) Two out-of-school care providers, appointed by the governor.

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

2001-0863h

Amendment to HB 690

Proposed by the Committee on Commerce - C

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

AN ACT relative to disclosure of nonpublic personal health information.

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

1 New Chapter; Disclosure of Nonpublic Personal Health Information. Amend RSA by inserting after chapter 406-C the following new chapter:

CHAPTER 406-D

Disclosure of Nonpublic Personal Health Information

406-D:1 Definitions. In this chapter:

- I. "Clear and conspicuous" means that a notice is reasonably understandable and designed to call attention to the nature and significance of the information in the notice.
- II. "Commissioner" means the insurance commissioner.
- III. "Consumer" means an individual who in this state seeks to obtain, obtains, or has obtained a health insurance product or service from a licensee.
- IV. "Customer" means a consumer who has a customer relationship with a licensee.
- V. "Customer relationship" means a continuing relationship between a consumer and a licensee under which the licensee provides health insurance products or services to the consumer.

VI. "Department" means the insurance department.

VII. "Health information" means any information or data except age or gender, whether oral or recorded in any form or medium, created by or derived from a health care provider or the consumer that relates to:

- (a) The past, present or future physical, mental or behavioral health or condition of an individual;
- (b) The provision of health care to an individual; or
- (c) Payment for the provisions of health care to an individual.

VIII. "Licensee" means all licensed health insurers, and producers licensed or authorized or required to be authorized, or registered or required to be registered pursuant to the provisions of Title XXXVII.

IX. "Nonpublic personal health information" means health information:

- (a) That identifies an individual who is the subject of the information; or
- (b) With respect to which there is a reasonable basis to believe that the information could be used to identify an individual.

406-D:2 Authorization Required for Disclosure of Nonpublic Personal Health Information.

I. A licensee shall not disclose nonpublic personal health information about a consumer or customer unless an authorization is obtained from the consumer or customer whose nonpublic personal health information is sought to be disclosed.

II. Nothing in this chapter shall prohibit, restrict or require an authorization for the disclosure of nonpublic personal health information by a licensee for the performance of the following insurance functions by or on behalf of the licensee: claims administration; claims adjustment and management; detection, investigation or reporting of actual or potential fraud, misrepresentation or criminal activity; underwriting; policy placement or issuance; loss control; ratemaking and guaranty fund functions; reinsurance and excess loss insurance; risk management; case management; disease management; quality assurance; quality improvement; performance evaluation; provider credentialing verification; utilization review; peer review activities; actuarial, scientific, medical or public policy research; grievance procedures; internal administration of compliance, managerial, and information systems; policyholder service functions; auditing; reporting; database security; administration of consumer disputes and inquiries; external accreditation standards; the replacement of a group benefit plan or workers' compensation policy or program; activities in connection with a sale, merger, transfer or exchange of all or part of a business or operating unit; any activity that permits disclosure without authorization pursuant to the federal Health Insurance Portability and Accountability Act privacy rules promulgated by the U. S. Department of Health and Human Services; disclosure that is required, or is one of the lawful or appropriate methods, to enforce the licensee's rights or the rights of other persons engaged in carrying out a transaction or providing a product or service that a consumer requests or authorizes; and any activity otherwise permitted by law, required pursuant to governmental reporting authority, or to comply with legal process. Additional insurance functions may be added with the approval of the commissioner to the extent they are necessary for appropriate performance of insurance functions and are fair and reasonable to the interest of consumers.

406-D:3 Authorizations.

I. A valid authorization to disclose nonpublic personal health information pursuant to this chapter shall be in written or electronic form and shall contain all of the following:

- (a) The identity of the consumer or customer who is the subject of the nonpublic personal health information;
- (b) A general description of the types of nonpublic personal health information to be disclosed;
- (c) General descriptions of the parties to whom the licensee discloses nonpublic personal health information, the purpose of the disclosure and how the information will be used;
- (d) The signature of the consumer or customer who is the subject of the nonpublic personal health information or the individual who is legally empowered to grant authority and the date signed; and
- (e) Notice of the length of time for which the authorization is valid and that the consumer or customer may revoke the authorization at any time and the procedure for making a revocation.

II. An authorization for the purposes of this section shall specify a length of time for which the authorization shall remain valid, which in no event shall be for more than 24 months.

III. A consumer or customer who is the subject of nonpublic personal health information may revoke an authorization provided pursuant to this section at any time, subject to the rights of an individual who acted in reliance on the authorization prior to notice of the revocation.

IV. A licensee that is subject to examination by the department shall retain the authorization or a copy thereof in the record of the individual who is the subject of nonpublic personal health information for a period of 6 years from the date the authorization ends or until the examination is completed, whichever is greater.

406-D:4 Authorization Request Delivery. A request for authorization and an authorization form may be delivered to a consumer or a customer as part of an opt-out notice, provided that the request and the authorization form are clear and conspicuous. An authorization form is not required to be delivered to the consumer or customer or included in any other notices unless the licensee intends to disclose protected health information.

406-D:5 Relationship to Federal Rules. Irrespective of whether a licensee is subject to the federal Health Insurance Portability and Accountability Act privacy rule as promulgated by the U.S. Department of Health and Human Services (the "federal rule"), if a licensee complies with all requirements of the federal rule except for its effective date provision, the licensee shall not be subject to the provisions of this section.

406-D:6 Applicability. Nothing in this chapter shall preempt or supercede existing state law related to medical records, health or insurance information privacy.

406-D:7 Rulemaking. The commissioner shall adopt rules, pursuant to RSA 541-A, relative to the administration of this chapter.

406-D:8 Violation. A violation of this chapter shall be deemed to be an unfair method of competition or an unfair or deceptive act and practice in this state, in violation of RSA 417.

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

AMENDED ANALYSIS

This bill requires an insurance licensee to obtain certain authorization before disclosing nonpublic personal health information about consumers or customers. The bill grants the insurance commissioner rulemaking authority to administer the provisions of the bill.

2001-0961h

Floor Amendment to HB 690

Proposed by Rep. Kurk

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

AN ACT relative to personal health and financial information privacy.

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

1 New Chapter; Personal Health and Financial Information Privacy. Amend RSA by inserting after chapter 406-C the following new chapter:

CHAPTER 406-D

PERSONAL HEALTH AND FINANCIAL INFORMATION PRIVACY

406-D:1 Scope. This chapter governs the treatment of nonpublic personal health and financial information about individuals who seek to obtain or are claimants or beneficiaries of products or services primarily for personal, family, or household purposes from licensees. This chapter does not apply to information about companies or about individuals who obtain products or services for business, commercial, or agricultural purposes.

406-D:2 Definitions. In this chapter:

I. "Affiliate" means any company that controls, is controlled by, or under common control with another company.

II. "Clear and conspicuous" means that a notice is in plain English, reasonably understandable, and designed to call attention to the nature and significance of the information in the notice.

III. "Collect" means to obtain information that the licensee organizes or can retrieve by the name of an individual or by identifying number, symbol, or other identifying particular assigned to the individual, irrespective of the source of the underlying information.

IV. "Commissioner" means the insurance commissioner.

V. "Company" means corporation, limited liability company, business trust, general or limited partnership, association, sole proprietorship, or similar organization.

VI. "Consumer" means an individual who in this state seeks to obtain, obtains, or has obtained an insurance product or service from a licensee that is to be used primarily for personal, family, or household purposes, and about whom the licensee has nonpublic personal health information, or that individual's legal representative.

VII. "Control" means the ownership, control, or power to vote 25 percent or more of the outstanding shares of any class of voting security of the company, directly or indirectly, or acting through one or more other persons, over the election of a majority of the directors, trustees or general partners (or individuals exercising similar functions) of the company; or the power to exercise, directly or indirectly, a controlling influence over the management of policies of the company, as the commissioner determines.

VIII. "Customer" means a consumer who has a customer relationship with a licensee.

IX. "Customer relationship" means a continuing relationship between a consumer and a licensee under which the licensee provides one or more insurance products or services to the consumer that are to be used primarily for personal, family, or household purposes.

X. "Financial institution" means any institution the business of which is engaging in activities that are financial in nature or incidental to such financial activities as described in Section 4(k) of the Bank Holding Company Act of 1956 (12 U.S.C. 1843 (k)).

XI. "Financial product or service" means any product or service that a financial holding company could offer by engaging in an activity that is financial in nature or incidental to such a financial activity under Section 4(k) of the Bank Holding Company Act of 1956 (12 U.S.C. 1843 (k)).

XII. "Insurance product or service" means any product or service that is offered by a licensee pursuant to the insurance laws of this state. Insurance services include a licensee's evaluation, brokerage, or distribution of information that the licensee collects in connection with a request or an application from a consumer for an insurance product or service.

XIII. "Licensee" means all licensed insurers, producers and other persons licensed or required to be licensed or authorized or required to be authorized, or registered or required to be registered pursuant to the provisions of title XXXVII.

XIV. "Nonaffiliated third party" means any company that is an affiliate solely by virtue of the director or indirect ownership or control of the company by the licensee or its affiliate in conducting merchant banking or investment banking activities of the type described in section 4(k)(4)(H) or insurance company investment activities of the type described in section 4(k)(4)(I) of the federal Banking Holding Company Act (12 U.S.C. 1843(k)(4)(H) and (I)).

XV. "Nonpublic personal financial information" means any nonpublic personal financial information, or any information regarding a customer that has been derived from a record of a financial institution or insurer concerning insurance premiums, the terms and conditions of insurance coverage, insurance expirations, insurance claims, insurance history, or personal financial information.

XVI. "Nonpublic personal health information" means any nonpublic personal health information regarding a customer that has been derived from a record of a financial institution or insurer concerning insurance premiums, the terms and conditions of insurance coverage, insurance expirations, insurance claims, insurance history, personal medical information, or personal health information.

XVII. "Publicly available information" means any information that a licensee has a reasonable basis to believe is lawfully made available to the general public.

406-D:3 Privacy Notice Required.

- I. A licensee shall provide a clear and conspicuous notice that accurately reflects its privacy policies and practices to customers and consumers on an annual basis.
- II. A licensee shall deliver a privacy notice so that each consumer or customer can reasonably be expected to receive actual notice in writing, or if the consumer agrees, electronically.
- III. Privacy notices shall include the categories of nonpublic personal health and nonpublic personal financial information that the licensee collects or discloses and the categories of nonpublic personal health and nonpublic personal financial information that the licensee discloses to affiliates and nonaffiliated third parties with which the licensee has contracted.
- IV. Privacy notices shall contain an explanation of the consumer's or customer's right to authorize the disclosure of nonpublic personal health and nonpublic personal financial information to nonaffiliated third parties.
- V. Privacy notices shall contain a description of the licensee's policies and practices with respect to protecting the confidentiality and security of nonpublic personal health and nonpublic personal financial information.

406-D:4 Disclosure of Information; Opt-in for Nonpublic Personal Health and Nonpublic Personal Financial Information.

- I. A licensee shall not disclose nonpublic personal health and nonpublic personal financial information about a consumer or customer unless an authorization is obtained from the consumer or customer whose nonpublic personal health and nonpublic personal financial information is sought to be disclosed.
- II. Nothing in this section shall prohibit, restrict or require an authorization for the disclosure of nonpublic personal health and nonpublic personal financial information by a licensee for the performance of the following insurance functions by or on behalf of the licensee: claims administration; claims adjustment and management; detection, investigation or reporting of actual or potential fraud, misrepresentation or criminal activity; underwriting; policy placement or issuance; loss control; ratemaking and guaranty fund functions; reinsurance and excess loss insurance; risk management; case management; disease management; quality assurance; quality improvement; performance evaluation; provider credentialing verification; utilization review; peer review activities; grievance procedures; internal administration of compliance, managerial, and information systems; policyholder service functions; auditing; reporting; database security; administration of consumer disputes and inquiries; external accreditation standards; the replacement of a group benefit plan or workers' compensation policy or program; activities in connection with a sale, merger, transfer or exchange of all or part of a business or operating unit; disclosure that is required, or is one of the lawful or appropriate methods, to enforce the licensee's rights or the rights of other persons engaged in carrying out a transaction or providing a product or service that a consumer requests or authorizes; and any activity otherwise required by law, required pursuant to governmental reporting authority, or to comply with legal process. Additional insurance functions may be added with the approval of the commissioner to the extent they are necessary for appropriate performance of insurance functions and are fair and reasonable to the interest of consumers.

406-D:5 Authorization.

- I. A valid authorization to disclose nonpublic personal health or nonpublic personal financial information pursuant to this chapter shall be in written or electronic form and shall contain the identity of the consumer or customer who is the subject of the nonpublic personal health or nonpublic personal financial information; a general description of the types of nonpublic personal health or nonpublic personal financial information to be disclosed; a general description of the parties to whom the licensee discloses nonpublic personal health or nonpublic personal financial information, the purpose of the disclosure and how the information will be used; the signature of the consumer or customer who is the subject of the nonpublic personal or nonpublic personal financial health information or the individual who is legally empowered to grant authority and the date signed; and a notice of the length of time for which the authorization is valid and that the consumer or customer may revoke the authorization at any time and the procedure for making a revocation.
- II. An authorization for the purposes of this chapter shall specify a length of time for which the authorization shall remain valid, which in no event shall be for more than 24 months.
- III. A consumer or customer who is the subject of nonpublic personal health or nonpublic personal financial information may revoke an authorization provided pursuant to this chapter at any time, subject to the rights of an individual who acted in reliance on the authorization prior to notice of the revocation.
- IV. A licensee that is subject to examination by this department shall retain the authorization or a copy thereof in the record of

the individual who is the subject of nonpublic personal health or nonpublic personal financial information for a period of 6 years from the date the authorization ends or until the examination is completed, whichever is greater.

V. A request for authorization and an authorization form may be delivered to a consumer or a customer as part of an opt-in notice provided that the request and the authorization form are clear and conspicuous.

406-D:6 Redisclosure of Information. The redisclosure of nonpublic personal health or nonpublic personal financial information received by a licensee from any person or entity is limited to that person or entity, or the licensee's affiliates when the information is intended to be used in the ordinary course of business under which the information was originally obtained.

406-D:7 Fair Credit Reporting. Nothing in this chapter shall be construed to modify, limit, or supersede the operation of the federal Fair Credit Reporting Act (15 U.S.C. 1681 et seq.).

406-D:8 Nondiscrimination. A licensee shall not discriminate against any consumer or customer because that consumer or customer has not authorized the disclosure of his or her nonpublic personal health or nonpublic personal financial information pursuant to the provisions of this chapter.

406-D:9 Rulemaking. The commissioner shall adopt rules, pursuant to RSA 541-A, relative to the administration of this chapter.

406-D:10 Violation. A violation of this chapter shall be deemed to be an unfair method of competition or an unfair or deceptive act and practice in this state, in violation of RSA 417.

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

AMENDED ANALYSIS

This bill requires an insurance licensee to obtain certain authorization before disclosing nonpublic personal health and financial information about consumers or customers. The bill grants the insurance commissioner rulemaking authority to administer the provisions of the bill.

2001-0831h

Floor Amendment to HB 693

Proposed by Rep. Lars Christiansen

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

AN ACT enforcing the prohibition on the possession and use of tobacco products by minors through the juvenile statutes and expanding the definition of a child in need of services to specifically include a minor who possesses or uses tobacco products.

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

1 Youth Access to Tobacco Products; Possession and Use of Tobacco Products by Minors; Enforcement Through Juvenile Statutes. Amend RSA 126-K:6, IV to read as follows:

IV. ~~[Notwithstanding RSA 169-B and RSA 169-D, a person 12 years of age and older]~~ **A minor** who violates this section ~~[shall not]~~ **may** be considered a delinquent **under RSA 169-B** or a child in need of services **under RSA 169-D**.

2 Youth Access to Tobacco Products; Possession and Use of Tobacco Products by Minors; Penalties. RSA 126-K:6, V is repealed and reenacted to read as follows:

V. Any minor who violates this section shall:

(a) Complete up to 20 hours of community service for a first offense.

(b) Complete up to 20 hours of community service and participate in an approved tobacco-use cessation program for a second offense.

(c) Complete up to 20 hours of community service, participate in an approved tobacco-use cessation program, and pay a fine not to exceed \$100 for a third or subsequent offense.

3 Definition of Child in Need of Services Expanded. Amend RSA 169-D:2, IV(c)-(d) to read as follows:

(c) A child who has exhibited willful repeated or habitual conduct constituting offenses which would be violations under the criminal code of this state if committed by an adult or, if committed by a person 16 years of age or older, would be violations under the motor vehicle code of this state; ~~and~~ **or**

(d) **A child who violates RSA 126-K:6 relative to the possession and use of tobacco products by minors; and**

(e) Is expressly found to be in need of care, guidance, counseling, discipline, supervision, treatment, or rehabilitation.

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

AMENDED ANALYSIS

This bill enforces the prohibition on the possession and use of tobacco products by minors through the juvenile statutes and expands the definition of a child in need of services to specifically include a minor who possesses or uses tobacco products.

2001-0920h

Floor Amendment to HB 694

Proposed by Reps. Estabrook and Sova

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

1 School Boards, Teachers; Instruction in Civics. Amend RSA 189:11 to read as follows:

189:11 Instruction in National and State History and Government; **Instruction in Civics.**

I. In all public and private schools in the state there shall be given regular courses of instruction in the history, government, and constitutions of the United States and New Hampshire, including the organization and operation of New Hampshire municipal, county and state government and of the federal government.

II. The instruction required under paragraph I shall begin not later than the opening of the eighth grade and shall continue in ~~all high [school as an identifiable component of]~~ **schools in the state which shall include** a ~~[year²]~~ **one year** course in the history ~~[and government]~~ of the United States and New Hampshire.

III. In all high schools in the state, there shall be given a course of instruction in civics. This course shall be a one-half unit of credit required for graduation, and shall replace one-half of the social studies elective unit of credit as set forth in the administrative rules of the department of education at Ed. 306.23(f). The civics course may be locally developed provided, at a minimum, the course provides exposure to current governmental affairs and covers the following areas:

- (a) Duties and responsibilities of a citizen.**
- (b) Opportunities of citizen participation and involvement in the governmental process.**
- (c) The structure and operation of government.**
- (d) The constitutional basis of our government.**
- (e) The interaction between local, state, and federal governments.**

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

AMENDED ANALYSIS

This bill provides that a one-half year course in civics shall be required for high school graduation.

2001-0572h

Amendment to HB 698

Proposed by the Committee on Election Law - R

Amend the bill by deleting sections 1-2 and renumbering the original sections 3-4 to read as 1-2, respectively.

AMENDED ANALYSIS

This bill adds persons who voted at a 2001 town election to the persons deemed reregistered for purposes of the 2001 verification of the checklist.

2001-0869h

Amendment to HB 717

Proposed by the Committee on Resources, Recreation and Development - R

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

AN ACT establishing a committee to make recommendations on policy concerning state-operated trails for all terrain vehicles and trail bikes and relative to increasing the nonresident OHRV registration fees for snow traveling vehicles.

Amend the bill by replacing all after section 5 with the following:

6 OHRV Nonresident Registration; Increase for Snow Traveling Vehicles. Amend RSA 215-A:23, III to read as follows:

III. Individual nonresident registration-\$36 for each 2-wheeled trail bike registration, ***\$60 for each snow traveling vehicle registration***, or \$45 for each other OHRV registration.

(a) The first \$13 of each 2-wheeled trail bike registration, ***\$36 of each snow traveling vehicle registration***, or \$22 of each other OHRV registration shall be appropriated to the department of resources and economic development for administration of the bureau's grant-in-aid program pursuant to paragraph VI.

(b) From the balance, ***\$12.10 from each snow traveling vehicle registration or \$11.10 from each 2-wheeled trail bike or other OHRV registration*** shall be appropriated to the department of resources and economic development for administration of the bureau for the purposes listed in paragraph VII, and \$11.90 shall be appropriated to the department of fish and game for the purposes listed in paragraph VIII.

7 Effective Date.

I. Section 6 of this act shall take effect July 1, 2001.

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

AMENDED ANALYSIS

This bill establishes a committee to make recommendations on policy concerning state-operated trails for all terrain vehicles and trail bikes.

This bill also increases the nonresident OHRV registration fees for snow traveling vehicles.

2001-0789h

Amendment to HB 720

Proposed by the Committee on Fish and Game - R

Amend the bill by replacing section 3 with the following:

3 New Section; Taking of Deer; Pistols Permitted; Rounds Limited. Amend RSA 208 by inserting after section 3-c the following new section:

208:3-d Pistols Permitted. Pistols permitted under RSA 208:3, 3-a, 3-b, and 3-c shall include a .357 Magnum, 10mm Automatic, .41 Remington, .44 Magnum, .45 Long Colt, .480 Ruger, provided that no pistol used for taking deer under this section shall be loaded with more than 5 rounds of ammunition at any time.

2001-0548h

Amendment to HB 742-FN-LOCAL

Proposed by the Majority Committee on Ways and Means - R

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

1 Education Property Tax to be Collected by Department of Revenue Administration. Amend RSA 76:3 to read as follows:

76:3 Education Property Tax.

I. An annual education property tax at the uniform rate of \$6.60 on each \$1000 of the value of taxable property, **to be assessed annually as of April 1 and every year thereafter**, 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.

II. The commissioner of revenue administration shall determine the amount owed by each taxpayer under this section and bill each taxpayer for ½ the amount payable by July 1 and ½ the amount payable by December 1 of each year.

III. Taxes not paid when due shall be subject to appropriate penalties and interest under RSA 21-J; except that, notwithstanding the provisions of RSA 21-J:33, I, if the failure to pay is due to willful neglect or intentional disregard of law or rules but without intent to defraud, the penalty for taxes which are delinquent 60 days or more shall be equal to 20 percent of the amount of the nonpayment or underpayment.

IV. The commissioner shall collect and shall pay over to the state treasurer the taxes, interest, additions to tax, and penalties imposed under this chapter. The state treasurer shall deposit all taxes, interest, additions to tax, and penalties collected in the education trust fund established by RSA 198:39.

V. A municipality may collect delinquent taxes, interest on or additions to delinquent taxes, or penalties imposed by this section. If a municipality recovers such amount, the municipality may retain 10 percent of the amount owed to the state. If a municipality does not pursue the collection of delinquent taxes, the commissioner may institute actions in the name of the state to recover any tax, interest on tax, additions to tax, or the penalties imposed by this section.

VI. In the collection of the tax imposed by this section, the commissioner may use all of the powers granted to tax collectors under RSA 80 for the collection of taxes. The commissioner shall also have all of the duties imposed upon the tax collectors by RSA 80 that are applicable to the commissioner. The provisions of RSA 80:26 shall apply to the sale of land for the payment of taxes due under this chapter, and the state treasurer is authorized to purchase the land for the state. If the state purchases the land, the state treasurer shall certify the purchase to the governor, and the governor shall draw a warrant for the purchase price out of any money in the treasury not otherwise appropriated. The state shall indemnify and hold harmless the commissioner and any state officials and employees acting to recover any tax, interest on tax, additions to tax, or penalties under this section.

VII. Appeals regarding valuation of property shall be made to the board of tax and land appeals or the superior court of the county in which the taxpayer resides in the manner prescribed in RSA 76:16-a and RSA 76:17. Appeals other than appeals of valuation shall be made according to the procedure and subject to the time limits provided for other taxes administered by the department under RSA 21-J.

VIII. Prior to January 1 of each year, each municipality shall transmit to the department information required by the department for the billing of taxpayers under paragraph II of this section.

2 Determination of Adequate Education Grants. Amend RSA 198:41, I to read as follows:

I. Except for municipalities where all school districts therein provide education to all of their pupils by paying tuition to other institutions, the department of education shall determine the amount of the adequate education grant for the municipality as follows:

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

(b) Add to the product of subparagraph (a), 70 percent of the municipality's apportioned transportation cost[;

~~(c) Subtract from the sum of subparagraph (b) the amount of the education property tax warrant to be issued by the commissioner of revenue administration for such municipality reported pursuant to RSA 76:9 for the next tax year.]~~

3 Reference Change. Amend RSA 198:41, II(b) to read as follows:

(b) The total amount paid for items of current education expense as determined by the department of education [minus the amount of the education property tax warrant to be issued by the commissioner of revenue administration for such municipality reported pursuant to RSA 76:9 for the next tax year].

4 New Subdivision; Education Property Tax Relief. Amend RSA 198 by inserting after section 55 the following new subdivision:

Education Property Tax Relief

198:56 Definitions. In this subdivision:

I.(a) "Claimant" means a person who:

(1) Has filed a claim with the department for reduction in such claimant's property taxes under this subdivision; and

(2) During the 3 fiscal years preceding the year in which the person files a claim for relief under this chapter:

(A) Has had an ownership interest in a homestead and was domiciled in the homestead upon which education property taxes have accrued and for which the person is making a claim for tax relief from education property taxes in this state; and

(B) Was not a full-time student claimed as a dependent by any taxpayer under the United States Internal Revenue Code; and

(3) Did not during the prior federal income tax year, pay the alternative minimum tax.

(b) In this paragraph, the term "ownership interest" includes:

(1) A vendee in possession under a land contract;

(2) One or more joint tenants or tenants in common; or

(3) A person who has equitable title, or the beneficial interest for life in the homestead.

II. "Commissioner" means the commissioner of the department of revenue administration.

III. "Department" means the department of revenue administration.

IV. "Education property taxes" means the sum of the statewide education property tax under RSA 76:3 and the education portion of property taxes assessed by a municipality.

V. "Equalized assessed value" or "equalized assessed valuation" means the modified assessed valuation of property equalized by the commissioner pursuant to RSA 21-J:3, XIII. In this paragraph, "modified assessed valuation" means the sum of the assessments of taxable property in a municipality less the statutory exemptions provided in RSA 72:12-a, 72:12-b, 72:37, 72:39-a, and 72:39-b. "Modified assessed valuation" shall not include optional exemptions provided in RSA 72:37-b, 72:62, 72:66, and 72:70.

VI.(a) "Excessive education property taxes" means the sum of the state education rate determined under RSA 76:3 multiplied by the equalized value of the claimant's qualifying homestead and the amount of the local education portion of property taxes assessed on a claimant's homestead; which is in excess of 10 percent of a claimant's household income for the calendar year preceding the tax year of the excessive education property tax claim.

(b) In this paragraph, "equalized assessed value of the qualifying homestead" means the local assessed value of the homestead equalized by applying the equalization ratio for the municipality, as determined by the commissioner pursuant to RSA 21-J:3, XIII, for the year of the claim.

(c) A qualifying homestead is the first \$100,000 of equalized value of a homestead. If a homestead is owned by 2 or more persons or entities as joint tenants or tenants in common, and one or more persons or entities are not members of the claimant's

household, "excessive education property taxes" applies to that part of statewide education property taxes levied on the homestead which reflects the ownership percentage of the claimant and the claimant's household. If a homestead is an integral part of a larger unit such as a multi-dwelling building, the statewide education property taxes shall be that percentage of the total education property taxes accrued as the total inhabitable area of the claimant's dwelling is of the total inhabitable area of the building. For purposes of this paragraph "unit" refers to the parcel of property covered by a single tax statement of which the homestead is a part.

VII.(a) "Homestead" means the dwelling owned by a claimant which is used as the claimant's principal place of residence for not less than 240 days in a calendar year and includes the following:

- (1) The land upon which the dwelling stands;
 - (2) Visual and ordinary appurtenant structures such as but not limited to garages, wood sheds, barns, and other outbuildings;
 - (3) The land upon which such appurtenant structures stand;
 - (4) Land contiguous to such dwelling and appurtenant structures that is groomed and maintained around them; and
 - (5) Land necessary to the support and service of the dwelling such as but not limited to driveways and maintained rights-of-way for purposes of ingress and egress to the dwelling.
- (b) A homestead may consist of a part of a multi-unit dwelling and its proportionate share of the land upon which it stands and other ordinary appurtenant common facilities.
- (c) In this paragraph the term "owned" includes a vendee in possession under a land contract and one or more joint tenants or tenants in common.
- (d) "Homestead" shall not include personal property such as furniture, furnishings or appliances, or structures.
- (e) Manufactured housing shall be considered a dwelling.

VIII. "Household income" means any and all income received by a household, including disability income, social security income, and other sources of income which are nontaxable under the United States Internal Revenue Code. "Household income" shall also include all income of any trust through which the claimant holds equitable title, or the beneficial interest for life, in the homestead.

IX. "Education property tax" means the tax levied under RSA 76:3.

X. "United States Internal Revenue Code" means the United States Internal Revenue Code of 1986, as amended.

198:57 Claims for Education Property Tax Relief.

I.(a) Except as provided in RSA 198:66, a claimant shall be entitled to make claim to the department for education property tax relief equal to the excessive education property taxes levied under RSA 76:3 on the first \$100,000 of equalized valuation of the claimants homestead.

(b) Claims for tax relief under this subdivision shall be filed with the department of revenue administration between May 1 and June 30 following the due date of the education property taxes.

(c) Each claim shall be accompanied by a copy of the claimant's federal income tax return filed by the claimant for the corresponding tax period. Claimants who were not required to file a federal tax return for the immediately prior tax period may submit an affidavit to such effect in lieu of a tax return which document shall include the claimant's social security number. A claimant who asserts ownership in a homestead because he or she holds equitable title, or the beneficial interest for life, in the homestead shall also submit a copy of the document creating such interest and a copy of the federal tax return, if any, for the immediately prior tax period, of the trust holding legal title to the homestead. Any documents submitted shall be considered confidential, and protected under RSA 21-J:14.

(d) The provisions of RSA 359-C shall not apply to the documents required to be submitted under this section.

II. No interest shall be allowed on any relief to which a claimant may be entitled under this subdivision.

198:58 Payment of Tax Claims. The department of revenue administration shall review a claim for tax relief filed with it and, if

such claim is determined to be valid, shall certify such amount to the state treasurer within 120 days. The state treasurer shall pay the claim to the claimant from funds in the education trust fund. The department shall notify a claimant whose claim is rejected in whole or in part of such determination within 90 days of the department's receipt of the claim and all required documentation.

198:59 One Claimant Per Household. Only one claimant per household per year shall be entitled to relief under this subdivision.

198:60 Claim is Personal. The right to file a claim under this subdivision shall be personal to the claimant. The right to file a claim under this subdivision shall survive the claimant's death to the extent that this right may be exercised on behalf of a claimant by a legal guardian, attorney, spouse, or another person who could have qualified as the claimant had the decedent not filed.

198:61 Administration; Rulemaking.

I. This subdivision shall be administered and enforced by the department.

II. The department shall adopt rules, pursuant to RSA 541-A, necessary to administer and enforce this subdivision.

198:62 Forms for Claim. The commissioner of revenue administration shall make available suitable forms with instructions for claimants. Such forms may require claimants to provide all information reasonably necessary to determining the accuracy of claims, including, but not limited to, property taxes accrued, changes of homestead, household membership, household income, size and nature of property claimed as the homestead, and a statement that the property taxes have been or will be paid by the claimant.

198:63 Fraudulent Claims; Penalty. A person shall be guilty of a class B felony who:

I. Files a fraudulent claim.

II. With fraudulent intent, assisted in the preparation or filing of the fraudulent claim or supplied information upon which the fraudulent claim was prepared.

198:64 Appeals. Any person aggrieved by the denial in whole or in part of a claim under this subdivision, except when the denial is based upon late filing of claim, may appeal the denial to the board of tax and land appeals or to the superior court in the county in which the person resides by filing a petition within 30 days after such denial. Procedures for an appeal of a denial of a claim shall be the same as the procedures for an appeal of a denial of an abatement of property tax under RSA 76:16-a-76:17.

198:65 Claim Applied Against Outstanding Liabilities. The amount of any claim otherwise payable under this subdivision may be applied by the department against any liability outstanding against the claimant or against anyone who was a member of the household in the taxable year to which the claim relates.

198:66 Appeals for Local Abatements. A person who applies for local abatement of property taxes under RSA 76:16 or RSA 76:16-a shall not be eligible to make a claim based on the same property taxes for education property tax relief under this subdivision.

5 Education Trust Fund; Purpose; Hardship Relief Deleted. 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, and to provide education property tax ~~[hardship]~~ relief ~~[under RSA 198:55]~~. The state treasurer shall deposit into this fund immediately upon receipt:

6 Reference Change; Source of Funds; Education Trust Fund. RSA 198:39, I(g) is repealed and reenacted to read as follows:

(g) Education property taxes paid over to the state treasurer by the department of revenue administration pursuant to RSA 76:3.

7 Effective Date of Hardship Relief Repeals Amended. Amend 1999, 338:25, II to read as follows:

II. Section 22 of this act shall take effect July 1, ~~[2003]~~ **2002**.

8 Repeal of Prospective Repeals of Education Property Tax and Adequate Education Grant Determination Provisions. 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, 338:25, I, relative to the effective date of 1999, 338:21.

9 Repeal. The following are repealed:

- I. RSA 76:8, I and II, relative to the commissioner’s warrant.
- II. RSA 76:9, relative to the commissioner’s report.
- III. RSA 198:46, relative to excess education property tax payment.
- IV. RSA 198:47, relative to forms for reporting and remitting of excess education property tax.

10 Effective Date.

- I. Sections 7-9 of this act shall take effect July 1, 2002.
- II. The remainder of this act shall take effect January 1, 2002.

AMENDED ANALYSIS

This bill transfers the authority to collect the education property tax from the municipalities to the department of revenue administration. The bill establishes a program for the rebate of excessive education property tax payments made by eligible taxpayers in the state.

2001-0903h

Floor Amendment to HB 742-FN-LOCAL
Proposed by Rep. Sapareto

Amend RSA 76:3, I as inserted by section 1 of the bill by replacing it with the following:

I.** An annual education property tax at the uniform rate of ~~[\$6.60]~~ **\$6.30** on each \$1000 of the value of taxable property, ***to be assessed annually as of April 1 and every year thereafter, 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.*

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

10 Utility Property Tax. 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]~~ **\$6.30** 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.

11 Effective Date.

- I. Sections 7-9 of this act shall take effect July 1, 2002.
- II. The remainder of this act shall take effect January 1, 2002.

AMENDED ANALYSIS

This bill transfers the authority to collect the education property tax from the municipalities to the department of revenue administration. The bill establishes a program for the rebate of excessive education property tax payments made by eligible taxpayers in the state.

The bill also reduces the rate of the education property tax and the utility property tax.

2001-0874h

Amendment to HB 758

Proposed by the Committee on Science, Technology and Energy - R

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

1 Purpose. In order to minimize the contamination of our water resources and to protect the public from potentially harmful health effects, New Hampshire must dramatically reduce or eliminate the amount of methyl tertiary-butyl ether (MTBE) and other ethers in gasoline supplied to New Hampshire. Since the oxygen mandate specified for federal reformulated gasoline (RFG) by the Clean Air Act has led to a dramatic increase in MTBE concentrations in gasoline, opting out of the federal RFG program and then limiting or banning MTBE and other ethers are the most effective ways to permanently reduce the concentrations of MTBE and other ethers in gasoline sold in New Hampshire. The state may be required by the Environmental Protection Agency to make up for emission reductions lost as a result of this action, and authorization is provided to do so.

2 Penalties. Amend RSA 485:16-b, I and II to read as follows:

I. ***Except as provided for in RSA 485:16-d***, the commissioner shall seek all necessary ~~[waivers]~~ ***authorizations*** from the Environmental Protection Agency ~~[such that conventional gasoline, or some other substitute gasoline that is readily available and reasonably priced, may immediately replace reformulated gasoline in Strafford, Rockingham, Hillsborough, and Merrimack counties. The waivers shall expire on January 1, 2002. The temporary waivers shall not be predicated upon the state implementing substitute air emissions reduction strategies in order to comply with the state implementation plan]~~ ***to opt out of the federal reformulated gasoline program as soon as possible, but in no case later than January 1, 2004. The department of environmental services shall prepare and submit to the Environmental Protection Agency as soon as possible, but in no case later than January 1, 2002, all documentation necessary to accomplish this task.***

II. In addition to the ~~[authority to seek waivers under]~~ ***provisions of*** paragraph I, the commissioner, after consultation with the commissioner of health and human services, ~~[may]~~ ***shall limit to the greatest extent practicable***, with the approval of the governor and council, the concentration of MTBE allowed in any gasoline sold in all or part of the state after first holding a public hearing on the issue and certifying to the air pollution advisory committee established in RSA 125-J:11 that gasolines which meet such limit are:

(a) Readily available to New Hampshire consumers at a reasonable price;

(b) Less hazardous overall to humans and the environment than gasoline having higher MTBE concentrations taking into account all exposure routes, including air and water; and

(c) Approved for use in New Hampshire by the Environmental Protection Agency without a requirement to substitute additional air emissions reductions beyond those adopted under RSA 485:16-c.

3 New Sections; Air Pollution Control Measures. Amend RSA 485 by inserting after section 16-b the following new sections:

485:16-c Adoption of Other Air Pollution Control Measures. In order to fulfill federal air pollutant emission reduction obligations that may be created by opting out of the federal reformulated gasoline program under RSA 485:16-b or by implementing an alternative regional or federal approach under RSA 485:16-d, the commissioner shall be authorized to establish limits on the manufacture, use, or sale of consumer products in accordance with RSA 125-C:6, XVII.

485:16-d Regional and Federal Efforts.

I. The commissioner is authorized to promote such regional or federal efforts as may be required to reduce the ongoing contamination threat posed by MTBE and other gasoline ethers, including but not limited to efforts to eliminate the federal oxygen mandate in the federal Clean Air Act, secure waivers from federal fuel requirements, or implement cleaner, more protective reformulation of gasoline.

II. If an alternative regional or federal approach to cleaner gasoline is developed which provides equal or greater effectiveness in reducing concentrations of MTBE and other gasoline ethers than opting out of the federal reformulated gasoline program under RSA 485:16-b, I, or does so in a manner that requires less costly substitute emission control measures under RSA 485:16-c, then the commissioner may implement such alternative regional or federal approach. Such alternative regional or federal approach may substitute for opting out of the federal reformulated gasoline program under RSA 485:16-b, I if undertaken prior to

January 1, 2004.

4 New Paragraph; Definitions; Consumer Products. Amend RSA 125-C:2 by inserting after paragraph V-b the following new paragraph:

V-c. "Consumer products," any substance, product (including paints, coatings, and solvents), or article (including any container or packaging) held by any person, the use, consumption, storage, disposal, destruction, or decomposition of which may result in the release of air contaminants.

5 New Subparagraph; Rulemaking. Amend RSA 125-C:4, I by inserting after subparagraph (m) the following new subparagraph:

(n) The manufacture, use, or sale of consumer products for purposes of implementing RSA 485:16-c.

6 New Paragraph; Duties of Commissioner. Amend RSA 125-C:6 by inserting after paragraph XVI the following new paragraph:

XVII. Implementing a program to control the emissions of air contaminants from consumer products for purposes of RSA 485:16-c, by establishing limits on the manufacture, use, or sale of such products, provided that such limits are not less stringent than those established under the Clean Air Act and amendments thereto, and in regulations promulgated under the Clean Air Act.

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

AMENDED ANALYSIS

This act authorizes the state to opt out of the federal reformulated gasoline program no later than January 1, 2004, and requires the department of environmental services to prepare and submit to the U.S. Environmental Protection Agency all documentation necessary to accomplish this task.

2001-0969h

Floor Amendment to HB 758

Proposed by Reps. Kurk, Dickinson, Martin, Downing and Kennedy

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

AN ACT relative to the sale of gasoline containing ethers and requiring an investigation by the attorney general.

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

2 New Subdivision; Ethers Content in Gasoline. Amend RSA 339-B by inserting after section 16 the following new subdivision:

Ethers Content in Gasoline

339-B:17 Definitions.

I. "Ethers" means organic compounds formed by the treatment of an alcohol with a dehydrating agent resulting in 2 organic radicals joined by an oxygen atom. Gasoline ethers include, but are not limited to, methyl tertiary-butyl ether (MTBE), tertiary-amyl methyl ether (TAME), ethyl tertiary-butyl ether (ETBE), and di-isopropyl ether (DIPE). Gasoline ethers shall include other ethers contained in, or added to, gasoline.

II. "Reid Vapor Pressure" (RVP) means the standardized measure of the vapor pressure of a liquid fuel in pounds per square inch absolute at 100 degrees fahrenheit.

339-B:18 Ethers Content in Gasoline.

I. As of January 1, 2002, the total ethers content, by volume, in all regular grade gasoline sold in this state shall not exceed one percent, in all mid-grade gasoline sold in this state shall not exceed 3 percent, and in all premium grade gasoline sold in this state shall not exceed 5 percent.

II. As of January 1, 2002, all gasoline that is distributed or marketed by bulk gasoline terminals or is delivered to gasoline service stations or bulk gasoline plants shall not have a Reid Vapor Pressure greater than 7.8 pounds per square inch during the

period between May 1 and September 15 of each year.

3 Investigation by Attorney General Required. In light of the decision in American Petroleum Institute v. United States Environmental Protection Agency, 198 F.3d 275 (2000), the attorney general shall investigate and pursue any and all legal remedy concerning the state's agreement with the Environmental Protection Agency to use reformulated gasoline. The attorney general shall report its findings and any recommendations to the speaker of the house of representatives, the house clerk, the senate president, the senate clerk, the governor, and the state library on or before January 1, 2002.

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

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

AMENDED ANALYSIS

This bill requires that regular grade gasoline sold in this state shall not exceed one percent total ethers by volume as of January 1, 2002, that mid-grade gasoline sold in this state shall not exceed 3 percent total ethers by volume as of January 1, 2002, that premium gasoline sold in this state shall not exceed 5 percent total ethers by volume as of January 1, 2002, and that all gasoline sold in this state shall not have a Reid Vapor Pressure greater than 7.8 pounds per square inch as of January 1, 2002. This bill also requires the attorney general to investigate the agreement with the Environmental Protection Agency and report the findings to the legislature.

2001-0615h

Amendment to HB 760-FN

Proposed by the Committee on Fish and Game - R

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

AN ACT relative to the use of silencing devices for taking game.

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

1 Fish and Game; Silencing Devices Amended. Amend RSA 207:4 to read as follows:

207:4 Silencing Devices.

I. No person shall ~~[sell, offer for sale, use, have in his possession, any gun,]~~ ***possess a rifle***, pistol, or other firearm fitted or contrived with any silencer or device for deadening the sound of explosion, ***for the purpose of taking wildlife***. Nothing in this section shall prohibit the use of a muzzle brake, polychoke, or compensator.

II. Nothing in this section shall prohibit a person who has obtained a depredation permit issued by the executive director of fish and game from taking wildlife under such permit using a lawfully obtained silencing device.

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

AMENDED ANALYSIS

This bill clarifies existing law prohibiting the taking of wildlife using a silencing device, and provides that a person who has obtained a depredation permit shall be exempt from this prohibition for the purpose of taking wildlife under the permit.

2001-0890h

Floor Amendment to HB 761-FN-A-LOCAL

Proposed by Rep. DiFruscia

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

AN ACT ordering a statewide valuation of property.

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

1 Valuation Ordered. In accordance with part 2, article 6 of the New Hampshire constitution, which permits the general court to order valuations, the general court hereby orders a statewide valuation of property to be completed by December 31, 2002.

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

AMENDED ANALYSIS

This bill orders a statewide valuation of property to be completed by December 31, 2002.

2001-0844h

Amendment to HB 769-FN-LOCAL

Proposed by the Committee on Resources, Recreation and Development - R

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

(b) For tidal dredging projects with the primary purpose to improve navigation for a municipality, the maximum application fee for a municipality shall be \$10,000 per application plus provisions for technical or consulting services or a combination of such services as necessary to meet the needs of the department. The department may enter into a memorandum of agreement with a municipality to accept equivalent technical or consulting services or a combination of such services in lieu of a portion of their standard application fees.

2001-0612h

Amendment to HCR 12

Proposed by the Committee on State-Federal Relations and Veterans Affairs - R

Amend the resolution by replacing the title with the following:

A RESOLUTION requesting that the federal government authorize greater state regulation of gas pipelines and pipelines carrying other hazardous substances.

Amend the resolution by replacing the first paragraph after the title with the following:

Whereas, ensuring the safety of citizens residing near pipelines carrying hazardous substances and protecting the surrounding environment from the deleterious effects of pipeline spills are vital state and local responsibilities, yet the federal government is responsible for the oversight of interstate pipelines; and

AMENDED ANALYSIS

This house concurrent resolution requests that the federal government clarify that the regulation of pipelines carrying gas and other hazardous substances be integrated with concurrent state and federal oversight.