

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 June 1, 2001 No. 50

Contains: Reports and Amendments for June 7, Retained Bill List, Unsigned Sponsor List, Committee Hearings, Work Sessions and Notices

HOUSE CALENDAR

NOTICE

Members of the House:

The House will meet on Thursday, June 7 at 10:00 a.m.

Congratulations and best wishes to House Committee Researcher Marie Baillinson and her husband, David, on the birth of their first child, Sara Ann, on Sunday, May 27. Parents and child are reported to be doing well!

I am sure all members join me in sending condolences to the family of our colleague Ron Russell who passed away last Friday. We all will miss his warm friendship and dedicated service.

All members and guests are invited to participate in the Bill White Legislative Memorial Golf Tournament being held at the Androscoggin Country Club in Gorham on Monday, June 11. Please see Sandy Wheeler at the LOB desk if you are interested. All are welcome at a reception at the Town and Country Inn on Sunday, June 10, 5:30-7:00 p.m. See the notice elsewhere in this Calendar for more information.

Chairmen and Vice Chairmen will meet at 9:00 a.m. on Tuesday, June 5 in Room 201, LOB.

Gene G. Chandler, Speaker

NOTICE

There will be a Republican Caucus on Thursday, June 7 at 9:00 a.m. in Representatives Hall.

Rep. David M. Scanlan, Majority Leader

NOTICE

There will be a Democratic Caucus on Thursday, June 7 at 9:00 a.m. in Rooms 306-308 of the Legislative Office Building.

Rep. Peter H. Burling, Democratic Leader

PROPOSED AMENDMENT TO HOUSE RULES

2001-1410h

Amendment to House Rules

Proposed by the Rules Committee

Amend House Rule 64 by adding the following:

Legislative action in the second-year session shall be subject to the following deadlines:

Thursday, January 24, 2002	Last day to report retained bills and supplemental House bills being referred to a second committee.
Thursday, January 31, 2002	Last day to act on retained bills and supplemental House bills being referred to a second committee.
Thursday, February 21, 2002	Last day to report all remaining retained bills and supplemental House bills.
Thursday, March 7, 2002	CROSSOVER. Last day to act on all remaining retained bills and supplemental House bills.
Friday, May 3, 2002	Last day to act on committee of conference reports.

THURSDAY, JUNE 7

CONSENT CALENDAR

COMMERCE

SB 21, establishing a commission to develop recommendations for legislation to reduce regulatory barriers to the creation of affordable housing. **OUGHT TO PASS WITH AMENDMENT**

Rep. Leo W. Fraser, Jr. for Commerce: This bill establishes a commission to develop recommendations toward reducing regulation barriers to the creation of affordable housing. The commission as constituted by the Senate provides for 21 members, which includes selectmen, legislators, public members, as well as representatives of the housing industry. The Commerce Committee added to the commission the director of the Granite State Foundation for Independent Living or designee as well as

deleted from the commission one of the Selectmen. Further we have added to the purpose clause the need to recognize individuals with disabilities and families with members with disabilities. **Vote 14-0.**

SB 41, relative to technical corrections for life, accident and health insurance. **OUGHT TO PASS WITH AMENDMENT**

Rep. Leo W. Fraser, Jr. for Commerce: Sections 3, 4 and 5 of SB 41 mandates allowances of \$350 per year toward the purchase of scalp hair prostheses (a wig) for alopecia medicamentosa, resulting from the treatment from any form of cancer or leukemia. It also repeals RSA 420-D:1, I relative to the advisory council on continuing care. Part 1 and Part 2 have to do with extending the period of coverage for dependent child under title XVIII of the Social Security Act. Part 2 of the bill allows certain retirees and dependents who have experienced a substantial loss within one year of the employers filing for protection under the bankruptcy provisions of the United States Code to have coverage extended for 35 months. **Vote 14-0.**

SB 47, relative to ownership of certified public accounting firms. **OUGHT TO PASS**

Rep. Paul D. Spiess for Commerce: This bill amends RSA 309-B: 8 pertaining to Certified Public Accounting (CPA) firms. The current law requires that not less than two-thirds of the ownership of such firms belong to individuals who are licensed CPA's. This bill drops the statutory ownership requirement from 66.66% to 51%. The stated purpose of the proposed change is to allow increased ownership by non-licensed individuals who provide skills and services to the firm and its clients in areas other than public accounting. The committee believes that flexibility and adaptability of ownership are essential elements to survival in the rapidly changing financial services industry. By keeping the standard at 51%, effective control of the firm remains vested individually licensed CPA's, but allows firms to attract professionals with other areas of specialization into the ownership structure. **Vote 12-2.**

SB 51, relative to financial holding companies; cash dispensing machines; the participation in meetings by out-of-state, nondepository trust company directors; and a clarification of the status of student loans. **OUGHT TO PASS WITH AMENDMENT**

Rep. Leo W. Fraser, Jr. for Commerce: This bill contains several sections all regarding the conduct of financial interest. Part 1 amends the incorporation provisions of our banking laws to bring them into compliance with Gramm-Leach-Bliley, the federal Financial Services Modernization Act. Part 2 also applies to Gramm-Leach-Bliley and another financial holding company. The ability to incorporate a land or trust company in its own right with incorporations. The next five sections of the bill have to do with licensing of operations of cash dispensing machines. Currently ATM's are required to register with the Banking Department with little or no regulatory oversight. The committee felt that the new regulations included in the bill were extreme and would be harmful in maintaining a competitive marketplace for ATM's. Competition is critical if we hope to increase the availability of ATM's and central ATM fees. Therefore that portion of the bill was converted to a study committee. We felt that this issue should be explored and a hearing held on its own merits. Section 7 relaxes a requirement on members serving on boards of some financial institutions (trustees of non-depository trust companies). The final section of SB 51 brings the state of New Hampshire in compliance with the federal government on student loan issues. **Vote 14-0.**

SB 76-FN, requiring attendance in an education and training program by those who obtain a liquor license and relative to applications for one-day liquor licenses. **OUGHT TO PASS**

Rep. Stephen G. Avery for Commerce: This is a new program that would require all new retail liquor licensees to attend a training program administered by the liquor commission. This is a different program than the one now administered for bartenders and service personnel. The training program will be provided at no charge and will give the licensee an overview of laws and regulations affecting his or her license. **Vote 14-0.**

SB 83, relative to the New Hampshire film and television commission. **OUGHT TO PASS**

Rep. Leo W. Fraser, Jr. for Commerce: This legislation repeals the sunset date allowing the New Hampshire Television and Film Commission to continue its important work in promoting New Hampshire as an ideal destination for filming. The impact of the television and film industry particularly benefits the state's travel and tourism efforts and ultimately the state's economy. As we all know, New Hampshire offers a number of scenic and cultural amenities that attracts millions of visitors each year. These visitors bring approximately \$2.8 billion annually into our state and contribute a great deal to state general fund revenues. By showcasing New Hampshire through film and television, the state will have an even greater opportunity to promote the state to potential visitors throughout the world. The economic benefit of bringing film production is important. DRED reports that in 2000 \$500,000 came into the state through film projects alone, with no marketing dollars spent. Revenues for film promotion come from lodging, meals, crew hires, equipment purchases, facility rentals and car rentals. This legislation is an important step in supporting the Film Commission in their efforts to compete with other states in pursuing film and

television. **Vote 12-0.**

SB 98, relative to notice requirements prior to the sale of manufactured housing parks. **OUGHT TO PASS**

Rep. Leo W. Fraser, Jr. for Commerce: This bill requires mobile home park owners who intend to sell their park to not only notify the tenants under current law, but also send notification to the New Hampshire Authority. This additional notice will offer to the tenants the opportunity to learn of an additional possible financial vehicle that may be available should they desire to purchase the park themselves. **Vote 12-2.**

SB 99, relative to the exemption from the community benefits law for charitable trusts. **OUGHT TO PASS WITH AMENDMENT**

Rep. Marshall E. Quandt for Commerce: This bill was brought to exempt the Visiting Nurse Associations who have a fund balance of less than \$1 M from reporting under the Community Benefits Statute. The committee felt that since this law is new and has not had time to work, the organizations should not be exempt later. However, the amendment gives the Attorney General's Office the authority to grant a filing extension of up to 12 months and to provide on-going training. The AG has changed a policy which makes it easier for the smaller agencies to work collectively to do their reporting. The AG's office has also agreed to develop a simpler reporting form for the smaller organizations for their filing. **Vote 14-0.**

SB 106, relative to consumers' cooperative associations. **OUGHT TO PASS**

Rep. Gene B. Marshall for Commerce: This bill increases the flexibility in the Consumers' Cooperative Association statute, permitting the Hanover Co-op (and other co-ops organized under RSA 301, if any) to amend their bylaws in a number of ways to improve efficiency of operations. No one appeared to oppose this bill, and the only real question was whether or not the state should remain involved in setting parameters for these by-law issues. The Hanover Co-op made it clear that they were deeply desirous of having a state-sanctioned framework within which to operate. **Vote 14-0.**

SB 108, relative to the definition of "funeral home." **INEXPEDIENT TO LEGISLATE**

Rep. John B. Hunt for Commerce: The intent of the bill was to ensure that only full service funeral homes could be called funeral homes. The committee feels that the consumer is not hurt by some funeral homes outsourcing some of their services (such as embalming) and, as a matter of fact, the consumer may benefit by the savings this practice may generate. After a constructive subcommittee, the funeral directors asked that the bill be withdrawn **Vote 13-0.**

SB 109, implementing certain federal regulations relative to setting minimum requirements for employee benefit plan procedures pertaining to the filing of benefit claims, notification of benefit determinations, and appeal of adverse benefit determinations. **OUGHT TO PASS WITH AMENDMENT**

Rep. Martha Fuller Clark for Commerce: This bill implements at the state level certain federal regulations pertaining to the filing of health benefit claims and establishes minimum requirements that must be met by health insurance companies with regard to employee benefits claims; and most specifically to the means and content of notification and determination of benefits on appeal. The amendment simply clarifies and corrects language within the bill. There was no opposition to this legislation. **Vote 13-0.**

SB 121, relative to the advisory committee on international trade. **OUGHT TO PASS**

Rep. John B. Hunt for Commerce: SB 121 expands the membership of the advisory committee on international trade and adds new members including: a representative of the New Hampshire High Technology Council, a representative of the Software Association of New Hampshire, the director of the Manchester airport or designee, and one or more representatives of the business community **Vote 13-0.**

SB 139, relative to uniform electronic transactions. **OUGHT TO PASS WITH AMENDMENT**

Rep. Martha Fuller Clark for Commerce: Advances in computer hardware, software and communications over the last several years have created an opportunity to use computers to create, generate, sign, send, receive and store essentially any type of document or information in a secure manner. The purpose of SB 139 is to create greater efficiency by regulating the use of small electronic records with regard to business and governmental transactions. By adopting this legislation New Hampshire will be consistent with recent federal legislation on electronic signature and transactions. Passage of this bill also involves repealing RSA 294-D, RSA 506:8 and RSA 506:9 that are rendered obsolete by SB 139. The committee heard no opposition to this legislation. **Vote 13-0.**

SB 148, relative to certain penalties for violations of the youth tobacco laws. **OUGHT TO PASS WITH AMENDMENT**

Rep. Leo W. Fraser, Jr. for Commerce: This bill is an excellent piece of legislation directed at youth smoking. The amendment to Section 1 not only requires fines for the sale and distribution of cigarettes to minors, but also mandates that the vendor's license shall be revoked for a period of one year. This would also apply to giving free samples in Section 2. Section 3 clarifies a change made last year by stating that offenses shall be counted over a three-year period only. Section 4 applies to vending machines, and Section 5 sets up a committee to study the propriety of changing the issue of licenses by the Department of Revenue Administration to the Liquor Commission. The Liquor Commission already is the enforcement arm of government in the illegal sale of cigarettes. Since the intent of the bill was to clarify legislation that was passed last year, the amendment removes new language that the committee felt created more problems than it was intended to solve. **Vote 12-0.**

SB 152-FN, relative to the regulation of business practices between motor vehicle manufacturers, distributors, and dealers. **OUGHT TO PASS**

Rep. John B. Hunt for Commerce: The bill makes technical corrections to the motor vehicle manufacturers, distributors and dealers law (RSA 357-C). These changes have been agreed to by all the parties, including the fees to fund the "Lemon Law" Board. **Vote 11-0.**

SB 178, establishing a committee to study the uniform computer information transactions act. **INEXPEDIENT TO LEGISLATE**

Rep. John B. Hunt for Commerce: Since the Senate was unable to pass the original bill, they instead created a study committee. The purpose of the legislation was to create a model uniform law, but the original bill as written was far from a model act, and in fact, is a work in progress. The committee felt it was premature to create a study committee when there's nothing to study yet with much of the rest of the nation still in limbo in the area of computer information transactions **Vote 13-0.**

SB 181, relative to the manufacture, sale, or installation of certain smoke detectors. **INEXPEDIENT TO LEGISLATE**

Rep. Ronald J. Belanger for Commerce: The committees felt that passage of this legislation would, in effect, ban smoke detectors and require the use of a particular detector with a 10- year lithium battery. This bill would create higher costs to consumers and may give consumers false confidence due to the fact Underwriter's Laboratory has not approved a 10-year battery for smoke detectors. **Vote 11-1.**

CRIMINAL JUSTICE AND PUBLIC SAFETY

HB 678, relative to notice of release of an inmate from state prison. **OUGHT TO PASS WITH AMENDMENT**

Rep. William V. Knowles for Criminal Justice and Public Safety: This legislation provides for notification of the prosecuting attorney whenever any person who has been committed to the state prison is released for gainful employment or for the performance of uncompensated public service. Currently, just the sentencing court is notified. If either the prosecuting attorney or the sentencing court object to the release, the release shall not occur. Notification of the prosecuting attorney shall also occur in instances where the commissioner of corrections releases a low risk, non-violent offender on parole under 651:25, VI (d). If either the prosecuting attorney or the sentencing court object to the release, it shall not occur. By involving the prosecuting attorney in these decisions, we feel that the victims concerns will be better represented. **Vote 11-0.**

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

SB 176-FN-A, establishing an equipment depository and disabled person's employment fund in the department of administrative services. **OUGHT TO PASS WITH AMENDMENT**

Rep. Raymond C. Cummings for Executive Departments and Administration: This bill sets up a restricted revenue account to which donations of money and equipment may be given to the division of personnel to purchase reasonably priced equipment which will help prospective employees to perform their jobs more efficiently and effectively. Passage may help avoid possible ADA complaints and could save the state considerable money in legal expenses. There is no state money required to set up the equipment depository. The amendment removes the cumbersome process of requiring all purchases to be approved by governor and council. **Vote 16-0.**

SB 192-FN, relative to the issuance of high/medium voltage licenses by the electricians' board. **OUGHT TO PASS WITH**

AMENDMENT

Rep. Judson K. Dexter for Executive Departments and Administration: This bill creates a specific license for persons who deal with power systems operating at or over 600 volts. This is a specialized segment within the electrical industry in which existing rules as to who can do this work are vague. The committee unanimously agreed with the senate that this type of license is needed because of the obvious safety concerns for the people of the State of New Hampshire. The amendment makes a small clarification in a definition in RSA 319-C:2, III-b. **Vote 16-0.**

JUDICIARY

SB 48, relative to the rental of shared living facilities. **OUGHT TO PASS WITH AMENDMENT**

Rep. Phyllis L. Woods for Judiciary: This bill provides special remedies to owners of property who rent a bedroom with other shared facilities to a tenant in their home while they are still living in the home. The committee felt that people in this unique position are more vulnerable and require protection from the possibility of abusive "houseguests" and they should be able to evict them from their home with more dispatch. **Vote 15-0.**

SB 75, relative to physicians who make a report when a person is unfit to drive a motor vehicle. **INEXPEDIENT TO LEGISLATE**

Rep. Tony F. Soltani for Judiciary: The mechanisms presently in place readily provide for reports of unfitness of a driver to be made to the Director of the Division of Motor Vehicles by family members and friends. According to the Director, these reports are investigated. Additionally, professionals such as physicians may file a report with the proper authorities if they perceive imminent harm to life and safety. The committee is of the opinion that the institution of the patient-physician privilege is a sacred one which is necessary to ensure that the people of the state receive proper medical attention and treatment. **Vote 13-0.**

LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES

SB 46, relative to payments of scheduled awards under the workers' compensation law. **OUGHT TO PASS**

Rep. Raymond E. Trueman for Labor, Industrial and Rehabilitative Services: This bill provides for lump sum awards thus avoiding continuing administration cost in the disbursement of relatively small settlements. Generally, these awards are under \$30,000. **Vote 12-0.**

SB 53, relative to attorneys' fees in certain circumstances under the workers' compensation law. **OUGHT TO PASS WITH AMENDMENT**

Rep. Randolph Holden for Labor, Industrial and Rehabilitative Services: The majority of the committee felt that this bill addresses the problem of workers' compensation carriers challenging payment after lump sum settlements have been reached. **Vote 11-0.**

MUNICIPAL AND COUNTY GOVERNMENT

HB 517-L, relative to supply of water by village districts. **OUGHT TO PASS WITH AMENDMENT**

Rep. Kimberly O.M. Dionne for Municipal and County Government: This bill requires that the Public Utilities Commission hold public hearings concerning expansions of water district franchise areas and that if any changes of boundaries are indicated, those boundaries need to be ratified in the same manner as the initial establishment of the water district. This bill does not require a property owner to connect to the municipal water district if the owners water supply is in compliance with the protective well regulations in RSA 485:29 and RSA 485:30-b. **Vote 11-1.**

HB 522-L, establishing discretionary preservation easements for preserving historic agricultural structures. **OUGHT TO PASS WITH AMENDMENT**

Rep. Nancy K. Johnson for Municipal and County Government: This bill allows a property owner to apply for a discretionary preservation easement of an historic agricultural structure such as a barn, which provides a demonstrated public benefit. A public hearing is required to be held by the governing body prior to the acceptance of the discretionary easement. The governing body may determine the reduced assessment to be between 25% to 75% of the full market value. The easement may be for a

period of ten years and may be renewable upon application. **Vote 11-0.**

TRANSPORTATION

SB 149-FN, permitting persons involved in motor vehicle accidents and certain medical researchers access to motor vehicle records. **OUGHT TO PASS WITH AMENDMENT**

Rep. Sherman A. Packard for Transportation: This bill will enable medical researchers at Dartmouth Medical School to continue ongoing medical research projects, including contact with individuals. The committee amendment provides that the New Hampshire Commissioner of Safety will set the terms and conditions for access to records and may charge reasonable fees for such access. This bill expands the definition of "person" with respect to motor vehicle records by including the personal representative of any person killed or injured in a motor vehicle accident. **Vote 14-0.**

WAYS AND MEANS

SB 168-FN, relative to education property tax hardship relief. **OUGHT TO PASS WITH AMENDMENT**

Rep. Jeff Gilbert for Ways and Means: This bill corrects an unintended potential disqualification from hardship relief for a taxpayer who sold one homestead and purchased another in the same municipality during the period of time one year prior to November 3, 1999. The bill also provides an extension of time for filing a claim under certain distress circumstances that were not due to the neglect of the taxpayer. The committee heard compelling testimony of significant injustices that this bill will correct and no testimony was given in opposition. **Vote 14-0.**

THURSDAY, JUNE 7

REGULAR CALENDAR

COMMERCE

SB 118, relative to individual health insurance coverage. **OUGHT TO PASS WITH AMENDMENT**

Rep. Leo W. Fraser, Jr. for Commerce: Possibly the most important bill relative to individual health insurance is SB 118. The amendments to this very important legislation, in the view of the Commerce Committee, makes a good bill better. For the very first time if SB 118 is adopted with amendments the General Court has made a serious effort to address the problems inherent with individuals ability to obtain health insurance. First of all the committee proposes amending the law so that insurance carriers can modify premiums for age, health status and tobacco. The maximum differential is 4-1 and shall not apply to individuals until they obtain the age of 19. The bill allows for a tobacco user to be rated up. The most dynamic change in the law is the creation of a high-risk pool. The premium must be affordable and coverage must be fairly comprehensive. The pool shall be funded through an assessment and if necessary a special assessment as well. Part 6 and the ensuing sections through Section 10 refer to the establishment of the pool, membership governance, administration and plan of operation. Section 11 requires an examination of the pool by the Insurance Commissioner on an annual basis. Such examinations shall cover the activities of the pool as well as the former risk sharing mechanism, premium development, enrollment, and expenses and paid and incurred losses. Section 15 establishes a study by the Commissioner to evaluate the effectiveness of the program as outlined. The study shall be completed within six months of when hard data becomes available. Section 16 is the original HB 697, the healthy kids bills that passed on a voice vote in the House and has now been tabled in the Senate. Last but not least is the purpose clause for the healthy kids program - "The purpose of the cooperation is to provide access to affordable health care and health coverage and to facilitate programs, preventive health care services for low income, and venerable populations with a focus on the needs of children. **Vote 13-0.**

SB 119, relative to small group health insurance coverage. **OUGHT TO PASS WITH AMENDMENT**

Rep. Leo W. Fraser, Jr. for Commerce: What is being presented to the House today is the result of a very long deliberative process by the House Commerce Committee. The committee adopted unanimously an amendment to the bill after seven hours of public hearings and several subcommittee meetings. Under the current RSA's we have community rating for small groups, i.e.

groups of 100 or less. As a part of that entire group there is age banding (0-18, 19-24, etc and so forth up the ladder to age 65 and over). The committee determined it to be appropriate to eliminate from banding requirements the youngest group (0-18) as it was felt that this group in all likelihood could obtain insurance at a cost less than what would be required under the banding requirements. The amendment also establishes two open enrollment periods for small employers who are self-employed individuals. Currently such individuals can enroll at any time during the year. The rest of the bill, as adopted by the Senate, raised grave concerns about the effect of the provisions adopted by the Senate. First and foremost was the recommendation by the Senate to reduce the definition of small group size from 100 down to 50. Everyone on the committee was deeply concerned about exposing employers of groups between ages 51 and 100 to what in all likelihood would be strict underwriting requirements. Obviously the young and healthy groups would probably experience a great reduction, however the older groups could possibly be the victims of premium rate shock. Beyond that of course those groups between 51 and 100 could also be subject to being written out of the business if their experience was particularly bad as insurance carriers frequently engage in what is known as cherry-picking. Cherry picking is the practice of underwriting risks with good claims experience and then rating groups with poor experience at such high levels that they can't afford to purchase insurance. The committee is well aware of the fact that there are major financial problems both in the group market as well as the individual market. In substance the committee believes that if the foregoing coupled with other recommendations contained in SB 119 were adopted by the House it would literally wreak havoc on many business owners who employ between 51 and 100 people as well as increase the amount of subscribers in the small group member who would probably also experience rate increases as the small group market would literally be cut in half. **Vote 13-0.**

ELECTION LAW

HB 478, relative to campaign finance reporting requirements, availability of voter checklists on computer disks, and permissible campaign contributions by business organizations. **OUGHT TO PASS WITH AMENDMENT**

Rep. Michael S. Rollo for Election Law: HB 478, as amended, is a result of four years of bi-partisan campaign finance reform work. The House has passed this bill three consecutive times, only to have the senate kill the bill in committee of conference. The amendment before the House is an accumulation of all the concerns expressed by the senate, the secretary of state and the attorney general's office during the last committee of conference. 1) The bill removed the ability of the secretary of state's office or the attorney general's office through he publishing of a political calendar to supercede state statute. 2) It maintains the historical voluntary spending cap, while increasing the limits to reflect inflation and realistic campaign costs. 3) We leveled the playing field in accordance with the recent Supreme Court decisions between corporate and union donations. 4) Requires full disclosure of all contributions, and expenditures and requires additional filing dates of expenditures and receipts of candidates and campaigns prior to the primary and general elections. To allow voters full knowledge of where each candidate receives his/her money prior to casting his/her vote. **Vote 14-4.**

HB 722, relative to town elections. **OUGHT TO PASS WITH AMENDMENT**

Rep. Peter E. Bragdon for Election Law: This bill would require a minimum number of write-in votes be received in order for a person to be elected in local races where there are no candidates on the ballot. The intent is to eliminate situations where people's names are written in as a joke by friends and family and end up winning a race with only 2 or 3 votes. **Vote 9-8.**

SB 19, establishing a committee to study prevention of voter fraud. **OUGHT TO PASS**

Rep. Peter E. Bragdon for Election Law: This bill establishes a committee to study the prevention of voter fraud. The committee feels that voter confidence in the integrity of the election process is of great importance and a committee of this type would be beneficial. **Vote 16-1.**

SB 95, relative to campaign contribution limits. **OUGHT TO PASS WITH AMENDMENT**

Rep. Michael S. Rollo for Election Law: This bill was amended to reflect the four years of bi-partisan work of the House Election Law Committee. The amendment does the following: 1) The bill removed the ability of the secretary of state's office or the attorney general's office through the publishing of a political calendar to supercede state statute. 2) It maintains the historical voluntary spending cap, while increasing the limits to reflect inflation and realistic campaign costs. 3) We leveled the playing field in accordance with the recent Supreme Court decisions between corporate and union donations. 4) Requires full disclosure of all contributions, and expenditures and requires additional filing dates of expenditures and receipts of candidates and campaigns prior to the primary and general elections. To allow voters full knowledge of where each candidate receives his/her money prior to casting his/her vote. **Vote 13-4.**

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

SB 174-FN-A, including Martin Luther King, Jr. Civil Rights Day as a holiday for which certain state employees are entitled to holiday pay and relative to employees of the department of youth development services. **OUGHT TO PASS**

Rep. Donald R. Lent for Executive Departments and Administration: Currently, under RSA 98-A-6-b, part-time employees involved in the care of persons in the state mental health system, the department of health and human services, the state prison, and other crucial round the clock services are eligible for holiday pay for work on certain holidays. The list includes Memorial Day, Labor Day, Veteran's Day and New Years Day. This bill adds Martin Luther King, Jr. Civil Rights Day to the list. In addition, part-time employees of the department of youth development services are given eligibility for holiday pay for the same holidays. The law requires that such employees shall be required to work the scheduled day before the scheduled day after such holidays. **Vote 13-5.**

FINANCE

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. **OUGHT TO PASS**

Rep. MaryAnn N. Blanchard for Finance: This bill is one of the recommendations of the Septage Task Force established in 1998 because of concerns that municipalities are not meeting their responsibilities pertaining to providing septage disposal per RSA 485-A:5-b. The bill simply permits the Department of Environmental Services to widen use of existing state funds in 2002-2003 to include municipal waste water treatment projects which increase capacity for septage handling. It increases the state's share of the project cost from 20% to 30% and adds further financial incentives if the proposed project's increased capacity will also serve other communities' septage disposal requirements. There are no new dollars appropriated in 2002-2003 in this legislation **Vote 20-0.**

HB 253-FN, relative to mercury reductions. **OUGHT TO PASS**

Rep. MaryAnn N. Blanchard for Finance: This bill establishes a state grant program to reimburse those New Hampshire communities for the costs associated with the earlier implementation date required by this bill. The fiscal note estimates those costs as up to \$75,900 in FY 2004 and FY 2005 and \$37,950 in FY 2006. The state grant program would cease after federal regulations require compliance anyway **Vote 19-2.**

HB 555-FN-L, relative to the billing of counties for certain expenses by the department of health and human service. **OUGHT TO PASS WITH AMENDMENT**

Rep. Lawrence A. Emerton for Finance: This bill, as amended by the House, dealt with the time frames within which the Department of Health and Human Services (HHS) billed counties and counties paid those bills. Part of the Finance amendment extends one of those time frames by three months to allow HHS a bit more flexibility. But the main thrust of the Finance amendment is to resolve a pressing billing dispute between HHS and the counties that focus on juvenile court-ordered placements at the Youth Development Center (YDC), the Youth Detention Services Unit and the Tobey School. Under current law, the counties are responsible for 25% of these costs. The counties have withheld approximately \$8 million dollars of payments due HHS for FY 1999, 2000 and 2001 when the per diem rates at these facilities increased rapidly and unexpectedly. If these arrearages are repaid, the counties and HHS will enter into a memorandum of understanding that will give the counties (a) access to timely information about rates and rate changes, and (b) a "seat at the table" to address and help resolve issues relating to the cost of operating those facilities and thus the per diem charges and the 25% share for which they are liable. In addition, the state, and not the counties, will be liable for any future per diem costs at these facilities when the annual census drops below 80% of capacity. There can be no reliable estimate of the cost, if any, to the state of this provision. The Committee has been given to understand that the counties support this bill as amended **Vote 18-2.**

SB 54, relative to the transfer of funds in the community-technical college system. **OUGHT TO PASS WITH AMENDMENT**

Rep. Kenneth L. Weyler for Finance: This bill creates the New Hampshire Community Technical Colleges Foundation at the instigation of the legislature. Our Vocational Technical College System is evolving into a Community Technical College System. Also at the legislature's urging we asked the System to create their own foundation for soliciting outside contributions for an endowment. This bill is a final step and allows transfer of \$250,000, that the colleges have already raised, to be transferred from the treasurer's office to the foundation. There is no impact on the general fund **Vote 20-0.**

SB 111-FN, extending the term for the payment of group health insurance premiums for certain retired members of the retirement system. **OUGHT TO PASS**

Rep. MaryAnn N. Blanchard for Finance: This bill extends the payment of group health insurance premiums for Group I retirees (teachers and political subdivision retirees) from July 1, 2004 until July 1, 2008. These premiums are paid out of the special account established under RSA 100-A:16, II (h). This fund would still remain well in excess of \$100, 000, 000 each for teachers and employers. Furthermore this bill has no fiscal impact on state, county and local revenues or expenditures **Vote 20-0**.

JUDICIARY

SB 197-FN, restructuring the judicial conduct committee as an independent judicial conduct commission and making an appropriation therefor. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Larry G. Elliott for the Majority of Judiciary: The genesis of an independent judicial conduct commission was initiated by the Supreme Court in the middle of impeachment proceedings when they appointed an independent commission to study the issue of an independent judicial conduct commission. On January 5, 2001, the commission submitted the "Findings and Recommendations of the Task Force for the Renewal of Judicial Conduct Procedures". SB 197 closely tracks the recommendations of the Task Force. The House Judiciary Committee established a subcommittee to review the various House proposals and ultimately selected this Senate vehicle to bring forth our best recommendations for an independent judicial conduct commission. The subcommittee and the committee of the whole worked closely with the commission established by the Supreme Court and other legal scholars. Many of their recommendations are included in Amendment 1367h, which substantially replaces the text of Senate Bill 197. The bill establishes an eleven-member independent commission appointed by all three branches of government who shall serve without compensation. The commission shall select its own office space, which shall be as independent as possible from other facilities of any branch of government. The commission shall have independent rulemaking authority. The commission shall conduct its meetings in public after an initial finding that the complaint against a judge has merit and needs to be further investigated. This bill begins the process of lifting the veil of secrecy that has cloaked the court system in the State of New Hampshire for too long. The preamble to this legislation best describes the intent of the House Judiciary Committee for passage of this critical legislation: "Purpose: In order to maintain a healthy democracy, the legislature finds that it is vital that the citizens of New Hampshire have an independent commission able to adequately discipline the actions of judges who have breached the Code of Judicial Conduct. The general court recognizes that the judicial branch of government must act independently, in accordance with the New Hampshire Constitution, in making its adjudicatory decisions. The legislature is mindful of the importance of the independence of each branch and believes that it has a duty under the constitution to insure that the judicial branch provides the citizens of New Hampshire fair, equal, impartial, and prompt justice. To meet its duty, the legislature mandates the establishment of a judicial conduct commission." **Vote 13-2.**

Rep. Peter S. Espieffs for the Minority of Judiciary: There is no compelling or urgent reason for public access to the final deliberations of the Judicial Conduct Committee (JCC) any more than there should be public access to the final deliberations of a jury. Although the JCC proceedings are made subject to RSA 91-A (i.e., Right-to-Know Law) which provides for a possible non-public hearing, such provision does not assure the confidentiality of the deliberations. The members of the deliberative body, after having conducted a public hearing on the facts and law, are entitled to protection of their private thoughts and judgmental processes without the fear of public ridicule or retribution. The deliberation process must not become a spectacle and circus. Therefore, the minority urges the House to vote against the bill because it is unnecessarily indifferent to the overriding importance of the confidential deliberative duties of the JCC and is bad public policy and precedent.

LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES

SB 120, relative to tip pooling for certain hourly employees. **OUGHT TO PASS WITH AMENDMENT**

Rep. Benjamin C. Baroody for Labor, Industrial and Rehabilitative Services: This bill was needed by the Department of Labor to enforce tip pooling practices now being done in New Hampshire. **Vote 10-2.**

WAYS AND MEANS

HB 592-FN-A, relative to a milfoil and other exotic plants prevention and research grant program and fund. **OUGHT TO PASS WITH AMENDMENT**

Rep. Vivian R. Clark for Ways and Means: This bill would have increased boat registration fees by \$3 to fund a new milfoil research and prevention program. The amendment removes that fee and funds the program through a portion of the ad-valorem tax currently collected by state boat registration agents other than town clerks. The remainder of those tax funds will be used to add to the Harbor Maintenance Fund and, for one year to pay for the Department of Safety to implement the national standards for navigational aids. Currently, New Hampshire is the only state that has not adopted those standards. The amendment also requires that reports on both the milfoil program and the buoy program be submitted as part of the normal budget cycle. **Vote 12-2.**

SB 170-FN-L, making certain changes to the excavation tax and excavation activity tax. **OUGHT TO PASS WITH AMENDMENT**

Rep. Susan W. Almy for Ways and Means: This is a minor housekeeping bill for the sand and gravel tax. The largest change is to repeal a specific appeals board for the excavation tax, and send appellants (of which there have been none) to the Board of Land and Tax Appeals, which already handles the other half of the tax. The House amendment changes the effective date, as the original one has passed. **Vote 14-0.**

2001 bills retained in committee

CHILDREN AND FAMILY LAW

HB 179-FN, relative to raising the age of minority for the purposes of juvenile delinquency proceedings from 17 to 18 years of age.

HB 447, relative to the establishment of parenting plans in certain domestic cases.

HB 449, relative to access to adoption records.

HB 507, opening hearings in abuse and neglect cases to members of the general court and to certain other persons.

HB 559-FN, relative to the procedures for assignment of income from child or spousal support orders.

HB 586, excluding stepchildren from the definition of "child" in the context of support orders.

HB 599-FN, relative to unlawful possession of alcohol by a minor.

HB 660, relative to out-of-home placements in juvenile abuse and neglect cases.

HB 661, relative to hearing timelines in abuse and neglect cases.

HB 686, relative to the scope of discovery in abuse and neglect cases.

HB 706, requiring alternative dispute resolution prior to adjudication by the court in divorce proceedings.

SB 26, relative to probate court procedures regarding adoptions.

SB 124, relative to confidentiality in abuse and neglect proceedings and establishing a pilot program in the courts of Grafton county.

COMMERCE

HB 264, relative to the state treasurer and relative to certain unclaimed or abandoned property.

HB 313-FN, limiting access to certain business records.

HB 404, allowing licensed alcohol and drug counselors to obtain third party payment and establishing a committee to study levels of licensure of alcohol and drug counselors.

HB 470, relative to caller identification requirements for persons engaged in telephone solicitation.

- HB 514**, relative to uniform prescription drug information cards.
- HB 524**, relative to unfair insurance trade practices.
- HB 541-FN**, requiring certain hospitals to provide charity care and continually appropriating a special fund.
- HB 619**, relative to the sale or lease of goods or services to residents of this state via the Internet.
- HB 668**, prohibiting the use of genetic testing for certain insurance purposes.
- HB 672**, relative to coverage for mental and nervous conditions.
- HB 710-FN**, relative to liquor licenses and fees.
- HB 713-FN**, addressing public health issues relative to indoor smoking.
- HB 765-FN-A**, establishing an historic homeownership mortgage credit program.
- SB 56**, relative to health care providers discontinuing service in New Hampshire.
- SB 102-A**, making a capital appropriation to support affordable housing solutions in the state of New Hampshire.
- SB 126**, relative to the use of certain credit data in underwriting certain insurance policies.

CRIMINAL JUSTICE AND PUBLIC SAFETY

- HB 223**, allowing a state resident to obtain a license for a pistol or revolver for life.
- HB 301-FN**, requiring that the department of corrections be charged the lowest rate for inmates who need medical services within the community.
- HB 557-FN-A**, establishing a sexual assault victim services program to be funded by a tax on video games, video movies, video game players, and video movie players.
- HB 565-FN**, relative to liability for providing alcoholic beverages to minors.
- HB 567-FN-LOCAL**, granting female inmates access to certain rehabilitation related programs.
- HB 729**, permitting a person charged with a felony or misdemeanor to access the medical and psychiatric records of the alleged victim.
- HB 756**, relative to the penalty for certain acts of theft, destruction, or violence in a safe school zone.
- HB 768-FN**, relative to DNA testing of criminal offenders.
- SB 30**, relative to DNA testing of criminal offenders.

EDUCATION

- HB 329-FN-LOCAL**, relative to school safety.
- HB 750-LOCAL**, relative to the development and adoption of the school administrative unit budget.

ELECTION LAW

- HB 137**, establishing a committee to study the definition of domicile for voting purposes.
- HB 225**, relative to applications for recounts.
- HB 266**, establishing a committee to study recodification of the election laws.

HB 379, apportioning the executive council districts.

HB 380, apportioning county commissioner districts.

HB 384, relative to political expenditures.

HB 419, apportioning delegates to state party conventions.

HB 420, apportioning state representative districts.

HB 436, eliminating nomination of a party by nomination papers.

HB 519, relative to the ballot law commission.

HB 544-FN, relative to reporting by candidates of independent expenditures.

SB 31, eliminating straight ticket voting.

SB 141, relative to proof of qualifications for voter registration.

ENVIRONMENT AND AGRICULTURE

HB 581-FN, relative to the authority of the commissioner of agriculture, markets, and food to search for invasive species.

HB 654-FN-LOCAL, establishing a presorting program to remove mercury from waste prior to incineration at certain facilities.

HB 655-FN-A-LOCAL, establishing an advance disposal fee to fund local mercury presorting and recycling programs.

HB 675, relative to mercury source reduction.

HB 728-FN-A-LOCAL, assessing a surcharge on waste disposed at solid waste landfills and incinerators, and making an appropriation therefor.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

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.

HB 314-FN, relative to administrative rules governing privacy.

HB 341-FN, adding police officers of the New Hampshire hospital campus police force to group II of the New Hampshire retirement system.

HB 462-FN, requiring state regulatory boards, commissions, advisory boards, advisory committees, and authorities to develop an orientation manual for new members.

HB 483, repealing the Uniform Aircraft Financial Responsibility Act.

SB 22, requiring the use of certified radiologic technologists for hospitals operating equipment licensed under the radiological health program.

SB 39, establishing the position of market conduct chief administrator in the insurance department.

SB 77, relative to the regulation of plumbers and plumbing.

SB 81-FN-A, regulating medication nursing assistants under the nurse practice act.

SB 128, relative to stress injuries under the workers' compensation law and relative to disability retirement benefits and mental injury.

SB 158-FN, relative to payment of medical benefits for certain retirement system members retiring with combined creditable

service or for certain members who have dependent children.

SB 159-FN, relative to benefit options for surviving spouses and designated beneficiaries of deceased members of the retirement system.

SB 194-FN, relative to retirement allowances for certain surviving spouses of group II retirement system members.

FINANCE

CACR 7, relating to the state's responsibility to provide to all citizens the opportunity for a public education. Providing that the general court shall have the exclusive authority to determine the content, extent, and funding of a public education and that the state may fulfill its responsibility to provide to all citizens the opportunity for a public education.

CACR 15, relating to a balanced budget. Providing that: the governor shall not propose, nor shall the general court approve, an operating budget in which expenditures exceed estimated revenue.

CACR 17, relating to restricting the use of a statewide property tax and all funds deposited into the education trust fund to education funding. Providing that all revenues resulting from a statewide property tax and all funds deposited into the education trust fund shall be used exclusively for elementary and secondary education.

CACR 20, relating to a personal income tax. Providing that any personal income tax enacted by the general court shall be dedicated exclusively for the purposes of public education.

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

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

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

HB 353-FN-A, relative to diversified agricultural development, and making an appropriation therefor.

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

HB 560-FN-A, establishing a contributory judicial retirement plan.

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.

HB 691-FN-A, relative to Area Health Education Centers in New Hampshire and making an appropriation therefor.

HB 757, revising the definition of an adequate education; establishing an education improvement fund, and implementing a professional development program and an early literacy initiative within the department of education; and revising the formula to calculate the cost of an adequate education.

SB 16-FN-A, relative to state financial aid for state fairs, and making an appropriation therefor.

SB 36-FN-A, making an appropriation to the postsecondary education commission for the purpose of tuition incentive grants.

SB 67-FN, relative to costs of locating and apprehending persons improperly at large for driving-related offenses.

SB 72-FN, relative to payment of medical benefits costs for group II members of the retirement system.

SB 110-FN-A, extending the kindergarten construction program.

SB 115-FN, granting a cost of living adjustment to certain retired group II firefighters.

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.

SB 133-FN-A, relative to Skyhaven airport and making an appropriation therefor.

SB 135-FN-L, relative to kindergarten funding.

SB 182-FN-A, establishing a brain and spinal cord injury trust fund and appropriating certain moneys to such fund.

SB 189-FN-A, establishing a gasoline remediation and elimination of ethers fund.

HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS

HB 169-FN, repealing the certificate of need law.

HB 235, establishing a committee to study certain mental health systems to address the needs of mentally ill persons in New Hampshire.

SB 161-FN-A, relative to treatment for individuals with disabilities and making an appropriation therefor.

JUDICIARY

CACR 2, relating to the nomination and appointment of judicial officers. Providing that the governor shall nominate and, by and with the advice and consent of the senate, shall appoint judges of the supreme, superior, and district courts, the chief justice of the supreme court, chief justice of the superior court, and the administrative justice of the district court.

CACR 3, relating to 7-year terms for state judges. Providing that all state judges appointed on or after January 1, 2003 be commissioned for 7-year terms, which may be renewed.

CACR 4, relating to the administrative head of the courts. Providing that article 73-a of the second part of the New Hampshire constitution, relative to the chief justice of the supreme court as the administrative head of all the courts, be repealed.

HB 280-FN, transferring the responsibility and authority of the judicial conduct committee and the attorney's professional conduct committee to the legislature.

HB 281-FN, establishing an independent administrative office of the courts.

HB 409, relative to qualification for admission to the New Hampshire bar.

HB 465, relative to the admission to practice law and to bar association membership for attorneys.

HB 566, establishing terms for the offices of administrative judges of the courts.

HB 582, establishing a judicial nominating commission.

HB 608-FN, establishing a judicial ethics advisory committee.

SB 155-LOCAL, limiting the liability of teachers and other educational employees.

LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES

HB 589, relative to eligibility for unemployment benefits for part-time workers.

HB 744-FN-A, establishing a family and disability leave program.

LEGISLATIVE ADMINISTRATION

CACR 21, relating to compensation for members of the general court. Providing that members of the general court shall be reimbursed for actual and reasonable expenses incurred for legislative business.

MUNICIPAL AND COUNTY GOVERNMENT

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

HB 285-FN-LOCAL, relative to the adoption of a state building code.

HB 342-FN, relative to the enforcement of applicable law and rules concerning contractors for appraisals of taxable property.

HB 365-LOCAL, requiring the department of revenue administration to establish a uniform system of property classification for assessment purposes.

HB 392, establishing a committee to study the property tax status for land of agricultural fairs.

HB 432, relative to the limit on appropriations to the capital reserve fund of a county.

HB 439-FN-A, appropriating available funds to provide funding for an engineering feasibility study to assess the viability of constructing new or expanded regional septage disposal facilities in the Rockingham and Strafford county area.

HB 506, prohibiting the granting of certain variances from zoning ordinances.

HB 549-FN-LOCAL, relative to procedures of the department of revenue administration concerning the reassessment of property.

HB 601-FN-A-LOCAL, relative to a municipality’s liability for failure to remit state taxes collected by the municipality to the state.

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.

HB 617, relative to zoning for hobby vehicles.

HB 627-FN, establishing a market-based water pollutant trading program.

HB 650-FN, relative to master plans.

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

HB 689, establishing a committee to study the effectiveness and fairness of county government.

HB 701, relative to municipal regulation of renewable energy systems.

SB 188-FN-L, relative to abatements and appeals of betterment assessments.

PUBLIC WORKS AND HIGHWAYS

HB 336-FN-A, making capital appropriations to the university system of New Hampshire.

HB 494, establishing a committee to study the permitting and hearing processes for proposed highways.

HB 634, relative to public/private partnership projects in the department of transportation.

HB 730, establishing a committee to study the transfer of the Goffstown district court to a new location.

SB 66-FN-A, relative to appropriations to the port authority for dredging projects.

RESOURCES, RECREATION AND DEVELOPMENT

HB 414, relative to the adoption of instream flow rules.

HB 472, requiring that land transferred to the White Mountain National Forest and the Silvio O. Conte National Fish and Wildlife Refuge include a covenant granting access to the citizens of New Hampshire.

HB 476, relative to the definition of a campsite.

HB 556-FN-A, making certain appropriations to the department of cultural resources and the department of safety.

SB 88-FN-A, establishing a travel and tourism development fund in the department of resources and economic development and making an appropriation therefor.

SB 101-FN, relative to mooring permits and fees.

SCIENCE, TECHNOLOGY AND ENERGY

HB 284-FN, relative to additional emissions reductions from grandfathered fossil fuel burning steam electric power plants.

HB 316-FN, establishing the position of state energy manager.

HB 423, relative to public utilities mergers.

HB 681, relative to imposition of fines for anti-competitive acts by electric utilities and relative to billing by electric and gas utilities.

HB 695, relative to net energy metering.

HB 718-FN, establishing minimum renewable standards for energy portfolios.

HB 755, relative to groundwater contamination and gasoline sampling.

TRANSPORTATION

HB 209-FN, relative to original and youth operators' licenses.

WAYS AND MEANS

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

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

HB 212-FN, expanding income eligibility limits for education property tax hardship relief.

HB 213-FN, increasing the allowable amount of education property tax relief.

HB 294-FN, excluding certain pension income from household income for purposes of determining education property tax hardship relief.

HB 334-FN-A, adopting a single sales factor method of apportionment under the business profits tax.

HB 378, requiring organizations engaged in the conduct of charitable gambling to reserve at least 80 percent of the revenue for use within New Hampshire.

- HB 424**, establishing a committee to study the exemption from property taxes for not-for-profit hospitals.
- HB 427**, establishing a commission to study the taxation of trusts and the control of beneficiaries over trust management.
- HB 558-FN-A-LOCAL**, increasing certain state taxes, establishing a tax on gambling winnings, and expanding the meals and rooms tax to include a tax on entertainment.
- HB 644-FN-A-LOCAL**, requiring the sweepstakes commission to hold a sealed bid auction for permits to operate slot machines and providing municipalities the option of allowing the operation of slot machines.
- HB 762-FN-A**, increasing the tobacco tax to allow for a healthy families trust fund and for increased funding for the tobacco use prevention fund.
- HCR 14**, declaring the New Hampshire supreme court’s Claremont decisions to be an unconstitutional violation of the separation of powers mandate under part I, article 37 of the New Hampshire constitution.
- SB 28**, permitting disclosure of final decisions of the commissioner of revenue administration.
- SB 64**, establishing a fund to pay mediators in the probate courts.
- SB 142-FN**, relative to the collection of debts owed to the state.
- SB 183-FN-A-L**, relative to distribution of certain meals and rooms tax revenue to municipalities with affordable housing.

HOUSE DEADLINES

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.

LAID 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 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. (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 107, naming a certain bridge in the town of Milford. (House Concurred 5/17/01)

HB 142, establishing a committee to study encryption of confidential information. (House Concurred 5/17/01)

HB 143, establishing a committee to address the problem created by the shortage of health care personnel and support staff in New Hampshire. (House Concurred 5/17/01)

HB 158, relative to the use of artificial light to locate moose. (House Concurred 5/31/01)

HB 166, establishing a committee to study gas and hazardous substance pipeline safety. (House Concurred 5/24/01)

HB 203, allowing a psychiatric/mental health nurse practitioner employed under contract with the department of corrections to be indemnified and defended by the state under the same conditions as psychiatrists. (House Concurred 5/24/01)

HB 219, relative to the rules of the road involving school buses. (House Concurred 5/31/01)

HB 230, relative to scheduled permanent impairment awards under the workers' compensation law. (House Concurred 5/17/01)

HB 232, relative to compensability of work-related stress injuries under the workers' compensation act. (House Concurred 5/3/01)

HB 238, relative to interstate banking. (House Nonconcurred; C-of-C 5/17/01)

HB 240, requiring the department of health and human services to develop a plan reducing the number of persons awaiting certain services for developmental disabilities. (House Nonconcurred; C-of-C 5/17/01)

HB 260. Establishing a commission to examine child care resources for parents who work hours other than first shift. (House Nonconcurred; C-of-C 5/31/01)

HB 310-FN-A, setting the rate for the medicaid enhancement tax for the biennium ending June 30, 2003. (House Concurred 5/31/01)

HB 367, relative to the establishment of a town forest in the town of Randolph. (House Concurred 5/17/01)

HB 369, relative to driving in highway construction maintenance areas. (House Concurred 5/17/01)

HB 371, relative to fiscal impact statements for proposed administrative rules prepared by the legislative budget assistant. (House Concurred 5/31/01)

HB 394, relative to short-term health insurance policies for certain persons. (House Concurred 5/31/01)

HB 433, clarifying the duties of the oversight committee on health and human services. (House Concurred 5/17/01)

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))

HB 501, relative to licensure of foster homes and the duties of the department of health and human services advisory board. (House Concurred 5/31/01)

HB 532, establishing a committee to study the adequacy of funding for the continued universal distribution of children's vaccines. (House Concurred 5/24/01)

HB 569, establishing a committee to study the information, training, and support needs of family caregivers in New Hampshire. (House Concurred 5/24/01)

HB 585, relative to the membership and duties of the council on resources and development. (House Nonconcurred; C-of-C 5/31/01)

HB 610, allowing the sale of raw milk cheese and unpasteurized apple cider in New Hampshire. (House Concurred 5/31/01)

HB 612, relative to expenditures from the dam maintenance fund by the department of environmental services. (House Concurred 5/31/01)

HB 615, relative to the duties of motor vehicle inspectors. (SJ 5/24/01)

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. (House Nonconcurrent; C-of-C 5/31/01)

HB 723, relative to vacancies in county offices. (House Nonconcurrent; C-of-C 5/31/01)

HB 753, relative to exemptions from issuer-dealer licenses for the sale of securities. (House Concurred 5/31/01)

HCR 5, a resolution urging the federal government to consider the impacts on New Hampshire and the smaller states of interstate waste legislation. (House Concurred 5/31/01)

HCR 13, a resolution calling on the President and the congress to fully fund the federal government’s share of special education services in public elementary and secondary school in the United States under the Individuals with Disabilities Education Act. (House Concurred 5/31/01)

COMMITTEES OF CONFERENCE

HB 238, relative to interstate banking. (Reps. Hunt, L. Fraser, Marshall and T. Reardon)

HB 240, requiring the department of health and human services to develop a plan reducing the number of persons awaiting certain services for developmental disabilities. (Reps. Batula, Burnham, Manning and Seldin)

HB 260. Establishing a commission to examine child care resources for parents who work hours other than first shift. (Reps. Dowling, Moran, Pantelakos and Lyman)

HB 585, relative to the membership and duties of the council on resources and development. (Reps. Dyer, Zolla, Schulze and C. Hall)

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. (Reps. O’Connell, Phinizy, Babson and Cobb)

HB 723, relative to vacancies in county offices. (Reps. Brundige, M. Fraser, Lockwood and Twombly)

COMMITTEE MEETINGS

MONDAY, JUNE 4

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

2:00 p.m. Regular meeting.

BREATH ANALYZER MACHINES ADVISORY COMMITTEE (RSA 106-G:1), State Police Conference Room, Department of Safety, Hazen Drive, Concord

10:00 a.m. Regular meeting.

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

TUESDAY, JUNE 5

CHILDREN AND FAMILY LAW, Room 206, LOB

10:00 a.m. Subcommittee work session on **HB 447**, relative to the establishment of parenting plans in certain domestic cases.

ENVIRONMENT AND AGRICULTURE, Room 303, LOB

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

FINANCE - (DIVISION I), Room 209, LOB

1:00 p.m. Work and executive session on **SB 189-FN-A**, establishing a gasoline remediation and elimination of ethers fund.

JUDICIARY, Room 208, LOB

10:00 a.m. Subcommittee D work session on **HB 280-FN**, transferring the responsibility and authority of the judicial conduct committee and the attorney’s professional conduct committee to the legislature, **HB 281-FN**, establishing an independent administrative office of the courts and **HB 608-FN**, establishing a judicial ethics advisory committee and **SB 197-FN**, restructuring the judicial conduct committee as an independent judicial conduct commission and making an appropriation therefor.

MUNICIPAL AND COUNTY GOVERNMENT, Room 301, LOB

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

1:30 p.m. Full committee work session on **SB 188-FN-L**, relative to abatements and appeals of betterment assessments.

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

WAYS AND MEANS, Room 202, LOB

10:00 a.m. Subcommittee work session on **SB 142-FN**, relative to the collection of debts owed to the state.

11:00 a.m. Subcommittee work session on the consumption tax.

WEDNESDAY, JUNE 6

CHILDREN AND FAMILY LAW, Room 206, LOB

9:30 a.m. Subcommittee work session on **SB 124**, relative to confidentiality in abuse and neglect proceedings and establishing a pilot program in the courts of Grafton county.

11:00 a.m. Subcommittee work session on **HB 706**, requiring alternative dispute resolution prior to adjudication by the court in divorce proceedings.

CRIMINAL JUSTICE AND PUBLIC SAFETY, Room 204, LOB

9:00 a.m. Subcommittee work session on **HB 557-FN-A**, establishing a sexual assault victim services program to be funded by a tax on video games, video movies, video game players, and video movie players.

9:30 a.m. Subcommittee work session on **HB 567-FN-LOCAL**, granting female inmates access to certain rehabilitation related programs.

10:00 a.m. Subcommittee work session on **HB 729**, permitting a person charged with a felony or

misdemeanor to access the medical and psychiatric records of the alleged victim.

FINANCE - (DIVISION II), ROOM 212, LOB

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

HB 298-FN-LOCAL, relative to charter schools., ***SB 110-FN-A***, extending the kindergarten construction program and ***HB 515-FN-LOCAL***, establishing parental choice scholarships.

Discuss the turnpike performance budget system.

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

10:00 a.m. Work and executive session on ***SB 135-FN-L***, relative to kindergarten funding and all other bills before the committee.

MUNICIPAL AND COUNTY GOVERNMENT, Room 301, LOB

9:00 a.m. Subcommittee work session on ***HB 689***, establishing a committee to study the effectiveness and fairness of county government.

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

FRIDAY, JUNE 8

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

9:00 a.m. Regular meeting.

OSTEOPOROSIS ADVISORY COUNCIL (RSA 126-I:3), Room 102, LOB

9:00 a.m. Work session.

PUBLIC HIGHER EDUCATION STUDY COMMITTEE (RSA 187-A:25-a), Room 105A, State House

10:00 a.m. Organizational meeting.

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

10:00 a.m. Regular meeting.

MONDAY, JUNE 11

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.

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

9:30 a.m. Regular meeting.

TUESDAY, JUNE 12

CHILDREN AND FAMILY LAW, Room 206, LOB

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

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 100, State House

10:30 a.m. Full committee informational session.

WEDNESDAY, JUNE 13

FINANCE, Room 209, LOB

10:00 a.m. Subcommittee work session on ***HB 560-FN-A***, establishing a contributory judicial retirement plan.

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

9:00 a.m. Regular business.

9:30 a.m. Audit: State of New Hampshire Judicial Council financial and compliance audit report for the year ended June 30, 2000.

SCIENCE, TECHNOLOGY AND ENERGY, Room 304, LOB

10:00 a.m. Subcommittee work session on ***HB 718-FN***, establishing minimum renewable standards for energy portfolios.

TOBACCO USE ADVISORY COMMITTEE (RSA 126-K:19), Room 205, LOB

2:30 p.m. Regular meeting.

FRIDAY, JUNE 15

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

9:00 a.m. Regular meeting.

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

9:00 a.m. Regular meeting.

MONDAY, JUNE 18

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

9:00 a.m. Regular meeting.

FRIDAY, JUNE 22

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

10:00 a.m. Regular meeting.

MONDAY, JUNE 25

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

9:00 a.m. Regular meeting.

OFFICIAL NOTICES

COUNTY DELEGATION NOTICE

The Cheshire County Delegation will meet immediately following the House session on Thursday, June 14. If there is no session on June 14 the meeting will take place on the following session day, June 21.

Rep. Stephen G. Avery, Chairman

Cheshire County Delegation

The bound volumes of the 2000 Session Laws are now available on a first come, first served basis in the Office of Legislative Services for those members who are interested. A limited number of volumes of 1999 Session Laws are still available.

Carol J. Holahan, Director, Legislative Services

Pursuant to RSA 326-B:12, the Joint Health Council will meet at the NH Board of Nursing, Room 17, 78 Regional Drive, Building 2, Concord, on Monday, June 4 at 5:30 p.m.

Karen O. Wadsworth, Clerk of the House

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
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REVISED AMENDED FISCAL NOTES

The following HBs have revised or amended fiscal notes: HB 105, 123, 152, 169, 170, 172, 173, 174, 175, 176, 177, 179, 180, 181, 183, 184, 185, 186, 189, 193, 204, 205, 207, 208, 209, 210, 211, 213, 214, 218, 253, 270, 274, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 293, 298, 299, 302, 303, 305, 308, 309, 313, 314, 315, 316, 317, 318, 319, 321, 322, 324, 325, 326, 327, 328, 329, 332, 334, 335, 337, 341, 344, 346, 347, 348, 362, 414, 423, 429, 459, 463, 471, 511, 523, 535, 538, 543, 544, 547, 548, 549, 552, 555, 556, 557, 559, 560, 561, 587, 592, 603, 604, 605, 606, 629, 643, 644, 648, 649, 654, 655, 656, 667, 675, 708, 710, 713, 715, 736, 741, 743, 744, 745, 747, 748, 749, 754, 755, 758, 760, 762 and 765. SB 69, 114, 143, 167, 178, 188.

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 Nashua Democratic City Committee invites you to their Spring Fling. This event will be held on June 2 from 6:00 p.m. to midnight at the American Legion Hall, Court Street, Nashua. There will be fine food, a silent auction, and a bugaloo dance contest. Tickets are \$25 per person or \$45 per couple. See Reps. Jane Clemons or Mary Gorman for information and tickets.

Rep. Mary Gorman

It is with great pleasure that we announce the Freshmen 2001 Assembly Dinner Party with, as its featured speaker, Secretary of State William M. Gardner. Secretary Gardner started his career as a freshman in the New Hampshire House of Representatives in 1972. Mel Thomson was the new Governor and the NH House was about to undergo a HUGE transformation. He will tell us how Representatives wrote their own bills - no legislative services. How committee meetings were all scheduled in the same few rooms. So Committee A would meet from 9-10 then all would leave and in would come Committee B, etc. There was no LOB. Bill Gardner knows where the skeletons are buried. Join us on June 6 as some of them may be exhumed. Social Hour 5:00 – 6:00 p.m. - no reservation necessary, just be a freshman. Buffet Dinner 6:00 p.m. - prepaid reservation absolutely necessary by 5:00 p.m. June 4. Make check (\$15/head) payable to: Capitol Grille (formerly the Eagle's Nest) and mail your check today to Rep. Ted Leach, PO Box 267, Hancock, NH 03449. No reservations after Monday, June 4. It will be a fun evening and the more who come the more fun it will be. We will have our usual Thursday morning meeting next Thursday, June 7, at 8:15 a.m. at Chez Cafeteria.

Reps. Ted Leach, Hilda Sokol, John Graham, Nancy Scovner

Department of Revenue Administration, Commissioner Stan Arnold and the property tax working group formed to suggest improvements to the statewide property tax will be holding a public informational forum in Representatives Hall on Tuesday, June 5th at 10:00 a.m. All legislators are encouraged to attend.

Rep. Keith R. Herman

The Legislative Caucus for Young Children will meet on Tuesday, June 5th at 12:30 p.m. in Room 206, LOB. All Representatives and Senators are welcome.

Rep. Laura C. Pantelakos

The House Republican Alliance will meet at the Upham Walker House (Park Street across from the State House) at 8:30 a.m. on the following Wednesdays: June 6 and June 20. The House Republican Alliance will also meet at 11:30 a.m. on Wednesday, June 13, and Wednesday, June 27 in the Upham Walker House. These will be luncheon forums.

Rep. Paul M. Mirski

NOTICE

THERE'S STILL TIME TO GET IN ON THE FUN!! 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 **by Thursday, June 7th at 10:00 a.m.** 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. Speaker Chandler will be hosting a reception at the Town and Country Inn from 5:30 to 7:00 p.m. on Sunday evening. 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: _____

All Representatives, Senators and staff are invited to a reception to be held immediately following the close of session (or 4:00 p.m. should session end early) on June 7. It will be hosted by S&H/Murphy Inc. at the Barley House Restaurant, located across Main Street from the State House.

Rep. Michael D. Whalley

The Merrimack County Democrats invite you to the 7th Annual Pig Roast and Potluck Supper in Bow at Mary Beth Walz and Harry Judd's on Saturday, June 9 from noon to 4:30 p.m. \$10 admission for adults, kids under 16 free. Bring a favorite dish to share. Special guests will include Congressman Dick Gephardt. RSVP and pre-payment strongly urged. Make checks payable to the Merrimack County Democratic Committee and mail to Eleanor Kjellman, 51 Rush Road Henniker, NH 03242 or call Bill Stetson, 225-9702, Rob Werner, 225-9224 or Mike Vlacich, 224-5850

Rep. Randy J. Perkins

The Kids Cabinet will meet at 2:00 p.m. in the Governor and Council Chambers on Friday, June 15.

Rep. Raymond Buckley

The Second Annual OWLS Golf Tournament will be held on Monday, June 18 at the Passaconway Golf Club, Litchfield. Fees include Continental Breakfast, Steak Dinner, Green Fees, Golf carts and great camaraderie and prizes. For more information

contact Reps Julie Brown or Karen McRae

Rep. Betsy McKinney

Save the date! Governor Shaheen's annual barbecue for legislators and staff will be Thursday, June 21st from 4:00 to 8:00 p.m. at Bridges House. Food, fun and frosty drinks.

Rep. Peter H. Burling

The Belknap County Republicans Chicken Barbecue Annual Picnic will be held at the Smith Meeting House Road, Gilmanton from 11:00 a.m. to 2:30 p.m. on Saturday, June 23. Tickets are \$15 per person.

Rep. Thomas Rice

The International Trade Resource Center located at the Pease International Tradeport, Portsmouth is hosting a Legislative Awareness Day on Monday, June 25. Exports play a significant role in the state's economy and your awareness of this resource will serve you well with businesses in your district. Details of the days activities will be available in the near future. Set the date on your calendar, you will not be disappointed.

Rep. Lawrence J. Guay

The Department of Transportation will hold the following meetings:

June 4 – North Country Council, The Cottage at the Rocks, 107 Glessner Road, Bethlehem, 7:00 p.m. Outreach Education Technical Advisory Committee North Country Council, TE CMAQ.

June 6 – Lakes Regional Planning Commission, Humiston Building, 103 Main Street Suite 3, Meredith, 7:00 p.m. Outreach Education Technical Advisory Committee Lakes Regional Planning Commission, TE CMAQ.

June 7 – Tracey Library, Corner of Main and Pleasant Street, New London, 7:00 p.m. Outreach Education Technical Advisory Committee UVLS Regional Planning Commission, TE CMAQ.

June 7 – Town Hall Gymnasium, 39 North Main Street, Farmington, 7:00 p.m. Public informational meeting, Farmington, relocation of NH 153 along Meeting House Hill Road to create a single signalized 4-way intersection on NH 11 with Meeting House Hill Road.

June 11 – Community Resources Center, Horseshoe Pond Place, 28 Commercial Street, Concord, 7:00 p.m. Outreach Education Technical Advisory Committee Central NH Planning Commission, TE CMAQ.

June 14 – Exeter Library, Exeter, 7:00 p.m. Outreach Education Technical Advisory Committee Rockingham Planning Commission, TE CMAQ.

NOTICE

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 June 2001. 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
June 4	10:00	Gilmanton Elem	4/44
June 4	11:00	New Hampton Community School	4/21
June 4	3:00	Florence Rideout Elem School-Wilton	4/50
June 5	10:00	Kensington Elem School	4/26
June 5	11:00 & 12:30	Lakeway Elem-Littleton	4/80
June 6	10:00	Jonathan Daniels Elem-Keene	4/45
June 6	11:00	Cornish Elem	4/18
June 7	10:00 & 11:00	Sherburne Elem-Pelham	4/60
June 8	10:00 & 11:00	Sherburne Elem-Pelham	4/60
June 11	10:00 & 11:00	Sherburne Elem-Pelham	4/60
June 12	10:00	Sherburne Elem-Pelham	4/30
June 12	11:00	Reeds Ferrry-Merrimack	4/50
June 15	1:00	Colonial Hills Baptist HomeSchoolers-New Ipswich	3-HS/20
June 19	10:30	Fam Tour- Concord Chamber of Commerce	30
June 22	9:00	Sacred Heart Home Schoolers	4-HS/30
June 29	2:00	Laconia Savings Seniors	48

NOTICE

The members listed below have bills ready for signature in Legislative Services.

Carol J. Holahan, Director

SPONSOR	COUNTY	DISTRICT	LSR NUMBER
Alger, John	Grafton	09	2001-H-2049-R
Alger, John	Grafton	09	2001-H-2279-R
Allen, Peter	Cheshire	07	2001-H-2069-R
Artz, Lawrence	Hillsborough	34	2001-H-2054-R
Avery, Stephen	Cheshire	08	2001-H-2087-R

Bouchard, Candace	Merrimack	22	2001-H-2328-R
Brundige, Robert	Hillsborough	18	2001-H-2051-R
Bruno, Pierre	Hillsborough	04	2001-H-2079-R
Bruno, Pierre	Hillsborough	04	2001-H-2123-R
Buckley, Raymond	Hillsborough	44	2001-H-2312-R
Clark, Martha Fuller	Rockingham	36	2001-H-2169-R
Cooney, Richard	Rockingham	26	2001-H-2279-R
Cote, Peter	Hillsborough	32	2001-H-2240-R
Dalrymple, Janeen	Rockingham	26	2001-H-2277-R
Dickinson, Howard	Carroll	02	2001-H-2096-R
DiFruscia, Anthony	Rockingham	27	2001-H-2123-R
Dowling, Patricia	Rockingham	13	2001-H-2271-R
Emerton, Lawrence	Hillsborough	07	2001-H-2353-R
Flanders, John	Rockingham	18	2001-H-2241-R
Fraser, Leo	Merrimack	09	2001-H-2265-R
French, Barbara	Merrimack	03	2001-H-2141-R
Gilmore, Gary	Strafford	11	2001-H-2018-R
Giuda, Robert	Grafton	03	2001-H-2229-R
Giuda, Robert	Grafton	03	2001-H-2299-R
Giuda, Robert	Grafton	03	2001-H-2309-R
Hall, Betty	Hillsborough	20	2001-H-2147-R
Harris, Sandra	Sullivan	09	2001-H-2127-R
Hopper, Gary	Hillsborough	05	2001-H-2114-R
Hutchinson, John	Merrimack	15	2001-H-2221-R
Jean, Loren	Hillsborough	17	2001-H-2176-R
Johnson, William	Belknap	04	2001-H-2200-R
Katsakiores, George	Rockingham	13	2001-H-2241-R
Kurk, Neal	Hillsborough	05	2001-H-2076-R
Leber, William	Merrimack	01	2001-H-2235-R

Letourneau, Robert	Rockingham	13	2001-H-2139-R
Martel, Andre	Hillsborough	45	2001-H-2124-R
Mears, Edgar	Coos	07	2001-H-2111-R
Micklon, Stephanie	Rockingham	26	2001-H-2213-R
Millham, Alida	Belknap	04	2001-H-2169-R
Mirski, Paul	Grafton	12	2001-H-2336-R
Nowe, Ronald	Rockingham	03	2001-H-2241-R
Palermo, Diane	Rockingham	21	2001-H-2228-R
Palermo, Diane	Rockingham	21	2001-H-2348-R
Pappas, Marc	Hillsborough	48	2001-H-2193-R
Patten, Betsey	Carroll	09	2001-H-2238-R
Pepino, Leo	Hillsborough	40	2001-H-2122-L
Pilliod, James	Belknap	03	2001-H-2169-R
Pilliod, James	Belknap	03	2001-H-2200-R
Potter, Frances	Merrimack	24	2001-H-2341-R
Potter, Frances	Merrimack	24	2001-H-2342-R
Power, Lucille	Rockingham	13	2001-H-2188-R
Reid, Christopher	Strafford	12	2001-H-2135-R
Reid, Christopher	Strafford	12	2001-H-2137-R
Rodd, Beth	Merrimack	03	2001-H-2171-L
Rozek, Michael	Coos	07	2001-H-2299-R
Sapareto, Frank	Rockingham	13	2001-H-2138-R
Scanlan, David	Grafton	11	2001-H-2299-R
Souza, Kathleen	Hillsborough	40	2001-H-2194-R
Stevens, Stanley	Carroll	07	2001-H-2205-R
Sullivan, P Judith	Carroll	02	2001-H-2244-R
Sullivan, P Judith	Carroll	02	2001-H-2245-R
Sullivan, P Judith	Carroll	02	2001-H-2249-R

Teschner, Douglass	Grafton	05	2001-H-2279-R
Thompson, Rob	Hillsborough	47	2001-H-2022-R
Torressen, Gary	Carroll	10	2001-H-2009-L
Vaillancourt, Steve	Hillsborough	44	2001-H-2055-R
Wall, Janet	Strafford	09	2001-H-2279-R
Wallner, Mary Jane	Merrimack	24	2001-H-2057-R
Wallner, Mary Jane	Merrimack	24	2001-H-2353-R
Weyler, Kenneth	Rockingham	18	2001-H-2229-R
Weyler, Kenneth	Rockingham	18	2001-H-2249-R
Whalley, Michael	Merrimack	05	2001-H-2096-R

THURSDAY, JUNE 7

AMENDMENTS

(LISTED IN NUMERICAL ORDER)

2001-1319h

Floor Amendment to HB 253-FN

Proposed by Rep. Phinizy

Amend RSA 125-M:3, I as inserted by section 1 of the bill by replacing it with the following:

1 Mercury Emissions Reduction and Control Program; Reduction of Mercury Emissions for Certain Municipal Waste Combustors. Amend RSA 125-M:3, I to read as follows:

I. Any municipal waste combustor with a design capacity to burn 100 tons per day or more of municipal solid waste ~~[which is subject to a federal maximum mercury emission rate of 0.08 milligrams per dry standard cubic meter (mg/dscm) or less]~~ shall reduce its mercury emissions to achieve a mercury emission rate of no greater than 0.028 mg/dscm corrected to 7 percent oxygen by volume on a dry basis~~[-or at least 85 percent control efficiency].~~

Amend RSA 125-M:5, II(b)(1) as inserted by section 3 of the bill by replacing it with the following:

(b)(1) An alternative compliance plan for such a combustor may be submitted to the commissioner by interested parties to achieve a mercury emission rate of no greater than .028 mg/dscm corrected to 7 percent oxygen by volume on a dry basis by means of implementing programs that reduce the amount of mercury in the municipal solid waste that is being burned at the facility. The commissioner shall approve such a plan by May 1, 2002, provided that the commissioner makes a written determination that:

- (A) Implementation of the plan will result in a demonstration of achieving a mercury emission rate of no greater than .028 mg/dscm corrected to 7 percent oxygen by volume on a dry basis no later than November 1, 2003;
- (B) Implementation of the plan is assured through sufficient enforcement mechanisms; and
- (C) The plan has been approved by the United States Environmental Protection Agency.

Amend the bill by replacing section 4 with the following:

4 New Sections; Mercury Emissions Reduction and Control Program. Amend RSA 125-M by inserting after section 7 the following new sections:

125-M:8 Reimbursement of Costs.

I. The department shall establish a grant program, pursuant to rules adopted by the commissioner under RSA 541-A, to reimburse eligible costs to any solid waste management district or regional refuse disposal district served by a municipal waste combustor permitted prior to January 1, 2001 with a design capacity to burn less than 250 tons per day but not less than 100 tons per day of municipal solid waste. The department shall reimburse such eligible costs over the same period as any such district has amortized those costs, provided that such amortization period shall not be less than 5 years.

II. The department shall determine any additional eligible costs not explicitly named in RSA 125-M:2, V of each district served by a municipal waste combustor subject to this chapter, and reimburse such additional eligible costs with prior approval of the governor and council.

III. Approval of all eligible costs, establishment of a grant program, and funding of the grant program shall occur prior to final purchase and installation of pollution control equipment at a municipal waste combustor permitted prior to January 1, 2001 with a design capacity to burn less than 250 tons per day not less than 100 tons per day of municipal solid waste.

125-M:9 Municipalities Not Liable for Certain Costs. A municipality participating in a regional disposal district or solid waste management district established prior to the imposition of the mercury emission rate established by RSA 125-M:3, I shall not be liable for the costs of maintenance, repair, or replacement of pollution control equipment installed where the district's combustor or combustors are owned by a private corporation.

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

7 New Section; Incineration Ban. Amend RSA 149-M by inserting after section 26 the following new section:

149-M:26-a Incineration Ban.

I. No person shall dispose of mercury-added products in any municipal waste combustor.

II. Except as otherwise provided by this section, every person who discards solid waste within the state shall separate mercury-added products from that solid waste for recycling or disposal as a hazardous waste. Any contractor who replaces or removes mercury-added products shall assure the proper separation and recycling or disposal as a hazardous waste of any discarded mercury-added product.

III. After proper separation of mercury-added products each person who discards that waste shall either:

(a) Set that waste in a designated area for collection by a hauler who shall deliver that waste to a facility that is legally authorized and permitted to accept waste; or

(b) Deliver that waste to a facility that is legally authorized and permitted to accept that waste.

IV. Owners and operators of municipal waste combustors shall not be found to have knowingly accepted or disposed of mercury-added products if, at a minimum, the facility has implemented all of the following mechanisms as required:

(a) Posting of signs at the facility providing notice of the prohibition of the disposal and incineration of mercury-added products.

(b) Written notification to or contractual agreements with the facility's customers on a frequency determined by the department, providing notice of the prohibition on the disposal and incineration of mercury-added products.

(c) Implementation of a procedure approved by the department for periodically monitoring incoming wastes to detect the presence of mercury-added products at the facility and a practice of separation of observed mercury-added products to be returned to the generator or recycled or disposed of as a hazardous waste.

(d) Provide customers with information about collection programs or facilities that are permitted to accept mercury-added products for recycling or disposal as a hazardous waste.

8 Effective Date.

I. Section 7 of this act shall take effect December 6, 2005.

II. The remainder of this act shall take effect July 1, 2001.

AMENDED ANALYSIS

This bill:

I. Sets time frames within which certain municipal waste combustors must comply with mercury emission limits, and provides alternate compliance provisions.

II. Establishes a grant program to reimburse regional refuse disposal districts for certain costs of mercury emissions reduction and control systems.

III. Extends the reporting date of the ash landfill study to September 1, 2001.

IV. Bans the incineration of any waste containing mercury beginning December 6, 2005.

2001-1236h

Amendment to HB 478

Proposed by the Committee on Election Law - R

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

AN ACT relative to campaign finance reporting requirements, political expenditure limitation amounts, and permissible campaign contributions by business organizations.

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

1 Political Calendar. Amend RSA 652:21 to read as follows:

652:21 Authority; Format. Prior to the state primary election, the secretary of state with the advice and approval of the attorney general shall prepare a political calendar for state and town elections setting forth the dates when action required under the election laws must be taken. ~~[Any action taken by any candidate or official in connection with the election laws which shall be taken in accordance with the dates set forth in said calendar shall be deemed to be duly performed for the purposes of the election laws.]~~ The expense of printing said political calendar shall be a charge upon the appropriation for the office of the secretary of state.

2 Political Expenditures and Contributions; Definitions; Independent Expenditures. Amend RSA 664:2, XI to read as follows:

XI. "Independent expenditures" means expenditures by a person, political committee, or other entity ~~[expressly]~~ advocating the election or defeat of a clearly identified candidate which are **not** made ~~[without]~~ **in** cooperation or consultation **or conjunction or coordination** with any candidate, or any authorized committee or agent of such candidate, and which are not made in ~~[concert]~~ **coordination** with, or at the request or suggestion of, any candidate, or any authorized committee or agent of such candidate. As used in this paragraph, "clearly identified" means that the name of the candidate involved appears; a photograph or drawing of the candidate appears; or the identity of the candidate is apparent by unambiguous reference.

3 New Paragraphs; Political Expenditures and Contributions; Definitions; Segregated Accounts; Coordinated Expenditure. Amend RSA 664:2 by inserting after paragraph XVII the following new paragraphs:

XVIII. "Segregated accounts" mean accounts funded by contributions solicited from a business organization's, labor union's, or group of labor unions' employees, officers, shareholders, directors, partners, or members for political purposes.

XIX. "Coordinated expenditure" means an expenditure by a political party, a political committee of a political party, or other entity, on behalf of a candidate or candidate's committee in a state primary or general election with the consent of the candidate. Any expenditure that is not an independent expenditure or direct expenditure shall be considered to be a coordinated expenditure.

4 Political Expenditures and Contributions; Prohibited Political Contributions; Business Organizations. RSA 664:4, I is repealed and reenacted to read as follows:

I. By any business organization, or by any officer, director, executive, agent, partner, or employee acting in behalf of such business organization. This shall not prohibit the establishment by a business organization of a political committee that operates independently of the business organization, provided that the committee's expenditures and contributions are made through a separate, segregated account consisting only of voluntary contributions solicited from individuals who are employees, officers, shareholders, directors, partners, or members of the business organization. The provisions of this section shall not apply to sole proprietorships.

5 Political Expenditures and Contributions; Prohibited Political Contributions; Labor Unions; Segregated Account Exception. Amend RSA 664:4, III to read as follows:

III. By any labor union or group of labor unions, or by any officer, director, executive, agent or employee acting in behalf of such union or group of unions; or by any organization representing or affiliated with any such union or group of unions, or by any officer, director, executive, agent or employee acting in behalf of such organization. ***This shall not prohibit the establishment by a labor union or group of labor unions of a political committee that operates independently of the labor union or group of labor unions, provided that the committee's expenditures and contributions are made through a separate, segregated account consisting only of voluntary contributions solicited from individuals who are employees, officers, shareholders, directors, partners, or members of the labor union or group of labor unions.***

6 Prohibited Political Contributions; General Limitations. Amend RSA 664:4, V to read as follows:

V. By any person (1) if in excess of \$5,000 in value, except for contributions made by a candidate in behalf of his ***or her*** own candidacy, or if in excess of [~~\$1,000~~] ***\$1,500*** in value by any person or by any political committee to a candidate or a political committee working on behalf of a candidate who does not voluntarily agree to limit his campaign expenditures and those expenditures made on his behalf as provided in RSA 664:5-a, (2) if made anonymously or under a name not that of the donor, (3) if made in the guise of a loan, (4) if any other manner concealed, (5) if made without the knowledge and written consent of the candidate or [~~his~~] ***the candidate's*** fiscal agent, a political committee or its treasurer, or not to any one of the same.

7 Political Expenditure Limitation Amounts; Amounts Increased. Amend RSA 664:5-b to read as follows:

664:5-b Political Expenditure Limitation Amounts. Total expenditures by a candidate who voluntarily agrees to limit campaign expenditures as provided in RSA 664:5-a shall be as follows:

I. For governor:

- (a) [~~\$625,000~~] ***\$750,000*** in a state primary election.
- (b) [~~\$625,000~~] ***\$750,000*** in a state general election.

I-a. For United States senator:

- (a) [~~\$625,000~~] ***\$750,000*** in a state primary election.
- (b) [~~\$625,000~~] ***\$750,000*** in a state general election.

II. For representative to Congress:

- (a) [~~\$350,000~~] ***\$500,000*** in a state primary election.
- (b) [~~\$350,000~~] ***\$500,000*** in a state general election.

III. For executive council:

- (a) [~~\$50,000~~] ***\$60,000*** in a state primary election.
- (b) [~~\$50,000~~] ***\$60,000*** in a state general election.

IV. For state senate:

- (a) [~~\$20,000~~] ***\$40,000*** in a state primary election.
- (b) [~~\$20,000~~] ***\$40,000*** in a state general election.

V. For representative to the general court and all county offices, based upon the latest figures filed with the secretary of state:

(a) ~~[\$.50]~~ **\$1** per registered voter in the district or the county in a state primary election.

(b) ~~[\$.50]~~ **\$1** per registered voter in the district or the county in a state general election.

VI. For the purposes of this section, RSA 664:5-a, and the enforcement provisions of this chapter, "total expenditures" shall mean the sum of all expenditures made to influence either a state primary or a state general election made by a candidate and those made on the candidate's behalf by the candidate's committee or committees, the candidate's party, and the candidate's immediate family. For candidates for governor, United States senator, representative to Congress, state senate, state representative, and executive council, "total expenditures" shall include any such expenditures made after January 1 of the election year, regardless of when the person actually declares his or her candidacy. Each campaign expenditure limitation amount shall apply solely and independently to either the state primary election or the state general election.

8 Elections; Political Expenditures and Contributions; Reports; Reporting by Political Committee; Reporting by Candidates. RSA 664:6 and 664:7 are repealed and reenacted to read as follows:

664:6 Reporting by Political Committee.

I. Any political committee whose receipts of contributions or whose expenditures, including, without limitation, coordinated and independent expenditures on behalf of candidates and general operating expenditures of the committee, in support of or in opposition to a candidate, measure, or political party, exceed in the aggregate \$500, shall file with the secretary of state an itemized statement, in accordance with the provisions of RSA 664:7-b. The statement shall be signed by the chairperson and treasurer of the political committee and shall list each contribution, in alphabetical order by the last name of the contributor, with the amount of the contribution, the date it was received, all of the information as is set forth in RSA 664:7-b, and the aggregate total for each election for each contributor. The statement shall be filed not later than the Wednesday 12 weeks immediately preceding a primary election, before 5 o'clock in the afternoon, and shall cover the period from the day of the committee registration up to and including the Monday before the statement is due. The statement shall contain the date of each expenditure, the name and address of the person or entity to whom each expenditure was made, the name of the candidate in whose behalf or against whom each expenditure was made, the amount of each expenditure, the purpose of each expenditure, and the aggregate amount of all previous expenditures.

II. An itemized statement in the same form as in paragraph I shall be filed with the secretary of state not later than the Wednesday 3 weeks immediately preceding a primary election, before 5 o'clock in the afternoon. The statement shall summarize the statement filed pursuant to paragraph I, if any, and shall itemize all receipts of contributions and expenditures made since the cutoff of the statement filed pursuant to paragraph I up until the Monday preceding the filing of the statement under this paragraph.

III. A statement in the same form as in paragraph I shall be filed with the secretary of state not later than the Wednesday immediately preceding a primary election, before 5 o'clock in the afternoon. The statement shall summarize the statements filed pursuant to paragraphs I and II, if any, and itemize all receipts of contributions and expenditures made since the cutoff of the statement filed pursuant to paragraph II up until the Monday preceding the filing of the statement under this paragraph. In addition to the reporting requirements contained in this section, the fiscal agent shall notify the secretary of state within 24 hours of any contributions or expenditures exceeding \$500 in the aggregate that are received after the statement under this paragraph is filed and prior to the day of primary election. No more than one report to the secretary of state shall be required within a 24-hour period.

IV. An itemized statement in the same form as in paragraph I, summarizing the previous statements, if any, and itemizing all receipts of contributions and expenditures made since the cutoff of the previous report up until the Monday preceding the filing of the statement, shall be filed with the secretary of state before 5 o'clock in the afternoon on each of the following days: the Wednesday one week after the primary election; the Wednesdays 4 weeks, 2 weeks, and immediately preceding the general election; and the Wednesday 2 weeks after the general election. In addition to the reporting requirements contained in this section, during the last week before the general election, the fiscal agent shall notify the secretary of state within 24 hours of any contributions or expenditures exceeding \$500 in the aggregate that are received after the statement under this paragraph is filed and prior to the day of the general election. No more than one report to the secretary of state shall be required within a 24-hour period.

V. Any political committee whose receipt of contributions or expenditures in the aggregate do not exceed \$500 for a reporting period need not file. However, when a committee's accumulated receipts of contributions or expenditures for an election in the

aggregate exceed \$500, the committee shall file a statement at the next reporting deadline.

VI. Any political committee that has any outstanding debt, obligation, or surplus following the election shall file reports at least once every 6 months thereafter in the same form as in paragraph I until the obligation or indebtedness is entirely satisfied or surplus deleted, at which time a final report shall be filed.

VII. In addition to the itemized statements required by paragraphs I-VI of this section, any political committee whose independent expenditures, in aggregate, exceed \$500 shall file an itemized statement with the secretary of state not later than 24 hours after such expenditures are made, and thereafter each time a further \$500 is expended. Such itemized statements shall cover the period during which independent expenditures totaling \$500 were made. Each statement shall include a certification by the political committee that the independent expenditure meets the definition in RSA 664:2, XI. Each statement shall contain the date of each independent expenditure; the name and address of the person to whom the expenditure was made; the name of the candidate on whose behalf or against whom each expenditure was made; the amount of each expenditure; the purpose of each expenditure and the aggregate amount of all previous independent expenditures. If the independent expenditure is made in support of or to oppose more than one candidate, the statement made under this paragraph shall allocate the way in which the expenditure was made among the candidates on a reasonable basis. For the purposes of this paragraph, "reasonable basis" means a statement which reflects the benefit or the burden reasonably expected to be derived or suffered by each candidate. The filing requirements of this paragraph shall be in addition to all other filing requirements under this section, and shall not be limited to the filing periods during which expenditures must otherwise be reported.

VIII. Copies of the statements required by paragraphs I through VII of the state committee of a political party shall be filed with the secretary of state in sufficient numbers so as to provide a copy for the state committee of each party on the ballot, which they may obtain by application to the secretary of state.

IX. Any national political committee of a party as defined in RSA 652:11 may make contributions or expenditures on behalf of state candidates without complying with the requirements of paragraphs I through VII, provided that the total contribution or expenditure made in behalf of a candidate or political committee in this state whether directly or indirectly does not exceed the limit for personal contributions in RSA 664:4.

X. The provisions of this paragraph shall apply only to a political committee for an individual candidate who is seeking a federal office whose holder is chosen by the voters of this state only. Such a committee, which is required by federal law to file with the federal government reports relative to receipts of contributions and expenditures in support of such one candidate, may choose, at the time of registering under RSA 663:3, I, to file with the secretary of state copies of reports made to the federal government in accordance with the timetable established by federal laws for such reports in lieu of complying with the other reporting requirements of this section.

664:7 Reporting by Candidates.

I. Each candidate at the primary or general election for governor, councilor, state senator, representative to general court, or county officer, who receives contributions or makes expenditures in the aggregate that exceed \$500, shall file statements before and after an election in like manner and detail as prescribed in RSA 664:6, I-VI, excepting, however, the expenditures of political committees of the party to which the candidate belongs in elections other than primaries. Any candidate who files expenditure reports pursuant to the provisions of this paragraph, and who pays more than \$5,000 to any person who makes expenditures on behalf of the candidate, shall file an itemized account of the expenditures made by the person on behalf of the candidate in the expenditure report filed on the Wednesday preceding the primary or general election.

II. The candidate shall report all contributions received and expenditures made for the purpose of exploring or promoting such candidacy in the first report filed.

9 New Sections; Political Expenditures and Contributions; Reports; Form of Contributions; Content of Disclosure Reports; Campaign Finance Disclosure Record. Amend RSA 664 by inserting after section 7 the following new sections:

664:7-a Form of Contributions. No contribution may be accepted unless accompanied by the disclosure information set forth in RSA 664:7-b.

664:7-b Content of Disclosure Reports. All contributions reported pursuant to RSA 664:6 or RSA 664:7 shall be listed on forms or other means prescribed by the secretary of state. The listing for each contribution exceeding \$50 shall include disclosure information. The disclosure information shall include the name; home or post office address; employer, business organization, or primary source of income; post office address of employer or business; and occupation of the contributor. Contributions shall be

categorized as in-state or out-of-state. A summary of the contribution totals by category shall be included with each scheduled report. The report shall also list the aggregate total received from each contributor whose total contributions exceed \$100 and the contributor's disclosure information. All expenditures, as defined in RSA 664:2, IX and XIX, shall be reported in similar detail on forms or other means prescribed by the secretary of state.

664:7-c Campaign Finance Disclosure Record.

I. Disclosure reports required under RSA 664:6 and RSA 664:7 of candidates for governor and any disclosure reports filed by candidates for United States senator and representative to Congress may be filed in electronic format. The secretary of state shall enter these reports into an electronic campaign finance disclosure record. The secretary of state shall ensure that these disclosure reports are available through the official Internet site of the state of New Hampshire. Such reports shall also be available for paper or electronic copying at a reasonable cost.

II. The secretary of state shall compile and maintain separate cumulative disclosure reports filed under this subdivision by political committees, political committees of political parties, and candidates for executive councilor, state senator, state representative, county office, and the offices referenced in RSA 664:7, II.

10 Examination of Statements of Receipts and Expenditures. Amend RSA 664:19 to read as follows:

664:19 Examination of Statements of Receipts and Expenditures. It shall be the duty of the attorney general to **obtain and** examine the returns of election receipts and expenditures which are made to the secretary of state and to compel such returns be made to comply with the law.

11 Repeal. RSA 664:4, II, relative to prohibited political contributions by partnerships, is repealed.

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

AMENDED ANALYSIS

This bill:

- I. Defines segregated accounts and coordinated expenditures and changes the definition of independent expenditure.
- II. Modifies the reporting requirements for political committees and candidates and defines the content of mandatory campaign finance disclosure reports.
- III. Increases the political expenditure limitation amounts.
- IV. Creates an exception to the prohibition on political contributions by business organizations through the use of segregated accounts for voluntary contributions by members of the business organization.

2001-1177h

Amendment to HB 517-LOCAL

Proposed by the Committee on Municipal and County Government - C

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

- 1 New Section; Village District Water Systems. Amend RSA 38 by inserting after section 25 the following new section:

38:25-a Village District Hearings. Prior to authorizing the expansion of a franchise area of a water company owned or operated by a water village district, the public utilities commission shall, after notice, hold a public hearing in each town or city in which the village district is located, at which it shall hear testimony and receive evidence from any interested party.
- 2 Changing Boundaries. Amend RSA 52.:5 to read as follows:

52:5 Changing Boundaries.

I. The selectmen of towns in which any such district has been established upon petition, after notice to parties interested and a hearing, may change the boundaries thereof; and the district shall cause the petition and the return of the selectmen's proceedings and decision thereon to be recorded in the records of the district, and of the towns in which it is situated, within 60

days after the decision.

II. In the case of any district formed for the purpose of impoundment of water, any such change of boundaries shall be ratified before taking effect by the voters residing in the district and in any area proposed to be added to the district in the same manner as is required for the initial establishment of the district.

III. In the case of any district formed for the purpose of the supply of water for domestic and fire purposes, which may include the protection of sources of supply, any such change of boundaries shall be ratified before taking effect by the voters residing in the district and in any area proposed to be added to the district in the same manner as is required for the initial establishment of the district.

3 New Paragraph; Water Companies, When Public Utilities. Amend RSA 362:4 by inserting after paragraph IV the following new paragraph:

V. No property owner shall be required to connect to a municipal corporation furnishing water, provided such property owner can demonstrate the ability to comply with the requirements of RSA 485-A:29 and RSA 485-A:30-b.

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

AMENDED ANALYSIS

This bill provides that the public utilities commission shall hold public hearings. concerning expansions of water district franchise areas, and that any change of boundaries be ratified in the same manner as the initial establishment of the district. This bill also allows a property owner to connect to municipal water supplies at his or her discretion.

2001-1267h

Amendment to HB 522-LOCAL

Proposed by the Committee on Municipal and County Government - C

Amend RSA 79-D:2, I as inserted by section 1 of the bill by replacing it with the following:

I. "Discretionary preservation easement" means a preservation easement of an historic agricultural structure, including the land necessary for the function of the building, granted to a city or town for a term of 10 or more years.

Amend RSA 79-D:4, II as inserted by section 1 of the bill by replacing it with the following:

II. No owner of an historic agricultural structure shall be entitled to have a particular structure classified for any tax year under the provisions of this chapter unless the owner has applied to the governing body on or before April 15 of the tax year on a form provided by the commissioner of the department of revenue administration. Such application shall include a map showing the location of the structure to be subject to the discretionary preservation easement, a description of how the property meets the tests of public benefit in RSA 79-D:3.

Amend RSA 79-D:5, I as inserted by section 1 of the bill by replacing it with the following:

I. If, after a duly noticed public hearing, the governing body finds that the proposed preservation of such historic agricultural structure is consistent with the purposes of this chapter, it may take steps to acquire discretionary preservation easement as provided in this chapter. In exercising its discretion, the local governing body may weigh the public benefit to be obtained versus the tax revenue to be lost if such an easement is granted. The governing body shall have no more than 60 days to act upon the application.

Amend RSA 79-D:7, II as inserted by section 1 of the bill by replacing it with the following:

II. The local governing body shall have the discretion to set the value of the discretionary preservation easement at a level within this range which it believes reflects the public benefit conferred by the property under the criteria set forth in RSA 79-D:3, II. The assessment shall not be increased because the owner undertakes maintenance and repairs designed to preserve the structure.

Amend the bill by replacing section 2 with the following:

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

2001-1402h

Amendment to HB 555-FN-LOCAL

Proposed by the Committee on Finance - R

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

AN ACT relative to the billing of counties for certain expenses by the department of health and human services and relative to costs of certain juvenile placements.

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

1 New Paragraph; Payment of Expenses; Counties. Amend RSA 126-A:3 by inserting after paragraph II the following new paragraph:

II-a. Notwithstanding any provision of law to the contrary, the department shall not require payment and counties shall have no obligation to pay and no cause of action for payment shall be maintained against the counties, for payment for any product or service sold, furnished, or leased to the department or any other person on behalf of the department, unless an invoice for such product or service has been submitted to the counties for payment within 18 months of the date of delivery or provision of the product or service.

2 Reimbursement of Funds for Persons Eligible to Receive Nursing Home Services; Monthly Payments. Amend RSA 167:18-b, I to read as follows:

I. All expenditures in carrying out the purposes of this chapter or RSA 161 relative to old age assistance or aid to the permanently and totally disabled recipients who are in nursing homes shall be made in the first instance from the public assistance fund hereby created, but each county shall make monthly payments to the state for the amounts due under this section within ~~[30]~~ 45 days from notice thereof and shall reimburse said fund for all assistance granted to persons for which such county is liable, to the extent of 50 percent of the non-federal share, except that no charges shall be made for the non-federal share for recipients in state institutions and intermediate care facilities for the mentally retarded (ICF-MR) serving developmentally impaired persons approved by the department of health and human services.

3 County Reimbursements. Amend RSA 170-G:5-a to read as follows:

170-G:5-a County Reimbursement. County payments due under RSA 169-B:40, 169-C:27 and 169-D:29 shall be paid to the department of health and human services on a monthly basis within ~~[30]~~ 45 days' notice of the amount due to the state. Delinquent payments due under these chapters, with interest at the rate of 12 percent per annum, may be recovered by action in a court of competent jurisdiction against the political subdivision liable therefor or may, at the request of the state agency, be deducted from any other moneys payable to such subdivision by any department or agency of the state.

4 Memorandum of Understanding. County governments need timely and accurate information to enable effective budget planning for their portion of the costs of placements of juveniles at the youth development center (YDC), youth detention services unit (YDSU), and, when applicable, the Tobey School. County governments should also have the opportunity to address and help resolve those factors that influence the costs of operation of these juvenile facilities. Therefore, after the state receives payment of arrearages owed by the counties to the state for their portion of costs of placements of juveniles at the YDC, YDSU, and the Tobey School for fiscal years 1999, 2000, and 2001, the state agency having administrative direction and control of these juvenile facilities shall enter into a memorandum of understanding with the designated representatives of the New Hampshire Association of Counties to provide for the flow of the necessary financial information to the counties relating to the costs of operation of the facilities. The memorandum of understanding shall be entered into and made effective no later than 60 days after the effective date of this section and shall include, at a minimum, the following:

(a) The form and schedule for the provision to the counties of information on daily census and the established and proposed per diem rates for the facilities, including information on fixed and variable costs incurred in the operation of the facilities upon which the per diem rates are based and the methodology used to calculate the rates.

(b) A process for allowing the counties, on a regular basis, to address and help resolve issues relating to the costs of operation and, accordingly, the per diem rates for the facilities.

5 New Paragraph; Delinquent Children; Limitation on Liability for Expenses. Amend RSA 169-B:40 by inserting after

paragraph VIII the following new paragraph:

IX. Notwithstanding any provision of law to the contrary, no county government shall be charged per diem rates for its portion of costs of placement of juveniles at the youth development center, the youth detention services unit, and, when applicable, the Tobey School, which are based upon an annual average daily census at each unit which is less than 80 percent of the unit's capacity.

6 New Paragraph; Child Protection Act; Limitation on Liability for Expenses. Amend RSA 169-C:27 by inserting after paragraph VIII the following new paragraph:

IX. Notwithstanding any provision of law to the contrary, no county government shall be charged per diem rates for its portion of costs of placement of juveniles at the youth development center, the youth detention services unit, and, when applicable, the Tobey School, which are based upon an annual average daily census at each unit which is less than 80 percent of the unit's capacity.

7 New Paragraph; Children in Need of Services; Limitation on Liability for Expenses. Amend RSA 169-D:29 by inserting after paragraph VIII the following new paragraph:

IX. Notwithstanding any provision of law to the contrary, no county government shall be charged per diem rates for its portion of costs of placement of juveniles at the youth development center, the youth detention services unit, and, when applicable, the Tobey School, which are based upon an annual average daily census at each unit which is less than 80 percent of the unit's capacity.

8 Contingency. Sections 4-7 of this act shall be effective upon receipt by the state of all arrearages, excluding arrearages attributable to fiscal year 1998 and excluding all interest, for fiscal years 1999, 2000, and 2001 owed by the counties to the state for their portion of costs of placements of juveniles at the YDC, YDSU, and the Tobey School, as certified by the commissioner of administrative services to the secretary of state and the director of legislative services.

9 Effective Date.

I. Sections 4-7 of this act shall take effect as provided in section 8 of this act.

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

AMENDED ANALYSIS

This bill declares that the department of health and human services shall not bill a county for expenses unless the department submits an invoice to such county within 18 months of the date of incurring such expense.

This bill changes the date monthly payments are due from the counties to the state for certain services from 30 days to 45 days of notice such payments are due.

This bill also requires a memorandum of understanding to be negotiated among the department of youth development services, the juvenile justice unit of the department of health and human services, and the counties relative to costs associated with certain juvenile placements.

2001-1326h

Amendment to HB 592-FN-A

Proposed by the Committee on Ways and Means - R

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

AN ACT relative to a milfoil and other exotic plants control and research grant program and fund.

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

1 New Subparagraph; Milfoil and Other Exotic Plants Control and Research Grant Fund. Amend RSA 6:12, I by inserting after subparagraph (dddd) the following new subparagraph:

(eeee) Moneys collected pursuant to RSA 487:26, which shall be deposited in the milfoil and other exotic plants control and

research grant fund.

2 Boat Registration Fee; Collection by Authorized Agents. Amend RSA 72-A:5 to read as follows:

72-A:5 Town Treasurer.

I. Every clerk[;] **and** tax collector[; and authorized agent] shall each week send all boat fees collected to his **or her** town or city treasurer. Except as provided in [paragraph] **paragraphs II and III**, boat fees shall be for the general use of the town or city.

II. When the boat fee is collected by the department of safety, the fee shall be deposited in the navigation safety fund established under RSA 270-E:6-a.

III. Every authorized agent of the department of safety shall each week send all boat fees collected to the department of safety. Each quarter the department shall account for these fees and deposit them as follows:

(a) One-third to the milfoil and other exotic plants control and research grant fund established under RSA 487:26;

(b) One-third to the harbor dredging and pier maintenance fund established under RSA 271-A:21; and

(c) One-third shall be used by the department to implement the United States Aids to Navigation System to mark the state's waters.

3 Boat Registration Fee. Amend RSA 72-A:5, III(a) to read as follows:

(a) One-third to the general fund.

4 Boat Registration Fee. Amend RSA 72-A:15, III(c) to read as follows:

(c) One-third shall be [used by the department to implement the United States Aids to Navigation System to mark the state's waters] **deposited in the general fund.**

5 New Subdivision; Milfoil and Other Exotic Plants Control. Amend RSA 487 by inserting after section 25 the following new subdivision:

Milfoil and Other Exotic Plants Control

487:26 Milfoil and Other Exotic Plants Control and Research Grant Fund. There is hereby established a special fund to be known as the milfoil and other exotic plants control and research grant fund. The purpose of this fund is to provide revenues for the milfoil and other exotic plants control and research grant program as provided in this subdivision, and moneys in the fund shall not be available for any other purpose. All moneys deposited in the fund are continually appropriated for the purposes of the milfoil and other exotic plants control and research grant program and shall not lapse.

487:27 Grant Program Established. There is hereby established a grant program to be administered by the department of environmental services for the allocation of money to lake associations and towns which seek to administer a milfoil and other exotic plants control program, and institutions of higher learning which seek to conduct research on milfoil and other exotic plants remediation techniques. The grant program shall be funded by the milfoil and other exotic plants control and research grant fund, established under RSA 487:26. Up to one-half of the moneys distributed from the fund shall be allocated for the purposes of milfoil and other exotic plants control programs and the remainder shall be allocated to milfoil and other exotic plants research projects.

487:28 Management Plan. The department of environmental services shall establish a management plan to implement the grant program. The management plan shall include, but not be limited to:

I. Eligibility determination criteria and procedures.

II. Application requirements and procedures.

III. Project selection and prioritization requirements and procedures.

IV. Stewardship requirements and procedures, including annual reporting to the department by the grantee.

487:29 Eligible Applicants; Matching Funds.

I. The department of environmental services shall distribute funds for projects to further the purposes of this chapter only to eligible applicants. Eligible applicants shall include:

(a) Publicly-supported nonprofit corporations exempt from federal income taxation under section 501(c) of the Internal Revenue Code.

(b) Municipalities or other political subdivisions of the state.

(c) Institutions of higher learning.

II. All eligible applicants shall provide a minimum level of matching resources equal to 50 percent of the proposed program budget. The cost-sharing match may be met through the use of in-kind services. Qualifying matching funds from the applicant may include, but are not limited to, municipal appropriations, private donations, federal funds, and the value of goods and services provided by the applicant.

487:30 Milfoil and Other Exotic Plants Control and Research Grant Fund Report and Budget.

I. The department of environmental services shall submit an annual report, beginning on July 1, 2002, to the speaker of the house, president of the senate, and the governor and council which shall include, but not be limited to, a description of programs funded by the milfoil and other exotic plants control and research grant fund and the extent of aid to municipalities, lake associations, and research institutions.

II. In addition to or in conjunction with its operating budget, the department of environmental services shall submit a budget for the biennium beginning July 1, 2003, and for each biennium thereafter, which shall include all expected revenues and projected expenditures of the dedicated fund established in RSA 487:26.

6 Termination of Funding and Report on United States Aids to Navigation System.

I. Any moneys that the department of safety receives during fiscal year 2002 to implement the United States Aids to Navigation System under RSA 72-A:5, III(c) and does not spend or obligate for expenditure by June 30, 2003 shall lapse to the general fund on July 1, 2003.

II. In addition to, or in conjunction with, its operating budget for fiscal year 2004 the department shall submit a report on the implementation of the United States Aids to Navigation System, including a projected budget for maintenance of the system to the speaker of the house, the president of the senate, the governor, and the executive council.

7 Prospective Repeal; July 1, 2006. The following are repealed:

I. RSA 6:12, I(eeee), relative to the milfoil and other exotic plants control and research grant fund.

II. RSA 487:26-29, relative to the milfoil and other exotic plants control program.

8 Effective Date.

I. Section 4 of this act shall take effect July 1, 2002.

II. Sections 3 and 7 of this act shall take effect July 1, 2006.

III. The remainder of this act shall take effect July 1, 2001.

AMENDED ANALYSIS

This bill creates a grant program administered by the department of environmental services for aid to lake associations and towns which seek to administer a milfoil and other exotic plants control program, and institutions of higher learning which seek to conduct research on milfoil and other exotic plants remediation techniques. Eligible applicants are required to provide a minimum resource match of 50 percent of the proposed program budget.

This bill also creates a special milfoil and other exotic plants control and research grant fund to provide moneys for the program. Funding for the grant program is provided by directing authorized agents of the department of safety to pay the boat fee they collect under RSA 72-A to the department, instead of to the town or city treasurer. The department shall use 1/3 of the boat fees so collected to fund the grant program and 1/3 for the harbor dredging and pier maintenance fund. For one year the department

shall use the remaining 1/3 of the boat fees for implementing the United States Aid to Navigation System to mark the state's waters. After one year, the remaining 1/3 of the boat fees will go into the general fund.

The provisions of this bill are repealed July 1, 2006 and the funds allocated to the milfoil and other exotic plants control and research grant fund lapse into the general fund.

2001-1334h

Amendment to HB 678

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

Amend RSA 651:25, I as inserted by section 1 of the bill by replacing it with the following:

I. The commissioner of corrections may release any person who has been committed to the state prison at any time during the term of sentence for the purpose of obtaining and working at gainful employment, for the performance of uncompensated public service as provided in RSA 651:68-70, or for such other purpose as may be deemed conducive to his rehabilitation, for such times or intervals of time and under such terms and conditions as may be prescribed by the commissioner pursuant to RSA 541-A, provided, however, that a prisoner who has not served sufficient time to be eligible for parole may be released under this section only if the sentencing court ~~[has]~~ **and the prosecutor of the underlying offense have** been notified of the proposed release, and **there has been no objection by either the sentencing court or the prosecutor of the underlying offense** ~~[has not objected]~~ within 10 days of receipt of such notice. **If either the sentencing court or the prosecutor of the underlying offense objects to the proposed release, the release shall not occur.** The commissioner of corrections may permit inmates of the state prison, who volunteer to do so, to be gainfully employed outside the institution when such employment is considered in their best interest and the best interest of the state. Inmates may be so employed by the state or by public or private employers.

2001-1328h

Amendment to HB 722

Proposed by the Committee on Election Law - R

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

AN ACT relative to town, village district, and school district elections.

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

1 New Section; Town Elections; Number of Write-In Votes Required. Amend RSA 669 by inserting after section 14 the following new section:

669:14-a Number of Write-In Votes Required.

I. In towns which have adopted an official ballot system, a person whose name was not printed on the ballot as a candidate for a specific office shall not be elected to that office unless the person received 10 write-in votes or write-in votes equaling 10 percent or more of the total votes cast for that office, whichever is the smaller, but in no event less than 5 write-in votes.

II. If no person is elected to an office as a result of the restrictions in paragraph I, the office shall be filled in the same manner as vacancies occurring during the term of that office.

2 New Section; Village District Elections; Number of Write-In Votes Required. Amend RSA 670 by inserting after section 12 the following new section:

670:8-a Number of Write-In Votes Required.

I. In village districts which have adopted an official ballot system, a person whose name was not printed on the ballot as a candidate for a specific office shall not be elected to that office unless the person received 10 write-in votes or write-in votes equaling 10 percent or more of the total votes cast for that office, whichever is the smaller, but in no event less than 5 write-in votes.

II. If no person is elected to an office as a result of the restrictions in paragraph I, the office shall be filled in the same manner as

vacancies occurring during the term of that office.

3 New Section; School District Elections; Number of Write-In Votes Required. Amend RSA 671 by inserting after section 26-a the following new section:

671:26-b Number of Write-In Votes Required.

I. A person whose name was not printed on the ballot as a candidate for a specific office shall not be elected to that office unless the person received 10 write-in votes or write-in votes equaling 10 percent or more of the total votes cast for that office, whichever is the smaller, but in no event less than 5 write-in votes.

II. If no person is elected to an office as a result of the restrictions in paragraph I, the office shall be filled in the same manner as vacancies occurring during the term of that office.

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

AMENDED ANALYSIS

This bill provides that a person whose name was not printed on the ballot for a town, village district, or school district election shall not be entitled to any elective office unless the person received 10 write-in votes or write-in votes equaling 10 percent or more of the total votes cast for that office, whichever is the smaller, but in no event less than 5 write-in votes. If a person is disqualified from a nomination for failure to receive the required minimum votes, the nomination shall be awarded to a qualified person chosen by the selectmen or other appropriate town officials, in the same manner as vacancies occurring during a term of town office are filled.

2001-1292h

Amendment to SB 21

Proposed by the Committee on Commerce - C

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

AN ACT establishing a commission to develop recommendations for legislation to reduce regulatory barriers to and possible incentives for the creation of affordable housing in order to encourage the development of such housing.

Amend the bill by replacing sections 1-4 with the following:

1 Declaration of Purpose. The general court has recently recognized that an acute shortage of housing affordable to a large number of working households, individuals with disabilities and families with members with disabilities in this state is approaching crisis proportions and that for households on fixed or low incomes, the shortage of affordable housing, with the resulting increase in housing costs, presents an immediate threat of homelessness. The general court has also found that this situation threatens to undermine the state's capacity for economic growth by limiting the ability of employers to attract and retain workers. The general court has further found that local land use ordinances and other government regulations may create barriers to a response by the market to the demand for affordable housing. The general court now finds that it is necessary to act to encourage the private and non-profit sectors to address the critical shortage of affordable housing by reducing unnecessary regulatory barriers and encouraging the development of such housing. The commission established by this act is intended to recommend legislation that can accomplish this important goal without compromising the legitimate environmental, health, and safety concerns of local communities.

2 Commission Established. There is established a commission to develop and recommend legislation aimed at reducing regulatory barriers to the creation of affordable housing, encouraging the development thereof, including possible incentives to build such housing, in order to maintain safe, healthy, and diverse communities for all residents of New Hampshire.

3 Membership.

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

(a) Two members of the senate, appointed by the senate president.

(b) Two members of the house of representatives, appointed by the speaker of the house of representatives.

- (c) Three public members, appointed by the governor.
- (d) The executive director of the New Hampshire Municipal Association, or designee.
- (e) The executive director of the New Hampshire Home Builders Association, or designee.
- (f) The executive director of the office of state planning, or designee.
- (g) The executive director of the New Hampshire housing finance authority, or designee.
- (h) The executive director of the New Hampshire Realtors Association, or designee.
- (i) The chair of a town board of selectmen, appointed by the senate president.
- (j) The executive director of a community-based, non-profit housing developer, appointed by the governor.
- (k) The president of the New Hampshire Manufactured Housing Association, or designee.
- (l) A professional planner from a regional planning commission, appointed by the speaker of the house.
- (m) The president of the New Hampshire community loan fund, or designee.
- (n) The president of the New Hampshire Property Owners Association, or designee.
- (o) The mayor of a city or designee, appointed by the senate president.
- (p) The commissioner of the department of health and human services, or designee.
- (q) The director of the Granite State Foundation for Independent Living, or designee.
- (r) A president of a local chamber of commerce, or designee, appointed by the governor.

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

4 Duties. The commission shall:

I. Identify unnecessary local and state regulatory policies and practices which create barriers to the production of affordable housing; and

II. Recommend state legislation and local policy changes which will encourage the creation of affordable housing, including possible incentives to build such housing, in order to maintain the health, safety, and diversity of local communities and residents of the state.

2001-1218h

Amendment to SB 41

Proposed by the Committee on Commerce - C

Amend the bill by replacing all after section 2 with the following:

3 Coverage for Scalp Hair Protheses. Amend RSA 415:18-d, I to read as follows:

I. Each insurer that issues or renews any policy of group or blanket accident or health insurance providing benefits for medical or hospital expenses and which also provides coverage for other prostheses, shall provide to each group, or to the portion of each group comprised of certificate holders of such insurance who are residents of this state and whose principal place of employment is in this state, coverage for expenses for scalp hair prostheses worn for hair loss suffered as a result of alopecia areata, alopecia totalis, ***alopecia medicamentosa resulting from the treatment from any form of cancer or leukemia***, or permanent loss of scalp hair due to injury. Such coverage, however, shall be subject to a written recommendation by the treating physician stating that the hair prosthesis is a medical necessity. Such coverage shall be subject to the same limitations and guidelines as other prostheses, ***provided, that such coverage for alopecia medicamentosa shall not exceed \$350 per year.***

4 Coverage for Scalp Hair Prostheses. Amend RSA 420-A:14, I to read as follows:

I. Every health service corporation and every other similar corporation licensed under the laws of another state, which provides coverage for other prostheses, shall provide to each group, or to the portion of each group comprised of certificate holders of such insurance who are residents of this state and whose principal place of employment is in this state, coverage for expenses for scalp hair prostheses worn for hair loss suffered as a result of alopecia areata, alopecia totalis, ***alopecia medicamentosa resulting from the treatment from any form of cancer or leukemia***, or permanent loss of scalp hair due to injury. Such coverage, however, shall be subject to a written recommendation by the treating physician stating that the hair prosthesis is a medical necessity. Such coverage shall be subject to the same limitations and guidelines as other prostheses, ***provided, that such coverage for alopecia medicamentosa shall not exceed \$350 per year.***

5 Benefits for Scalp hair Prostheses. Amend RSA 420-B:8-f, I to read as follows:

I. Benefits for scalp hair prostheses shall conform to the requirements of RSA ~~[415:18-c]~~ ***415:18-d***. Such benefits shall not be subject to any greater deductible than any other prostheses benefits provided by the health maintenance organization. The coinsurance required by the enrolled participant shall not exceed the amount allowed under the contract for the reasonable and customary charge for the services provided. Such coverage, however, shall be subject to a written recommendation by the treating physician stating that the hair prosthesis is a medical necessity. Such coverage shall be subject to the same limitations and guidelines as other prostheses.

6 Repeal. The following are repealed:

I. RSA 420-D:1, I, relative to the definition of advisory council.

II. RSA 420-D:19, relative to the advisory council on continuing care.

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

2001-1384h

Amendment to SB 48

Proposed by the Committee on Judiciary- C

Amend the bill by replacing all after section 2 with the following:

3 New Chapter; Rental of Shared Facilities. Amend RSA by inserting after chapter 540-A the following new chapter:

CHAPTER 540-B

RENTAL OF SHARED FACILITIES

540-B:1 Definition; Shared Facility.

I. A "shared facility" means real property rented for residential purposes which has separate sleeping areas for each occupant and in which each occupant has access to and shares with the owner of the facility one or more significant portions of the facility in common, such as kitchen, dining area, bathroom, or bathing area, for which the occupant has no rented right of sole personal use.

II. A shared facility shall not include:

(a) Facilities rented to transient guests intended for use of less than 90 days.

(b) Rooms in hotels, motels, inns, tourist homes, and other dwellings rented for recreational or vacationing use.

(c) Rooms provided ancillary to other primary purposes such as jails, student dormitories, nursing homes, hospitals, group homes, and emergency shelters.

540-B:2 Nature of Tenancy. Every tenancy shall be deemed to be at will, and the rent payable as agreed, unless a written contract defines the terms of the tenancy differently. Except as otherwise provided, a verbal rental agreement shall be permitted.

540-B:3 Termination of Tenancy; Notice of Termination.

I. The owner or agent of the owner of a shared facility may terminate any tenancy without stating any reason. A written 30-day notice of termination shall be required.

II. The owner or agent of the owner of a shared facility may terminate any tenancy for non-payment of rent. A written 7-day notice of termination shall be required.

III. The owner or agent of the owner of a shared facility may terminate any tenancy for damage to the premise, or behavior of the occupant or guest of any family member of the occupant which adversely affects the health or safety of the other occupants or the owner or the agent of the owner, or material breach of any rental agreement. A written 72-hour notice of termination shall be required.

540-B:4 Termination by Occupant. An occupant may terminate any at will tenancy by a written 30-day notice or in accordance with any notice requirement of a written rental agreement.

540-B:5 Service of Notice.

I. The owner or agent of the owner of a shared facility shall give the notice of termination personally to the occupant or attach the notice to the primary entrance to the occupant's separated area.

II. The occupant shall give the notice of termination by the same method used to pay rent or in accordance with any written rental agreement.

540-B:6 Possessory Rights. The occupant shall have no possessory rights to any portion of a shared facility. The owner or agent of the owner may request law enforcement intervention for any behavior if such action is deemed necessary. The law enforcement officer shall not be precluded from any normal response based on the fact of the rental agreement.

540-B:7 Remedies. Violations of this chapter shall be subject to the remedies set forth in RSA 540-A:4.

540-B:8 Possession. The owner or agent of the owner of a shared facility may take possession of the separated areas used by the occupant at the end of the notice period. The owner or agent of the owner may request law enforcement intervention as necessary.

540-B:9 Personal Property. The owner or agent of the owner of a shared facility shall retain and exercise reasonable care in the storage of the personal property of the occupant who has vacated the premises for a period of 3 days after the date on which such occupant has vacated. After the 3-day period, the owner or agent of the owner of a shared facility may dispose of such property without notice to the occupant.

540-B:10 Security Deposit. The owner or agent of the owner of a shared facility may require a security deposit in an amount to be determined by the owner or agent of the owner. If the deposit amount is more than the equivalent of 30 days rent, there shall be a written instrument acknowledging receipt and explaining where the deposit shall be maintained and when it shall be returned. If there is no written agreement, the deposit shall be returned within 20 days after the occupant has vacated.

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

AMENDED ANALYSIS

This bill excludes shared facilities from RSA 540, relative to actions against tenants. It defines a shared facility as residential property in which the occupants have separate sleeping areas, but share with the owner one or more significant portions of the living space. The bill provides the rights and remedies available to owners and occupants of shared facilities.

2001-1366h

Amendment to SB 51

Proposed by the Committee on Commerce - C

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

AN ACT relative to financial holding companies, establishing a cash dispensing machines study committee, and relative to the participation in meetings by out-of-state, nondepository trust company directors, and clarifying the status of student loans.

Amend the bill by replacing all after section 2 with the following:

3 Committee to Study Licensing Cash Dispensing Machines.

I. There is established a committee to study licensing cash dispensing machines.

II.(a) The members of the committee shall be as follows:

(1) Two members of the house of representatives, appointed by the speaker of the house.

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

(b) Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

III. The duty of the committee shall be to study the licensing of cash dispensing machines.

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

V. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the senate president, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2001.

4 Directors; Participation in Meetings. Amend RSA 384:7-b to read as follows:

384:7-b Participation in Meetings. Unless the charter or bylaws provide otherwise, a board of directors or trustees may permit any or all directors or trustees to participate in a regular or special meeting by, or conduct the meeting through the use of, any means of communication by which all of the directors or trustees participating may simultaneously hear each other during the meeting. A director or trustee participating in a meeting by this means is deemed to be present in person at the meeting. However, a director or trustee shall be physically present at a majority of the meetings such director or trustee attends. ***If any member of the board of directors of a nondepository trust company resides outside of the state of New Hampshire, the board may permit such out-of-state director to be physically present at a lesser number of meetings, if such arrangement is approved in writing by the bank commissioner, based upon a finding that the safety and soundness of such trust company will not be impaired by such less frequent physical presence.***

5 Consumer Credit Transactions; Application of Chapter to Student Loans. Amend RSA 358-K:6 to read as follows:

358-K:6 Application of Chapter to Types of Transactions. The provisions of this chapter shall apply to all consumer credit transactions, both secured and unsecured, including those transactions secured by a real property mortgage. ***The provisions of this chapter shall not apply to student loans, the proceeds of which are exclusively for the payment of tuition and other education-related expenses.***

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

AMENDED ANALYSIS

This bill

(1) Adds references to financial holding companies to provisions regarding incorporation of banks.

(2) Creates a committee to study licensing cash dispensing machines.

(3) Permits out-of-state directors of nondepository trust companies to be physically present at fewer directors' meetings under certain circumstances.

(4) Clarifies that student loans are not subject to regulation as consumer credit transactions under RSA 358-K.

2001-1373h

Amendment to SB 53

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

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

2001-1411h

Amendment to SB 54

Proposed by the Committee on Finance - R

Amend RSA 188-F:4-a, III as inserted by section 1 of the bill by replacing it with the following:

III. Accept and expend legacies and other gifts to, or for the benefit of, the community-technical college system, or any of its divisions, institutions, or units, without the approval of the governor and council, and to establish separate accounts, and to establish non-profit entities or foundations for the purposes of fund raising and development of assets in reserve. ***State agencies or departments in possession of privately donated funds on behalf of the regional community-technical college system shall transfer such funds to the community-technical college foundation.***

2001-1341h

Amendment to SB 95

Proposed by the Committee on Election Law - R

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

AN ACT relative to campaign finance reporting requirements, political expenditure limitation amounts, and permissible campaign contributions by business organizations.

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

1 Political Calendar. Amend RSA 652:21 to read as follows:

652:21 Authority; Format. Prior to the state primary election, the secretary of state with the advice and approval of the attorney general shall prepare a political calendar for state and town elections setting forth the dates when action required under the election laws must be taken. ~~[Any action taken by any candidate or official in connection with the election laws which shall be taken in accordance with the dates set forth in said calendar shall be deemed to be duly performed for the purposes of the election laws.]~~ The expense of printing said political calendar shall be a charge upon the appropriation for the office of the secretary of state.

2 Political Expenditures and Contributions; Definitions; Independent Expenditures. Amend RSA 664:2, XI to read as follows:

XI. "Independent expenditures" means expenditures by a person, political committee, or other entity ~~[expressly]~~ advocating the election or defeat of a clearly identified candidate which are ***not*** made ~~[without]~~ ***in*** cooperation or consultation ***or conjunction or coordination*** with any candidate, or any authorized committee or agent of such candidate, and which are not made in ~~[concert]~~ ***coordination*** with, or at the request or suggestion of, any candidate, or any authorized committee or agent of such candidate. As used in this paragraph, "clearly identified" means that the name of the candidate involved appears; a photograph or drawing of the candidate appears; or the identity of the candidate is apparent by unambiguous reference.

3 New Paragraphs; Political Expenditures and Contributions; Definitions; Segregated Accounts; Coordinated Expenditure. Amend RSA 664:2 by inserting after paragraph XVII the following new paragraphs:

XVIII. "Segregated accounts" mean accounts funded by contributions solicited from a business organization's, labor union's, or group of labor unions' employees, officers, shareholders, directors, partners, or members for political purposes.

XIX. "Coordinated expenditure" means an expenditure by a political party, a political committee of a political party, or other entity, on behalf of a candidate or candidate's committee in a state primary or general election with the consent of the candidate. Any expenditure that is not an independent expenditure or direct expenditure shall be considered to be a coordinated expenditure.

4 Political Expenditures and Contributions; Prohibited Political Contributions; Business Organizations. RSA 664:4, I is repealed

and reenacted to read as follows:

I. By any business organization, or by any officer, director, executive, agent, partner, or employee acting in behalf of such business organization. This shall not prohibit the establishment by a business organization of a political committee that operates independently of the business organization, provided that the committee’s expenditures and contributions are made through a separate, segregated account consisting only of voluntary contributions solicited from individuals who are employees, officers, shareholders, directors, partners, or members of the business organization. The provisions of this section shall not apply to sole proprietorships.

5 Political Expenditures and Contributions; Prohibited Political Contributions; Labor Unions; Segregated Account Exception. Amend RSA 664:4, III to read as follows:

III. By any labor union or group of labor unions, or by any officer, director, executive, agent or employee acting in behalf of such union or group of unions; or by any organization representing or affiliated with any such union or group of unions, or by any officer, director, executive, agent or employee acting in behalf of such organization. ***This shall not prohibit the establishment by a labor union or group of labor unions of a political committee that operates independently of the labor union or group of labor unions, provided that the committee’s expenditures and contributions are made through a separate, segregated account consisting only of voluntary contributions solicited from individuals who are employees, officers, shareholders, directors, partners, or members of the labor union or group of labor unions.***

6 Prohibited Political Contributions; General Limitations. Amend RSA 664:4, V to read as follows:

V. By any person (1) if in excess of \$5,000 in value, except for contributions made by a candidate in behalf of his ***or her*** own candidacy, or if in excess of [~~\$1,000~~] ***\$1,500*** in value by any person or by any political committee to a candidate or a political committee working on behalf of a candidate who does not voluntarily agree to limit his campaign expenditures and those expenditures made on his behalf as provided in RSA 664:5-a, (2) if made anonymously or under a name not that of the donor, (3) if made in the guise of a loan, (4) if any other manner concealed, (5) if made without the knowledge and written consent of the candidate or [~~his~~] ***the candidate’s*** fiscal agent, a political committee or its treasurer, or not to any one of the same.

7 Political Expenditure Limitation Amounts; Amounts Increased. Amend RSA 664:5-b to read as follows:

664:5-b Political Expenditure Limitation Amounts. Total expenditures by a candidate who voluntarily agrees to limit campaign expenditures as provided in RSA 664:5-a shall be as follows:

I. For governor:

- (a) [~~\$625,000~~] ***\$750,000*** in a state primary election.
- (b) [~~\$625,000~~] ***\$750,000*** in a state general election.

I-a. For United States senator:

- (a) [~~\$625,000~~] ***\$750,000*** in a state primary election.
- (b) [~~\$625,000~~] ***\$750,000*** in a state general election.

II. For representative to Congress:

- (a) [~~\$350,000~~] ***\$500,000*** in a state primary election.
- (b) [~~\$350,000~~] ***\$500,000*** in a state general election.

III. For executive council:

- (a) [~~\$50,000~~] ***\$60,000*** in a state primary election.
- (b) [~~\$50,000~~] ***\$60,000*** in a state general election.

IV. For state senate:

- (a) [~~\$20,000~~] ***\$40,000*** in a state primary election.

(b) [~~\$20,000~~] **\$40,000** in a state general election.

V. For representative to the general court and all county offices, based upon the latest figures filed with the secretary of state:

(a) [~~\$-50~~] **\$1** per registered voter in the district or the county in a state primary election.

(b) [~~\$-50~~] **\$1** per registered voter in the district or the county in a state general election.

VI. For the purposes of this section, RSA 664:5-a, and the enforcement provisions of this chapter, "total expenditures" shall mean the sum of all expenditures made to influence either a state primary or a state general election made by a candidate and those made on the candidate's behalf by the candidate's committee or committees, the candidate's party, and the candidate's immediate family. For candidates for governor, United States senator, representative to Congress, state senate, state representative, and executive council, "total expenditures" shall include any such expenditures made after January 1 of the election year, regardless of when the person actually declares his or her candidacy. Each campaign expenditure limitation amount shall apply solely and independently to either the state primary election or the state general election.

8 Elections; Political Expenditures and Contributions; Reports; Reporting by Political Committee; Reporting by Candidates.
RSA 664:6 and 664:7 are repealed and reenacted to read as follows:

664:6 Reporting by Political Committee.

I. Any political committee whose receipts of contributions or whose expenditures, including, without limitation, coordinated and independent expenditures on behalf of candidates and general operating expenditures of the committee, in support of or in opposition to a candidate, measure, or political party, exceed in the aggregate \$500, shall file with the secretary of state an itemized statement, in accordance with the provisions of RSA 664:7-b. The statement shall be signed by the chairperson and treasurer of the political committee and shall list each contribution, in alphabetical order by the last name of the contributor, with the amount of the contribution, the date it was received, all of the information as is set forth in RSA 664:7-b, and the aggregate total for each election for each contributor. The statement shall be filed not later than the Wednesday 12 weeks immediately preceding a primary election, before 5 o'clock in the afternoon, and shall cover the period from the day of the committee registration up to and including the Monday before the statement is due. The statement shall contain the date of each expenditure, the name and address of the person or entity to whom each expenditure was made, the name of the candidate in whose behalf or against whom each expenditure was made, the amount of each expenditure, the purpose of each expenditure, and the aggregate amount of all previous expenditures.

II. An itemized statement in the same form as in paragraph I shall be filed with the secretary of state not later than the Wednesday 3 weeks immediately preceding a primary election, before 5 o'clock in the afternoon. The statement shall summarize the statement filed pursuant to paragraph I, if any, and shall itemize all receipts of contributions and expenditures made since the cutoff of the statement filed pursuant to paragraph I up until the Monday preceding the filing of the statement under this paragraph.

III. A statement in the same form as in paragraph I shall be filed with the secretary of state not later than the Wednesday immediately preceding a primary election, before 5 o'clock in the afternoon. The statement shall summarize the statements filed pursuant to paragraphs I and II, if any, and itemize all receipts of contributions and expenditures made since the cutoff of the statement filed pursuant to paragraph II up until the Monday preceding the filing of the statement under this paragraph. In addition to the reporting requirements contained in this section, the fiscal agent shall notify the secretary of state within 24 hours of any contributions or expenditures exceeding \$500 in the aggregate that are received after the statement under this paragraph is filed and prior to the day of primary election. No more than one report to the secretary of state shall be required within a 24-hour period.

IV. An itemized statement in the same form as in paragraph I, summarizing the previous statements, if any, and itemizing all receipts of contributions and expenditures made since the cutoff of the previous report up until the Monday preceding the filing of the statement, shall be filed with the secretary of state before 5 o'clock in the afternoon on each of the following days: the Wednesday one week after the primary election; the Wednesdays 4 weeks, 2 weeks, and immediately preceding the general election; and the Wednesday 2 weeks after the general election. In addition to the reporting requirements contained in this section, during the last week before the general election, the fiscal agent shall notify the secretary of state within 24 hours of any contributions or expenditures exceeding \$500 in the aggregate that are received after the statement under this paragraph is filed and prior to the day of the general election. No more than one report to the secretary of state shall be required within a 24-hour period.

V. Any political committee whose receipt of contributions or expenditures in the aggregate do not exceed \$500 for a reporting period need not file. However, when a committee's accumulated receipts of contributions or expenditures for an election in the aggregate exceed \$500, the committee shall file a statement at the next reporting deadline.

VI. Any political committee that has any outstanding debt, obligation, or surplus following the election shall file reports at least once every 6 months thereafter in the same form as in paragraph I until the obligation or indebtedness is entirely satisfied or surplus deleted, at which time a final report shall be filed.

VII. In addition to the itemized statements required by paragraphs I-VI of this section, any political committee whose independent expenditures, in aggregate, exceed \$500 shall file an itemized statement with the secretary of state not later than 24 hours after such expenditures are made, and thereafter each time a further \$500 is expended. Such itemized statements shall cover the period during which independent expenditures totaling \$500 were made. Each statement shall include a certification by the political committee that the independent expenditure meets the definition in RSA 664:2, XI. Each statement shall contain the date of each independent expenditure; the name and address of the person to whom the expenditure was made; the name of the candidate on whose behalf or against whom each expenditure was made; the amount of each expenditure; the purpose of each expenditure and the aggregate amount of all previous independent expenditures. If the independent expenditure is made in support of or to oppose more than one candidate, the statement made under this paragraph shall allocate the way in which the expenditure was made among the candidates on a reasonable basis. For the purposes of this paragraph, "reasonable basis" means a statement which reflects the benefit or the burden reasonably expected to be derived or suffered by each candidate. The filing requirements of this paragraph shall be in addition to all other filing requirements under this section, and shall not be limited to the filing periods during which expenditures must otherwise be reported.

VIII. Copies of the statements required by paragraphs I through VII of the state committee of a political party shall be filed with the secretary of state in sufficient numbers so as to provide a copy for the state committee of each party on the ballot, which they may obtain by application to the secretary of state.

IX. Any national political committee of a party as defined in RSA 652:11 may make contributions or expenditures on behalf of state candidates without complying with the requirements of paragraphs I through VII, provided that the total contribution or expenditure made in behalf of a candidate or political committee in this state whether directly or indirectly does not exceed the limit for personal contributions in RSA 664:4.

X. The provisions of this paragraph shall apply only to a political committee for an individual candidate who is seeking a federal office whose holder is chosen by the voters of this state only. Such a committee, which is required by federal law to file with the federal government reports relative to receipts of contributions and expenditures in support of such one candidate, may choose, at the time of registering under RSA 663:3, I, to file with the secretary of state copies of reports made to the federal government in accordance with the timetable established by federal laws for such reports in lieu of complying with the other reporting requirements of this section.

664:7 Reporting by Candidates.

I. Each candidate at the primary or general election for governor, councilor, state senator, representative to general court, or county officer, who receives contributions or makes expenditures in the aggregate that exceed \$500, shall file statements before and after an election in like manner and detail as prescribed in RSA 664:6, I-VI, excepting, however, the expenditures of political committees of the party to which the candidate belongs in elections other than primaries. Any candidate who files expenditure reports pursuant to the provisions of this paragraph, and who pays more than \$5,000 to any person who makes expenditures on behalf of the candidate, shall file an itemized account of the expenditures made by the person on behalf of the candidate in the expenditure report filed on the Wednesday preceding the primary or general election.

II. The candidate shall report all contributions received and expenditures made for the purpose of exploring or promoting such candidacy in the first report filed.

9 New Sections; Political Expenditures and Contributions; Reports; Form of Contributions; Content of Disclosure Reports; Campaign Finance Disclosure Record. Amend RSA 664 by inserting after section 7 the following new sections:

664:7-a Form of Contributions. No contribution may be accepted unless accompanied by the disclosure information set forth in RSA 664:7-b.

664:7-b Content of Disclosure Reports. All contributions reported pursuant to RSA 664:6 or RSA 664:7 shall be listed on forms or other means prescribed by the secretary of state. The listing for each contribution exceeding \$50 shall include disclosure

information. The disclosure information shall include the name; home or post office address; employer, business organization, or primary source of income; post office address of employer or business; and occupation of the contributor. Contributions shall be categorized as in-state or out-of-state. A summary of the contribution totals by category shall be included with each scheduled report. The report shall also list the aggregate total received from each contributor whose total contributions exceed \$100 and the contributor's disclosure information. All expenditures, as defined in RSA 664:2, IX and XIX, shall be reported in similar detail on forms or other means prescribed by the secretary of state.

664:7-c Campaign Finance Disclosure Record.

I. Disclosure reports required under RSA 664:6 and RSA 664:7 of candidates for governor and any disclosure reports filed by candidates for United States senator and representative to Congress may be filed in electronic format. The secretary of state shall enter these reports into an electronic campaign finance disclosure record. The secretary of state shall ensure that these disclosure reports are available through the official Internet site of the state of New Hampshire. Such reports shall also be available for paper or electronic copying at a reasonable cost.

II. The secretary of state shall compile and maintain separate cumulative disclosure reports filed under this subdivision by political committees, political committees of political parties, and candidates for executive councilor, state senator, state representative, county office, and the offices referenced in RSA 664:7, II.

10 Examination of Statements of Receipts and Expenditures. Amend RSA 664:19 to read as follows:

664:19 Examination of Statements of Receipts and Expenditures. It shall be the duty of the attorney general to ***obtain and*** examine the returns of election receipts and expenditures which are made to the secretary of state and to compel such returns be made to comply with the law.

11 Repeal. RSA 664:4, II, relative to prohibited political contributions by partnerships, is repealed.

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

AMENDED ANALYSIS

This bill:

I. Defines segregated accounts and coordinated expenditures and changes the definition of independent expenditure.

II. Modifies the reporting requirements for political committees and candidates and defines the content of mandatory campaign finance disclosure reports.

III. Increases the political expenditure limitation amounts.

IV. Creates an exception to the prohibition on political contributions by business organizations through the use of segregated accounts for voluntary contributions by members of the business organization.

2001-1265h

Amendment to SB 99

Proposed by the Committee on Commerce - C

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

AN ACT relative to the extension of time for filing a community benefits plan.

Amend the bill by replacing section 1 with the following:

1 Extension of Time for Filing a Community Benefits Plan. Amend RSA 7:32-g, II to read as follows:

II. An extension of time for filing the community benefits plan may be granted by the director, for a period of time not to exceed 12 months.

AMENDED ANALYSIS

This bill allows the director of charitable trusts to grant an extension of time to file a community benefits plan, for a period not to exceed 12 months.

2001-1417h

Floor Amendment to SB 99

Proposed by Rep. Kenney

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

1 Extension of Time for Filing a Community Benefits Plan. Amend RSA 7:32-g, II to read as follows:

II. An extension of time for filing the community benefits plan may be granted by the director *for a period not to exceed 12 months*.

2 Community Benefits; Health Care Charitable Trusts Exemption Threshold. Amend RSA 7:32-j to read as follows:

7:32-j Exemption. If the total value of the fund balances of a health care charitable trust do not exceed [~~\$100,000~~] ***\$1,000,000***, the trust shall have no obligation to comply with the provisions of this subdivision. In addition, those health care charitable trusts for which compliance would be a financial or administrative burden, according to criteria established and administered by the director of charitable trusts, may request an exemption from the provisions of this subdivision. An exemption, if granted, shall be valid for 3 years from the date of issuance unless it is revoked by the director of charitable trusts and written notice of such revocation is provided to the health care charitable trust.

3 Community Benefits; Health Care Charitable Trusts Exemption Threshold. Amend RSA 7:32-j to read as follows:

7:32-j If the total value of the fund balances of a health care charitable trust do not exceed [~~\$1,000,000~~] ***\$100,000***, the trust shall have no obligation to comply with the provisions of this subdivision. In addition, those health care charitable trusts for which compliance would be a financial or administrative burden, according to criteria established and administered by the director of charitable trusts, may request an exemption from the provisions of this subdivision. An exemption, if granted, shall be valid for 3 years from the date of issuance unless it is revoked by the director of charitable trusts and written notice of such revocation is provided to the health care charitable trust.

4 New Section; Simplified Reporting Forms. Amend RSA 7:32 by inserting after section l the following new section:

7:32-m The director of charitable trusts shall conduct an ongoing review of community benefits reporting requirements and shall seek to simplify report formats and requirements whenever possible consistent with the purpose of this subdivision. Use of simplified report formats shall not be restricted based solely on the size or assets of a health care charitable trust.

5 Effective Date.

I. Section 3 of this act shall take effect July 1, 2002.

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

AMENDED ANALYSIS

This bill sets the threshold for an exemption from the requirements of the community benefits law for health care charitable trusts at total fund balances not exceeding \$1,000,000. The threshold drops to \$100,000 on July 1, 2002. This bill also allows the director of charitable trusts to grant an extension of time to file a community benefits plan, for a period not to exceed 12 months.

2001-1309h

Amendment to SB 109

Proposed by the Committee on Commerce – C

Amend RSA 415-A:4-a, IV as inserted by section 3 of the bill by replacing it with the following:

IV. In any request for a benefit determination, the claimant may authorize a representative to pursue the claim or benefit determination by submitting a written statement to the licensed entity that acknowledges the representation.

Amend RSA 415-A:4-b, I(c) as inserted by section 3 of the bill by replacing it with the following:

(c) The claimant or claimant's representative shall have at least 180 days following receipt of a notification of an adverse claim determination to appeal;

Amend RSA 415-A:4-b, V(a)(3)-(5) as inserted by section 3 of the bill by replacing them with the following:

(3) A statement describing all other dispute resolution options available to the claimant, including, but not limited to other options for internal review and options for external review, and options for bringing a legal action;

(4) A statement that the claimant is entitled to receive, upon request and free of charge, reasonable access to, and copies of, all documents, records, and other information relevant to the claimant's claim for benefits;

(5) If an internal rule, guideline, protocol, or other similar criterion was relied upon in making the claim denial, either the specific rule, guideline, protocol, or other similar criterion; or a statement that such rule, guideline, protocol, or other similar criterion was relied upon in making the claim denial, and that a copy of the rule, guideline, protocol, or other similar criterion will be provided free of charge to the claimant upon request;

Amend the introductory paragraph of RSA 415-A:4-b, V(d) as inserted by section 3 of the bill by replacing it with the following:

(d) A carrier or other licensed entity that offers group health plans, employee benefit plans, or disability plans shall provide to consumers:

2001-1385h

Amendment to SB 118

Proposed by the Committee on Commerce - R

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

AN ACT relative to individual health insurance coverage and extending the reporting date for the healthy kids subcommittee and clarifying the mission statement of the healthy kids corporation.

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

1 Purpose. RSA 420-G:1, III is repealed and reenacted to read as follows:

III. To regulate underwriting and rating practices in the small employer and individual markets so as to promote access to affordable coverage for higher risk groups or individuals.

2 Ratio Changed. Amend RSA 420-G:4, I(a)(2) is repealed and reenacted to read as follows:

(2) Health carriers providing coverage to individuals may modify such average premium as established pursuant to subparagraph I(a)(1) for age, health status, and tobacco use only in accordance with the following limitations:

(A) The maximum premium differential for age as determined by ratio shall be 4 to 1. The limitation shall not apply for determining rates for an attained age of less than 19.

(B) The maximum differential due to health status shall be 1.5 to 1 and the maximum differential rate due to tobacco use shall be 1.2 to 1. Rate limitations based on health status do not apply to rate variations based on an insured's status as a tobacco user.

(C) Permissible rating characteristics shall not include changes in health status after issue.

3 Guaranteed Issue and Renewability. Amend RSA 420-G:6, III to read as follows:

III. Health carriers shall actively market, issue, and renew all of the health coverages they sell in the ~~[individual or]~~ small employer market~~[-]~~ to all ~~[individuals or]~~ small ~~[employees]~~ **employers**.

4 New Paragraph; Purpose of Chapter. Amend RSA 404-G:1 by inserting after paragraph II the following new paragraph:

III. Establish a high risk pool that will provide access to health insurance to all residents of the state who are denied health insurance for medical or health reasons. The premiums charged for coverage in the high risk pool shall be affordable and the coverage provided shall be reasonably comprehensive and comparable to coverage available outside of the high risk pool. It is the intent of the legislature that the high risk pool shall be adequately funded through an annual, and if necessary, a special assessment mechanism, that the high risk pool shall utilize cost containment measures, including, but not limited to, providing network based coverage, and that measures shall be taken to avoid inappropriate shifting of costs and risk to the high risk pool.

5 Definition; Covered Lives. Amend RSA 404-G:2, V to read as follows:

V. "Covered lives" shall include all persons living or working in New Hampshire for which a carrier provides health insurance evidenced by a policy or a group certificate issued in New Hampshire. For group excess loss insurance, or other types of group health insurance for which no certificates are issued, covered lives shall mean those New Hampshire employees and their dependents who are protected, in part, by a policy *or a certificate*, issued in New Hampshire, and purchased by a group health insurance plan subject to the Employee Retirement Income Security Act of 1974, Public Law No. 93-406 (ERISA).

6 New Paragraphs; Definitions Added. Amend RSA 404-G:2 by inserting after paragraph X the following new paragraphs:

X-a. "Plan of operation" means the plan of operation of the risk sharing mechanism and the high risk pool, including articles, bylaws and operating rules, procedures and policies adopted by the association.

X-b. "Pool" means the New Hampshire health insurance high risk pool.

7 Association's Powers and Duties. RSA 404-G:3 is repealed and reenacted to read as follows:

404-G:3 Association's Powers and Duties.

I. The association shall be a not-for-profit, voluntary corporation under RSA 292 and shall possess all general powers as derive from that status and such additional powers and duties as are approved by the commissioner or as specified below.

II. The board of directors of the association shall have the following powers:

- (a) Enter into contracts as necessary or proper to administer the plan of operation.
- (b) Sue or be sued, including taking any legal action necessary or proper for the recovery of any assessments for, on behalf of, or against members of the association or other participating person.
- (c) Take legal action as necessary to avoid the payment of improper claims against the plan or to defend the coverage provided by or through the pool.
- (d) Oversee the issuance of policies of insurance and certificates or evidences of coverage.
- (e) Retain appropriate legal, actuarial, and other persons as necessary to provide technical assistance in the operation of the plan, policy development, and other contract design and in any other function within the authority of the plan.
- (f) Borrow money to carry out the plan of operation.
- (g) Provide for reinsurance of risks incurred.
- (h) Perform any other functions within the authority of the association as may be necessary or proper to carry out the plan of operation.

III. The board of directors of the association shall have the following duties:

- (a) Fulfill the plan of operation as approved by the commissioner.
- (b) Issue policies of insurance to persons eligible for the high risk pool.
- (c) Prepare certificate of eligibility forms and enrollment instruction forms.
- (d) Determine and collect assessments for the risk sharing mechanism and for the high risk pool.
- (e) Disburse assessment payments, as provided in the plan of operation for the high risk pool.

- (f) Establish appropriate rates, rate schedules, rate adjustments, expense allowances, agent referral fees, claim reserve formulas and any other actuarial functions appropriate to the plan of operation for the high risk pool.
- (g) Provide for and employ cost-containment measures and requirements, which shall include but not be limited to, preadmission screening, second surgical opinion, concurrent utilization review, and individual case management for the purpose of making the benefit plan more cost effective.
- (h) Develop a list of medical or health conditions the existence or history of which makes an individual eligible for participation in the high risk pool without first requiring application to a carrier for health coverage.
- (i) In connection with the managed care or network based coverage options required pursuant to RSA 404-G:5-b, III, design, utilize, contract or otherwise arrange for the delivery of cost-effective health care services, including establishing or contracting for administration and operation of the pool with a carrier, a preferred provider organizations, a health maintenance organizations, or any other network provider arrangement.

IV. Neither the association nor its employees shall be liable for any obligations of the plan. No member or employee of the association shall be liable, and no cause of action of any nature may arise against them, for any act or omission related to the performance of their powers and duties under this chapter unless such act or omission constitutes willful or wanton misconduct. The association may provide in its bylaws or rules for indemnification of, and legal representation for, its members and employees.

8 Association Membership and Governance. Amend RSA 404-G:4, II-VII to read as follows:

II. The initial board of directors of the association shall be the same as that set forth in the order. Except as provided in paragraph IV, each successor board shall consist of ~~[5]~~ **9** individuals who are representative of categories of members of the association, ***health care providers, consumers who have purchased or are likely to purchase coverage from the pool, insurance brokers, small employers,*** and the commissioner who shall be an ex-officio member. In the initial and in each successor board, ~~[2]~~ **3** directors shall be representative of and elected by qualified writers of group health insurance ~~[and 2]~~, **2** directors ~~[shall be eligible to receive a subsidy under this chapter and]~~ shall be representative of and elected by qualified writers of individual health insurance, ***one director shall be representative of the health care provider community and shall be appointed by the commissioner, one director shall be representative of consumers covered through the high risk pool and shall be appointed by the commissioner, one director shall be a representative of insurance brokers and shall be appointed by the commissioner, and one director shall be a representative of small employers and shall be appointed by the commissioner.***

III. There shall be no more than one director representing any one qualified writer or its affiliate. For purposes of this section, the insurance activities of any elected director's affiliate shall be deemed to be insurance activities of the elected director.

IV. Qualified writers of individual or group health insurance shall be those that provide coverage for at least 500 covered lives or 5 percent of the total covered lives in the relevant market. A member's votes for individual or group market representatives shall be proportional to the member's assessment in that market.

V. If, at any board election subsequent to the establishment of the initial board, one or more elected group representatives are also ~~[writing]~~ ***qualified*** individual health insurance ***writers***, then the membership of the board shall be altered by applying the provisions in subparagraphs (a) through (d) to such elected group representatives.

- (a) If the elected group representative writing in the individual market is also an elected individual representative, then that member shall take a seat on the board as an individual representative and relinquish the group seat. The group writer with the next highest number of group votes shall take the relinquished group seat.
- (b) If the elected group representative writing in the individual market is not also an elected individual representative, then up to 2 directors will be added to the board as follows:
 - (1) If the total size of the board-elect is ~~[5 or 6]~~ **9 or 10**, the elected group representative shall remain on the board, but neither as a group or an individual representative, and the group writer with the next highest number of group votes shall join the board as a group representative; but
 - (2) If the total size of the board-elect is ~~[7]~~ **11**, the elected group representative shall not remain on the board and the group writer with the next highest number of group votes shall take the relinquished group seat.

(c) The provisions in subparagraphs (a) and (b) shall be applied to elected group representatives in the order of the number of votes received.

(d) The seats added to the board pursuant to subparagraph (b) shall not survive the term of the seat-holder.

VI. Members of the board of directors shall be elected to terms of one year.

VII. The board of directors shall take action by affirmative vote [~~of one less than the total number of directors~~] ***representing a simple majority of the entire board.***

9 Plan of Operation for the Risk Sharing Mechanism. RSA 404-G:5, II is repealed and reenacted to read as follows:

II. Subsidy determination for the risk sharing mechanism. For a given calendar year, the subsidy calculations for the risk sharing mechanism shall be based on the experience of the prior year. Only individual health insurance writers who are actively marketing individual health insurance, in accordance with the provisions of RSA 420-G, during the calendar year in which the subsidy is distributed shall be eligible for a subsidy. For companies that utilize health status factors, only individuals whose coverage is written at the maximum allowable health status factors under RSA 420-G and whose coverage was issued prior to July 1, 2002 shall be eligible for a subsidy. For companies that do not utilize varied health status factors, all individuals whose coverage is written under RSA 420-G and whose coverage was issued prior to July 1, 2002 shall be eligible for a subsidy. The subsidy determination process shall recognize and compensate writers based on the risk characteristics of coverage eligible for consideration in the subsidy relative to standards established by the association board. Nothing in this chapter shall preclude the commissioner from approving a subsidy mechanism that fully compensates individual health insurers for all costs incurred on subsidy-eligible coverages in excess of the premiums collected from subsidy-eligible coverages.

10 New Sections; High Risk Pool; Administrator; Premiums. Amend RSA 404-G by inserting after section 5 the following new sections:

404-G:5-a Plan of Operation for the High Risk Pool.

I. The board of directors for the association shall adopt a plan of operation for the high risk pool. The high risk pool shall be funded in part through an assessment mechanism whereby writers of health insurance contribute an amount sufficient to cover the expenses and losses of the pool not covered by premiums.

II. The plan of operation for the high risk pool shall establish:

(a) Procedures for handling and accounting for the assets and moneys of the plan;

(b) Procedures for selecting and retaining a pool administrator;

(c) Procedures to establish and maintain public awareness of the plan, including its eligibility requirements and enrollment procedures;

(d) Procedures to create a fund, under management of the board, for administrative expenses;

(e) Procedures for handling, accounting and auditing of assets, moneys and claims of the pool;

(f) Requirements for keeping financial and other records;

(g) Regular times and places for meetings of the board; and

(h) Procedures by which applicants and participants can submit utilization review determinations and grievances to the pool administrator. The procedures shall ensure that utilization review determinations and grievances will be processed properly and in accordance with all statutory and regulatory requirements.

III. The assessment for the high risk pool shall be based on the number of covered lives times a specified assessment rate. The association shall specify the basis used to set the assessment rate.

IV. The association shall establish a regular assessment rate which shall be:

(a) Calculated on a calendar year basis;

(b) Established no later than November 1 in the year preceding the calendar year for which the carrier's experience shall be

used to calculate the assessment; and

(c) Anticipated to be sufficient to meet the high risk pool's funding needs.

V. In addition to the regular assessment rate, the association may establish a special assessment rate. Notwithstanding RSA 420-G:4, a writer of health insurance may increase the premiums charged by the amount of the special assessment. Any assessment may appear as a separate line item on a policyholder's bill.

(a) The association shall only establish a special assessment if the association determines that its funds are or will become insufficient to pay the high risk pool's expenses in a timely manner.

(b) The association shall only assess, through the special assessment, at a rate necessary to fund the deficiency ascertained in subparagraph (1) above.

VI. The regular assessment rate, and any special assessment rate, shall be subject to the approval of the commissioner. The commissioner shall approve the rate if she or he finds that the amount is required to fulfill the purposes of the high risk pool. For the purpose of making this determination, the commissioner may, at the expense of the association, seek independent actuarial certification of the need for the proposed rate.

VII. The association shall impose and collect assessments from its members.

VIII. If the assessment exceeds the amount actually needed, the excess shall be held and invested and, with the earnings and interest thereon, be used to offset future net losses.

IX. Each covered life should be included in the assessment only once. The association shall adopt procedures by which affiliated carriers calculate their assessment on an aggregate basis and procedures to ensure that no covered life is counted more than once.

X. The initial assessment rate to fund the high risk pool shall be 60 cents per covered life per month, and shall take effect on policies or certificates issued or renewed on or after July 1, 2001.

404-G:5-b High Risk Pool.

I. There is hereby created the New Hampshire high risk pool. This pool shall operate subject to the supervision and control of the association and shall offer policies of insurance on or after July 1, 2002. The pool shall offer health care coverage consisting of 4 benefit plans, 2 of which shall be either managed care or network based plans.

II. The plans to be issued by the pool, including schedules of benefits, exclusions and other limitations shall be established by the association subject to the approval of the commissioner. In establishing the plans, the association shall take into consideration the levels of health insurance coverage provided in the state and medical economic factors as may be deemed appropriate and shall promulgate benefit levels, deductibles, coinsurance factors, exclusions and limitations determined to be generally reflective of and commensurate with comprehensive, major medical health insurance coverage provided in the state. The association shall, utilizing standard morbidity assumptions, annually place a value on all plans presently being written or issued in the individual market. The association shall average these values, weighed according to each plan's written premium volume, or some other suitable proxy, and utilizing the same standard morbidity assumptions, shall develop 2 coverage options: Option A and Option B.

III. The value of Option A developed by the association shall be 10 percent higher than the average value computed under paragraph II and the value of Option B shall be 10 percent lower than the average value computed under paragraph II. The association shall also provide either a managed care or network based version of Option A and a managed care version of Option B for a total of 4 plan choices.

IV. The insurance plans developed by the association shall comply with all applicable insurance laws and rules, except as provided herein.

V.(a) The pool shall be payer of last resort of benefits whenever any other benefit or source of third-party payment is available. The pool shall have a right of subrogation for any other health insurance coverage and by all hospital and medical expense benefits paid or payable under any workers' compensation coverage, automobile medical payment or liability insurance whether provided on the basis of fault or nonfault, and by any hospital or medical benefits paid or payables under or provided pursuant to any state or federal law or program.

(b) The pool shall have a cause of action against an eligible person for the recovery of the amount of benefits paid that are not for covered expenses. Benefits due from the plan may be reduced or applied as a set-off against any amount recoverable under this paragraph.

VI. The high risk pool shall be funded by premiums charged for coverage and by assessments which the association shall calculate based on the number of covered lives times a specified amount. The high risk pool shall not be funded with state general fund revenue. The high risk pool shall never cease writing policies to eligible individuals.

404-G:5-c High Risk Pool Administrator.

I. The board shall select a high risk pool administrator through a competitive bidding process to administer the pool. The board shall evaluate bids submitted based on criteria established by the board which shall include:

- (a) The high risk pool administrator's proven ability to handle health insurance coverage to individuals;
- (b) The efficiency and timeliness of the high risk pool administrator's claim processing procedures;
- (c) An estimate of total charges for administering the pool;
- (d) The high risk pool administrator's ability to apply effective cost containment programs and procedures and to administer the pool in a cost efficient manner; and
- (e) The financial condition and stability of the high risk pool administrator.

II.(a) The high risk pool administrator shall serve for a period of at least 3 years and shall be subject to removal for cause; and

(b) At least one year prior to the expiration of each period of service by a high risk pool administrator, the association shall invite eligible entities, including the current high risk pool administrator to submit bids to serve as the high risk pool administrator. Selection of the high risk pool administrator for the succeeding period shall be made at least 6 months prior to the end of the current period.

III. The high risk pool administrator shall perform such functions relating to the plan as may be as assigned to it, including:

- (a) The determination of eligibility;
- (b) The payment of claims, the development of procedures to ensure that each claim is promptly paid;
- (c) The establishment of a premium billing procedure for collection of premium from persons covered under the pool;
- (d) The acceptance of payments of premiums from insureds;
- (e) The development of procedures to ensure that medical utilization reviews and grievance determinations are conducted in a fair and timely manner and in accordance with all statutory and regulatory requirements; and
- (f) Other necessary functions to assure timely payment of benefits to covered persons under the pool.

IV. The high risk pool administrator shall submit regular reports to the association and the commissioner regarding the operation of the pool. The frequency, content and form of the report shall be specified in the contract between the association and the high risk pool administrator.

V. Following the close of each calendar year, the high risk pool administrator shall determine net written and earned premiums, the expense of administration, and the paid and incurred losses for the year and report this information to the association and the commissioner on a form prescribed by the commissioner.

VI. The high risk pool administrator shall be paid as provided in the contract between the association and the high risk pool administrator.

VII. The association shall submit the contract between itself and the high risk pool administrator to the commissioner for approval.

VIII. The association may select more than one administrator for the high risk pool.

404-G:5-d Premiums.

I. Premiums charged for the policies issued by the plan shall be based on the standard risk rate calculated pursuant to paragraph II of this section.

II. The standard risk rate shall be calculated using the average rate, based on the lowest allowable health status factor, for health benefit plan or policies which are presently available in New Hampshire and adjusted for the difference in the actuarial value of the pool's plans relative to these available plans using the factors derived pursuant to RSA 404-G:5-a, II.

III. Premium rates for coverage under the plan may not be less than 125 percent and may not exceed 150 percent of the standard risk rate pursuant to paragraph II of this section. The association shall charge high risk pool enrollees a premium charge based on the average rate for the plan adjusted for the attained age of the high risk pool enrollee. The adjustment for attained age shall conform to the provisions of RSA 420-G.

IV. All premium rates and rate schedules shall be submitted to the commissioner for approval.

404-G:5-e Eligibility.

I. An individual who is a New Hampshire resident shall be eligible for coverage through the high risk pool if:

(a) The individual has applied to a carrier of individual health insurance for coverage that is substantially similar to the coverage that is available through the pool, and the carrier has refused to write or issue that coverage to that individual because of his or her health or medical condition;

(b) The individual has applied to a carrier of individual health insurance for coverage that is substantially similar to the coverage that is available through the pool, and such application has been accepted, but at a premium rate exceeding the rate available through the pool; or

(c) The individual has a history of any medical or health condition that is on a list adopted by the association.

II. The association shall promulgate a list of medical or health conditions for which a person shall be eligible for plan coverage without applying for health insurance coverage. Persons who can demonstrate the existence or history of any medical or health conditions on the list promulgated by the association shall not be required to provide evidence of a notice of rejection or refusal. The list shall be effective on the first day of the operation of the pool and may be amended from time to time as may be appropriate.

III. Each resident dependent of a person who is eligible for pool coverage shall also be eligible for pool coverage. If the primary insured is a child, resident family members shall also be eligible for pool coverage.

IV. New Hampshire residents who are insured through an individual policy shall be eligible for pool coverage only if the rate assessed by the individual carrier exceeds the pool rate.

V. An individual shall not be eligible for coverage under the pool if:

(a) The individual is eligible for employer sponsored health coverage, including continuation of group coverage, as either an employee or an eligible dependent; or

(b) The individual is eligible for publicly funded health insurance coverage, including Medicare, Medicaid or Title XXI; or

(c) The person's premiums are paid for or reimbursed under any government sponsored program or by any government agency or health care provider, except as an otherwise qualifying full-time employee, or dependent thereof, of a government agency or health care provider.

VI. Coverage shall cease:

(a) On the date a person is no longer a resident of this state;

(b) On the date a person requests coverage to end;

(c) Upon the date a person dies;

(d) On the date state law requires cancellation of the policy; or

(e) At the option of the plan, 30 days after the plan makes any inquiry concerning the person's eligibility or place of residence to which the person does not reply.

404-G:5-f Application of Provisions of the Insurance Code.

I. The pool shall be subject to examination and regulation by the insurance department.

II. The following provisions of the title 37 shall apply to the pool to the extent applicable and not inconsistent with the express provisions of this chapter: RSA 415:5, 415:6, 415:6-a, 415:6-b, 415:6-c, 415:6-f, 415:6-g, 415:6-h, 415:7, 415:9 – 415:13, 415:22, 415:22-a, 415:22-b, 415:23, RSA 415-A, RSA 417, RSA 420-B:8, 420-B:8-b, 420-B:8-d, 420-B:8-e, 420-B:8-ee, 420-B:8-f, 420-B:8-ff, 420-B:8-g, 420-B:8-gg, 420-B:8-h, 420-B:8-i, 420-B:8-j, 420-B:8-k, 420-B:8-m, 420-B:11-12, RSA 420-C, RSA 420-E:4, RSA 420-G:7, 420-G:8, 420-G:11, RSA 420-H, RSA 420-I, and RSA 420-J:3. For the purposes of this chapter, the pool shall be deemed an insurer, pool coverage shall be deemed individual health insurance, and pool coverage contracts shall be deemed policies.

11 Examination and Annual Report. Amend RSA 404-G:7 to read as follows:

404-G:7 Examination and Annual Report. The association shall be subject to examination by the commissioner. The board of directors shall submit to the commissioner each year, not later than 120 days after the association's fiscal year, a financial report in a form approved by the commissioner and a report of its activities during the proceeding fiscal year. ***The report shall summarize the activities of the risk sharing mechanism and the high risk pool in the preceding calendar year, including the net written and earned premiums, enrollment, the expense of administration, and the paid and incurred losses.*** The association's fiscal year shall be the calendar year.

12 New Paragraphs; Notice to Residents; Unfair Referral to the Pool. Amend RSA 420-G:5 by inserting after paragraph III the following new paragraphs:

IV. Individual health insurance carriers shall be responsible for ascertaining the eligibility of any individual applicant or insured for high risk pool coverage. If a carrier determines that an individual meets any of the eligibility criteria set forth in RSA 404-G:5-e, the carrier shall give the individual written notice, with the declination of coverage, the coverage offering or upon a rate increase at renewal. The notice shall include information about available benefits and exclusions of high risk pool coverage and the name, address, and telephone number of the pool administrator or the administrator's designee.

V. It shall constitute an unfair trade practice under RSA 417 for an insurer, insurance producer, or third party administrator to refer an individual employee to the pool, or arrange for an individual employee to apply to the pool, for the purpose of separating that employee from group health insurance coverage provided in connection with the employee's employment.

13 Repeal. RSA 420-G:6, IV, relative to high risk pools, is repealed.

14 Emergency Rules. In the event that approvals required for the high risk pool have not been obtained by July 1, 2002, the commissioner of insurance may adopt emergency rules to establish a high risk pool.

15 New Section; Biannual Report Required. Amend RSA 404-G by inserting after section 1 the following new section:

404-G:1-a Study and Biannual Report. The commissioner shall evaluate the impact and effectiveness of RSA 404-G in effectuating the principles outlined in RSA 404-G:1, III. This review shall be based on data collected from carriers in the individual market and from the association, including but not limited to the following data elements: data on premiums and carrier profitability, carriers entering or exiting the market, products being sold, basis for high risk pool eligibility, and overall denial rate. The study shall be completed within 6 months of the availability of data on the first 2 years of operation of the high risk pool. Upon completion of the study, the commissioner shall make an initial report relative to the findings of the study to the governor, the president of the senate and the speaker of the house of representatives and shall make biannual reports to such persons thereafter.

16 Healthy Kids Subcommittee Reporting Date Extended. Amend 1999; 324:6, IV to read as follows:

IV. The subcommittee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the senate president, the house clerk, the senate clerk, the governor, and the state library on or before November 30, ~~2000~~ **2002**.

17 Purpose and Scope of Healthy Kids Corporation Expanded. Amend RSA 126-H:2 to read as follows:

126-H:2 Corporation Established.

I. There is hereby created a body politic and corporate having a distinct legal existence separate from the state and not constituting a department of state government, to be known as the New Hampshire healthy kids corporation to carry out the provisions of this chapter. The corporation 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. ~~[The corporation shall operate at no more than 5 pilot sites to be designated by the corporation, which sites may include multiple school districts.]~~ The corporation shall be a private nonprofit corporation and shall have all the powers necessary to carry out the purposes of this chapter, including, but not limited to, the power to receive and accept grants, loans, or advances of funds from any public or private agency and to receive and accept from any source, contributions of money, property, labor, or any other thing of value, to be held, used, and applied for the purposes of this chapter. Notwithstanding any other provision of law, any payments made by the corporation for insurance coverage for children under this chapter, either directly or indirectly, shall be exempt from the premium tax under RSA 400-A:32.

II. *The purpose of the corporation is to provide access to affordable health care and health coverage and to facilitate programs of preventive health care services for low-income and vulnerable populations with a focus on the needs of children.*

18 Effective Date.

I. Sections 4-15 of this act shall take effect July 1, 2001.

II. Sections 1-3 of this act shall take effect on the first day that the board established in RSA 404-G has obtained all approvals for the high risk pool and policies of insurance are available through the high risk pool. The high risk pool shall not issue policies of insurance until July 1, 2002, until all approvals are obtained, or until the commissioner adopts emergency rules to establish a high risk pool, whichever comes last.

III. Section 16 of this act shall take effect upon its passage.

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

AMENDED ANALYSIS

This bill establishes the health insurance risk pool for the purposes of individual health insurance coverage.

This bill also updates the mission statement of the healthy kids corporation and extends the reporting date for the healthy kids subcommittee studying affordable health insurance options for low income, working adults.

2001-1381h

Amendment to SB 119

Proposed by the Committee on Commerce - R

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

1 New Subparagraph; Premium Rates for Small Employers. Amend RSA 420-G:4,I(a) by inserting after subparagraph (2) the following new subparagraph:

(3) Health carriers providing coverage to small employers under this chapter may modify such average premium as established pursuant to subparagraph I(a)(1) only in accordance with the following limitations:

(A) The maximum premium differential for age as determined by ratio shall be 3 to 1 beginning with age 19.

(B) Health carriers modifying such average premium for age may do so only by using the following age brackets:

0 - 18

19 - 24

25 - 29

- 30 - 34
- 35 - 39
- 40 - 44
- 45 - 49
- 50 - 54
- 55 - 59
- 60 - 64
- 65 +

(C) Carriers may use group size as a rating factor; however, the highest factor based on group size shall not exceed the lowest factor based on group size by more than 20 percent.

2 Premium Rates. Amend RSA 420-G:4, I(d) to read as follows:

(d) ~~[The only other modification to be allowed in community rating will be that component of the administrative fees which reflects the cost of doing business with different group sizes.]~~ ***The commissioner shall not approve any filing if such filing is excessive, inadequate or contrary to the intent of this chapter.***

3 New Paragraph; Limited Open Enrollment; Certain Small Employers. Amend RSA 420-G:8 by inserting after paragraph I the following new paragraph:

I-a. Small employers who are self-employed individuals shall have 2 open enrollment periods that shall occur during the months of June and December of each calendar year. During these periods, health carriers shall make their plans available to these employers for effective dates beginning on the first day of the month following the open enrollment period. Self-employed individuals who seek coverage during other times of the year shall be treated as late enrollees.

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

AMENDED ANALYSIS

This bill revises certain laws relative to small group health insurance.

2001-1375h

Amendment to SB 120

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

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

1 Minimum Wage Law; Definition and Administration of Tip Pooling. Amend the introductory paragraph of RSA 279:21 to read as follows:

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

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. ***For purposes of this section, "tips directly from the customer" means: (1) tips paid directly from the customer to the employee and, (2) tips which the tipped employees voluntarily pool and share with employees who customarily and regularly receive tips, such as waitstaff, hostesses, expeditors, buspeople, and service bartenders who serve customers. Tipped employees shall not be required to share their tips with employees who have not customarily and regularly participated in tip pooling arrangements, such as dishwashers, cooks, chefs, janitors, door people, and security personnel. A tip is the property of the employee in recognition of services given to a customer and shall not include a compulsory charge for service. In no case shall more than 10 percent of the tips received by any individual be put into a tip pool. An employer may, but is not required to, administer the tip pool. When the employees administer the tip pool themselves, then they shall report sufficient information to the employer to permit the employer to document tips contributed by the wait staff to the tip pool and tips received by employees from the tip pool. Where the tip pool is administered in accordance with this section, the employer shall not be in violation of the provisions of 275:48. Where the employees administer the tip pool in violation of this section, the employer shall not be in violation of RSA 275:48. No individual shall be discriminated against for not voluntarily participating in a tip pooling policy. Any restaurant, hotel, motel, inn, or cabin whose employees engage in tip pooling shall post a sign in its entrance, prominently displayed in plain view of the customer, notifying customers that the establishment pools tips. The department of labor shall provide a uniformly worded sign for posting that notifies the customer that the establishment pools tips and explains the practice in general terms.*** The limitations imposed hereby shall be subject to the following exceptions:

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

2001-1399h

Amendment to SB 139

Proposed by the Committee on Commerce - C

Amend the bill by inserting after section 1 the following and renumbering the original section 2 to read as 4:

2 Uniform Commercial Code; Article 9; Facsimile and Electronic Signatures; Filing and Recording in Electronic Form; Reference Change. Amend RSA 382-A:9-410(1) to read as follows:

(1) Any signature on any writing or filing authorized to be filed under this Article may be a facsimile, an electronic signature under RSA ~~[294-D:3]~~ **294-E:2, VIII**, or any other symbol made or adopted by a party with present intention to authenticate the writing or filing.

3 Repeal. The following are repealed:

- I. RSA 294-D, relative to digital signatures.
- II. RSA 506:8, relative to definitions of digital signatures.
- III. RSA 506:9, relative to when digital signatures are given effect.

2001-1284h

Amendment to SB 148

Proposed by the Committee on Commerce - C

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

AN ACT relative to certain penalties for violations of the youth tobacco laws and establishing a committee to study the feasibility of transferring some of the responsibilities currently held by the commissioner of the department of revenue administration under RSA 78 to the liquor commission.

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

1 Sale and Distribution of Tobacco Products to Minors Prohibited; License Revocation. Amend RSA 126-K:4, II to read as follows:

II. Violations of this section shall be civil infractions punishable by administrative action of the commission against the licensee. The fines for violations of this section shall not exceed \$250 for the first offense and \$500 for the second offense. For the third offense, the commission shall issue a letter of warning detailing necessary corrective actions and an administrative fine ranging from \$500 to \$1500. In addition, the license to sell tobacco products of the manufacturer, wholesaler, sub-jobber, vending machine operator, or retailer where the offense occurred shall be suspended for a period of 10 consecutive days and not exceeding 30 consecutive days. For the fourth offense, the commission shall issue either an administrative fine and a suspension of a minimum of 10 consecutive days not to exceed 40 consecutive days, or a suspension. The administrative fine shall range from \$ 750 to \$3,000 while any suspension without a fine shall be 40 consecutive days. For any violation beyond the fourth, the commission shall revoke any license ***for the business or business entity or any principal thereof for a period of one year from the date of revocation. The commission shall determine the level of the violation by reviewing the licensee's record and counting violations that have occurred within 3 years of the date of the violation being considered.***

2 Distribution of Free Samples of Tobacco Products to Minors; License Revocation. Amend RSA 126-K:5, III to read as follows:

III. Violations of this section shall be civil infractions punishable by administrative action of the commission against the licensee. The fines for violations of this section shall not exceed \$250 for the first offense and \$500 for the second offense. For the third offense, the commission shall issue a letter of warning detailing necessary corrective actions and an administrative fine ranging from \$500 to \$1,500. In addition, the sampler's license shall be suspended for a period of 10 consecutive days and not exceeding 30 consecutive days. For the fourth offense, the commission shall issue either an administrative fine and a suspension of a minimum of 10 consecutive days not to exceed 40 consecutive days, or a suspension. The administrative fine shall range from \$750 to \$3,000 while any suspension without a fine shall be 40 consecutive days. For any violation beyond the fourth, the commission shall revoke any license ***for the business or business entity or any principal thereof for a period of one year from the date of revocation. The commission shall determine the level of the violation by reviewing the licensee's record and counting violations that have occurred within 3 years of the date of the violation being considered.***

3 Youth Access to Tobacco Products; Special Provisions; Penalty Provisions Amended. Amend RSA 126-K:8, IV to read as follows:

IV. Violations of this section shall be civil infractions punishable by administrative action of the commission against the licensee. The fines for violations of this section shall not exceed \$250 for the first offense and \$500 for the second offense. For the third offense, the commission shall issue a letter of warning detailing necessary corrective actions and an administrative fine ranging from \$500 to \$1,500. In addition, the license to sell tobacco products of the manufacturer, wholesaler, sub-jobber, vending machine operator, or retailer where the offense occurred shall be suspended for a period of 10 consecutive days and not exceeding 30 consecutive days. For the fourth offense, the commission shall issue either an administrative fine and a suspension of a minimum of 10 consecutive days not to exceed 40 consecutive days, or a suspension. The administrative fine shall range from \$750 to \$3,000 while any suspension without a fine shall be 40 consecutive days. For any violation beyond the fourth, the commission shall revoke any license for the business or business entity or any principal thereof for a period of one year from the date of revocation. ***The commission shall determine the level of the violation by reviewing the licensee's record and counting violations that have occurred within 3 years of the date of the violation being considered.***

4 Vending Machines; License Revocation. Amend RSA 78:12-d, VII to read as follows:

VII. Violations of this section shall be civil infractions punishable by administrative action by the commissioner against the licensee. Fines for violations of paragraphs I-V shall be no more than \$100 for a first offense and no more than \$200 for a second offense. For the third offense, the commissioner shall issue a letter of warning detailing necessary corrective actions and an administrative fine ranging from \$500 to \$1,500. In addition, the license to sell tobacco products shall be suspended for a period of 10 consecutive days and not exceeding 30 consecutive days. For the fourth offense, the commissioner shall issue either an administrative fine and a suspension of a minimum of 10 consecutive days not to exceed 40 consecutive days, or a suspension. The administrative fine shall range from \$750 to \$3,000 while any suspension without a fine shall be 40 consecutive days. For any violation beyond the fourth, the commissioner shall revoke any license ***for the business or business entity or any principal thereof for a period of one year from the date of revocation. The commission shall determine the level of the violation by reviewing the licensee's record and counting violations that have occurred within 3 years of the date of the violation being considered.***

5 Committee Established. There is established a committee to study the feasibility of transferring some of the responsibilities currently held by the commissioner of the department of revenue administration under RSA 78 to the liquor commission.

6 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 of representatives.

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

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

7 Duties. The committee shall review the feasibility of transferring some of the responsibilities currently held by the commissioner of the department of revenue administration under RSA 78 to the liquor commission. The responsibilities reviewed shall include, but not be limited to, licensing tobacco manufacturers, wholesalers, subjobbers, vending machine operators, retailers and samplers and enforcing RSA 78:12-d relative to vending machines.

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

9 Report. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the senate president, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2001.

10 Effective Date.

I. Sections 1-4 of this act shall take effect January 1, 2002.

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

AMENDED ANALYSIS

This bill provides that sellers of tobacco products who are found guilty of selling to minors on more than 4 occasions shall have their licenses revoked for one year. The bill also establishes a committee to study the feasibility of transferring some of the responsibilities of the commissioner of the department of revenue administration under RSA 78 to the liquor commission.

2001-1394h

Amendment to SB 149-FN

Proposed by the Committee on Transportation - C

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

AN ACT changing the definition of "person" with respect to motor vehicle records and certification and permitting certain medical researchers access to motor vehicle records

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

1 Administration of Motor Vehicle Laws; Records and Certification, Definition of Person. Amend RSA 260:14, I(b) to read as follows:

(b) "Person" means an individual, organization or entity, but shall not include this state or an agency thereof. ***"Person" shall include the personal representative of any person injured or killed in the motor vehicle accident, including the person's conservator, executor, administrator, or next of kin as defined in RSA 259:66-a.***

2 Access to Motor Vehicle Records by Certain Medical Researchers. Notwithstanding any other provision of law, medical researchers who initiated a specific medical research project prior to August 20, 2000 and who require access to motor vehicle records under RSA 260:14 in order to complete the project, shall be entitled to the records under terms and conditions set by the commissioner of safety, which are consistent with RSA 260:14. The commissioner may also charge reasonable fees for such access, pursuant to RSA 260:14, XIII.

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

AMENDED ANALYSIS

This bill expands the definition of "person" with respect to motor vehicle records by including the personal representative of any person killed or injured in a motor vehicle accident.

The bill also permits access to motor vehicle records for medical research projects initiated prior to August 20, 2000.

2001-1322h

Amendment to SB 168-FN

Proposed by the Committee on Ways and Means - C

Amend RSA 198:51, VI as inserted by section 2 of the bill by replacing it with the following:

VI. Claims filed with the department of revenue administration shall be filed within 60 days of the due date of the taxes. *If a person is prevented by accident, mistake, or misfortune, but not neglect, from filing a claim within 60 days of the due date of the taxes, such person may file a claim no later than June 30 following the date of the notice of tax as defined in RSA 72:1-d, II.*

2001-1339h

Amendment to SB 170-FN-LOCAL

Proposed by the Committee on Ways and Means - R

Amend the bill by replacing section 8 with the following:

8 Effective Date. This act shall take effect April 1, 2002.

2001-1330h

Amendment to SB 176-FN-A

Proposed by the Committee on Executive Departments and Administration - C

Amend RSA 21-I:44-e as inserted by section 1 of the bill by replacing it with the following:

21-I:44-e Equipment Depository. There is hereby established an equipment depository within the division of personnel. Moneys contained in the disabled persons' employment fund, established by RSA 21-I:44-f, shall be used to purchase adaptive equipment and accommodations to enable disabled persons to become gainfully employed by the state. The division shall determine the equipment or services, or both to be purchased. The purchases shall be limited to equipment and services which provide reasonable, and not extraordinary, accommodations to the needs of employees with disabilities, such as telephone adapters, adjustable desks, and other like equipment, or such other accommodations which permit employees with disabilities to perform their job tasks efficiently and effectively. The division shall have authority to reissue equipment returned to the depository and to dispose of any equipment that is no longer useful and to deposit any sale proceeds in the fund established by RSA 21-I:44-f.

AMENDED ANALYSIS

This bill establishes an equipment depository and disabled person's employment fund in the department of administrative services, for purposes of purchasing adaptive equipment or services, or both, for disabled persons. Both the equipment depository and the fund are repealed on June 30, 2006.

The bill is a request of the developmental disabilities council, health and human services.

2001-1331h

Amendment to SB 192-FN

Proposed by the Committee on Executive Departments and Administration - C

Amend RSA 319-C:2, III-b as inserted by section 2 of the bill by replacing it with the following:

III-b. "High/medium voltage electrician" means a person who, as a business, hires or employs another, as defined in administrative rules, to make electrical installations on high/medium voltage power distribution systems operating at over 600 volts, or without hiring another, makes electrical installations on high/medium voltage power distribution systems operating at over 600 volts, including associated controls and metering, as a principal or auxiliary business for their own account.

2001-1367h

Amendment to SB 197-FN

Proposed by the Majority of the Committee on Judiciary - R

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

AN ACT establishing a judicial conduct commission.

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

1 Purpose. In order to maintain a healthy democracy, the legislature finds that it is vital that the citizens of New Hampshire have an independent commission able to adequately discipline the actions of judges who have breached the Code of Judicial Conduct. The general court recognizes that the judicial branch of government must act independently, in accordance with the New Hampshire Constitution, in making its adjudicatory decisions. The legislature is mindful of the importance of the independence of each branch and believes that it has a duty under the constitution to insure that the judicial branch provides the citizens of New Hampshire fair, equal, impartial, and prompt justice. To meet its duty, the legislature mandates the establishment of a judicial conduct commission.

2 New Chapter; Judicial Conduct Commission. Amend RSA by inserting after chapter 494 the following new chapter:

CHAPTER 494-A

JUDICIAL CONDUCT COMMISSION

494-A:1 Judicial Conduct Commission Established. A judicial conduct commission is hereby established which shall be completely independent of the New Hampshire court system and other branches of government. The commission shall be administered by an executive director, appointed under RSA 494-A:3.

494-A:2 Definitions. In this chapter:

- I. "Commission" means the judicial conduct commission established under RSA 494-A:4.
- II. "Executive director" means the executive director of the commission appointed under RSA 494-A:3.
- III. "Judge" means supreme court justices under RSA 490:1; superior court justices under RSA 491:1; and superior court marital masters; district court justices under RSA 502-A:3; and probate court judges, under RSA 547.

494-A:3 Executive Director; Appointment and Duties.

- I. The commission shall select and appoint an executive director as the administrator of the commission. The executive director shall be appointed by majority vote of the commission after 60 days notice and a public hearing. The executive director shall hold office for 5 years and until a successor has been appointed, except that the executive director may be removed from office by vote of 2/3's of the commission. Vacancies in the office shall be filled for the unexpired term. The executive director may be reappointed using the same procedure for appointment. The executive director shall be a nonclassified state employee.
- II. The executive director shall be the administrative head of the commission. The duties of the executive director shall also include:
 - (a) Employing and supervising commission staff, under RSA 494-A:16.

(b) Submitting an annual report to the governor, senate president, speaker of the house, and chief justice of the supreme court, by October 1 of each year, which details the performance of the commission. This report shall be a public document.

(c) Submitting budgets to be funded through general funds in the biennial operating budget.

(d) Acting as secretary for all commission meetings.

494-A:4 Commission; Membership.

I. The commission shall consist of the following 11 members:

(a) Three judges, consisting of one judge or retired judge from each of the superior court, district court, and probate court, appointed by the chief justice of the supreme court.

(b) Two attorneys nominated and appointed as follows:

(1) One attorney shall be appointed by the governor, with consent of the executive council, from a list of 10 nominees prepared by the New Hampshire Bar Association. If the initial list prepared by the New Hampshire Bar Association is unsatisfactory to the governor, the governor may request that the Bar Association prepare a second list of 10 nominees from which an appointment shall be made.

(2) One attorney shall be appointed jointly by the senate president and the speaker of the house from a list of 10 nominees prepared by the New Hampshire Bar Association. If the initial list prepared by the New Hampshire Bar Association is unsatisfactory to the senate president and the speaker of the house, they may request that the Bar Association prepare a second list of 10 nominees from which an appointment shall be made.

(c) Two public members who are not judges, attorneys, or elected or appointed public officials, appointed by the governor.

(d) Two public members who are not judges or attorneys, appointed by the senate president.

(e) Two public members who are not judges or attorneys, appointed by the speaker of the house.

II. Commission members shall serve without compensation for their services, but shall be reimbursed for necessary expenses incurred in the performance of their duties.

494-A:5 Terms of Office.

I. The initial terms of office shall be staggered as follows:

(a) For the members appointed under RSA 494-A:4, I(a), one member shall be appointed for 2 years, one member shall be appointed for 3 years, and one member shall be appointed for 4 years.

(b) For the members appointed under RSA 494-A:4, I(b), one member shall be appointed for 3 years and one member shall be appointed for 4 years.

(c) For the members appointed under RSA 494-A:4, I(c), one member shall be appointed for 3 years and one member shall be appointed for 4 years.

(d) For the members appointed under RSA 494-A:4, I(d), one member shall be appointed for 2 years and one member shall be appointed for 3 years.

(e) For the members appointed under RSA 494-A:4, I(e), one member shall be appointed for 3 years and one member shall be appointed for 4 years.

II. After the initial appointment, a member may be reappointed for an additional term of 4 years. Initial members may not be appointed thereafter until they have not sat on the commission for a period of 4 years.

494-A:6 Vacancies.

I. A vacancy in the office of the commission occurs:

(a) At the expiration of a member's term.

- (b) When a member ceases to hold the office, by submitting his or her resignation to the commission, or for some other reason.
- (c) When a non-attorney or non-judge member becomes an attorney or judge.
- (d) When an attorney member ceases to be a member of the New Hampshire bar, is elected or appointed to public office, or is appointed a judge.
- (e) When a member ceases to be domiciled in New Hampshire.

II. A vacancy shall be filled by the same appointing authority. The successor shall have the same qualifications as the person who is being replaced. If the vacancy results from other than expiration of the term, the successor shall hold office for the unexpired term.

494-A:7 Disqualification.

I. No member shall participate in any proceeding before the commission involving his or her conduct or in which he or she is a witness or is otherwise involved.

II. No member shall participate in any proceeding in which his or her impartiality might reasonably be questioned.

III. Whenever a member is unable to participate in a particular proceeding because of disqualification, prolonged absence, or physical or mental incapacity, or any other reason, the commission may request the appointing authority of the absent member to appoint a substitute member.

494-A:8 Numbers for Quorum and Action. A quorum for a meeting shall be a simple majority. Similarly, a simple majority of the commission shall be necessary to take routine action. A vote of 6 members of the commission shall be required in order to take or recommend any disciplinary action.

494-A:9 Election of Chairperson and Vice Chairperson. The members of the commission shall elect their own chairperson and vice chairperson.

494-A:10 Duties; Proceedings. The commission shall be responsible for addressing complaints concerning the conduct of judges in the courts of this state. The commission shall determine if a complaint constitutes conduct which violates the Code of Judicial Conduct. The commission shall adopt rules for its proceedings under this paragraph. After notice and hearing, the commission may impose disciplinary actions with regard to a complaint by reprimand or censure. The commission may recommend that the supreme court suspend the judge. If the commission finds evidence of criminal acts, it shall report such evidence to the attorney general. If the commission finds that a judge's conduct may warrant the removal of the judge, the commission shall refer the matter to the legislature.

II. The commission shall, by rules of the executive director adopted under RSA 494-A:12, adopt a Code of Judicial Conduct based on the Model Code of Judicial Conduct (August, 1990), adopted by the House of Delegates of the American Bar Association on August 7, 1990. The code shall be the initial code adopted and may be amended by the commission. Prior to any change in the Code of Judicial Conduct, the commission shall confer with the chief justice of the supreme court.

494-A:11 Procedures for Complaints; Public Availability.

I. When a complaint is received by the commission, the commission shall determine if the complaint is founded or unfounded. If unfounded, the commission shall respond to the complaining party within 60 days and provide the complaining party with a descriptive basis for its decision. If founded, the commission shall send a copy of the complaint to the judge and the judge shall have 21 days to respond in writing. There shall be no other communications by the judge relative to the complaint. Following a response from the judge, the commission shall send a copy of the response to the complaining party and the complaint and the response shall be public record. All subsequent actions of the commission shall be subject to the provisions of RSA 91-A.

II. The commission may conduct hearings when necessary to make a finding. Transcripts, findings, deliberations, and reports of disciplinary actions taken with regard to a founded complaint shall be available to the public under the provisions of RSA 91-A. The exemption regarding internal personnel practices in RSA 91-A:5, IV shall be inapplicable to proceedings or documents under this paragraph.

III. If the complaint referred to the commission alleges conduct that would constitute a crime, the commission chairperson shall immediately refer the matter to the attorney general. The referral of such a complaint to the attorney general shall not

supersede the commission’s jurisdiction relative to whether a violation of the Code of Judicial Conduct has occurred. However, the committee shall suspend its activities until the criminal proceedings, if any, are concluded.

IV. In all cases, whether a complaint is dismissed or not, complaints received by the commission shall be made available to the administrative judge of the court in which the judge complained against holds office. Furthermore, all complaints against judges received by the administrative judges and other judges of the superior court, the district court, and the probate court shall be forwarded to the commission.

V. The statute of limitations for any complaint shall be 3 years from the act which is the subject of the complaint or from the conclusion of the trial or appeal during which the act occurred, whichever is later.

494-A:12 Rules. The executive director, with consent of the commission, shall have the authority to adopt rules, after public notice and hearing, necessary to perform the objectives of this chapter and may adopt as temporary rules the rules used by the supreme court on the effective date of this chapter, but shall adopt its own rules, which shall replace such temporary rules, by January 1, 2002. Prior to the adoption of any rule, or the amendment or repeal thereof, the commission shall publish or otherwise circulate notices of its intended action and afford interested parties the opportunity to submit comments either orally or in writing.

494-A:13 Subpoena Power. The chairperson and the vice-chairperson of the commission shall have the powers of subpoena.

494-A:14 Appeals. An aggrieved party may appeal an order or decision of the judicial conduct commission provided that such appeals shall be limited to consideration of matters of procedure and errors of law.

494-A:15 Funding. The commission shall prepare and administer its own budget, including funding for such items as staff, office space, and operating expenses. Funding shall be authorized by the legislature only from sources other than those appropriated for the judicial branch.

494-A:16 Staff and Facilities.

I. The executive director shall, with the approval of the commission, hire its own staff, which may include attorneys, investigators, and clerks, as may be necessary to carry out the duties of the commission. The executive director may contract for such temporary professional, administrative, and clerical services as deemed necessary by the commission. Full-time staff shall be nonclassified personnel who shall be entitled to state employee benefits.

II. The commission shall select its own office space, which shall be as independent as possible from other facilities of any branch of government.

3 Right to Know; Judicial Conduct Commission Included Under Public Proceedings. Amend RSA 91-A:1-a, III to read as follows:

III. Any board or commission of any state agency or authority, including the board of trustees of the university system of New Hampshire ***and the judicial conduct commission***;

4 Repeals. The following are repealed:

I. RSA 490:30, relative to the committee on judicial conduct.

II. RSA 490:32, relative to judicial performance evaluation.

5 Date of Operation of Commission. All appointments to and necessary staffing of the judicial conduct commission shall be made prior to January 1, 2002 and the commission shall commence operation January 2, 2002.

6 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.

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

AMENDED ANALYSIS

This bill restructures the judicial conduct committee as an independent judicial conduct commission.

