

State of New Hampshire HOUSE RECORD

Second Year of the 157th Session of the General Court Calendar and Journal of the 2002 Session

Vol. 24 Concord N.H. Friday, January 4, 2002 No. 4

Contains: Reports and Amendments for January 10, Hearing Schedule, Committee Meetings, Work Sessions, Notices, Unsigned Sponsor List and Order Form for the 2001 Permanent Journal

HOUSE CALENDAR

NOTICE

Members of the House:

The House will meet on Thursday, January 10 at 10:00 a.m. Please plan on the following dates for session: Thursdays, January 17, and 31. There is a possibility that we will be in session on Thursday, January 24 as well.

State telephone directories were made available to all members in the spring. A number of them have not been picked up yet. If you did not get a directory, but would like one, please stop in Room 308, State House to get yours.

Chairmen and Vice Chairmen will meet on Tuesday, January 8 at 9:00 a.m. in Room 201, LOB.

Gene G. Chandler, Speaker

NOTICE

There will be a Republican Caucus on Thursday, January 10, 2002 at 9:00 a.m. in Representatives Hall.

Rep. David M. Scanlan, Majority Leader

NOTICE

There will be a Democratic Caucus on Thursday, January 10, 2002 at 9:00 a.m. in Rooms 305-307 of the Legislative Office Building.

Rep. Peter H. Burling, Democratic Leader

NOTICE

The Resources, Recreation and Development Committee will hold an informational meeting and film presentation on the proposed International Paper Land Purchase and Conservation Act on **Wednesday, January 16, at 2:00 p.m. in Rooms 210-211, LOB.**

Rep. H. Charles Royce, Chairman

Resources, Recreation and Development

NOTICE

All members should take note that December and January are open enrollment months for members who want to join the health insurance plan. If you are interested, please see Carol Dunning in Room 308, State House or call her at 271-3664 for assistance.

Gene G. Chandler, Speaker

HOUSE 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, JANUARY 10

REGULAR CALENDAR

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. **OUGHT TO PASS WITH AMENDMENT**

Rep. Barbara Hull Richardson for Children and Family Law: This bill permits 17-year-old juvenile delinquents to receive

services provided to other minor children. It also permits them to become residents of the Youth Development Center rather than in the county jail. **Vote 14-1.**

SB 26, relative to probate court procedures regarding adoptions. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: OUGHT TO PASS**

Rep. Daniel C. Itse for the Majority of Children and Family Law: This bill ensures that minor parents relinquishing children for adoption shall be apprised by the Division of Children, Youth and Families or a child-placing agency as to the availability of counseling. It also allows the court to waive court fees for hardship and exempts the Department of Health and Human Services from court fees. **Vote 9-7.**

Rep. David A. Bickford for the Minority of Children and Family Law: The original bill gave minor fathers the same benefits as minor mothers are provided in adoption cases. The bill as amended continues to allow the court to have the option of requiring the consent of the mothers' parents, but not the father's. The minority believes that the parental consent issue should apply to both genders equally.

COMMERCE

HB 668, prohibiting the use of genetic testing for certain insurance purposes. **OUGHT TO PASS WITH AMENDMENT**

Rep. John B. Hunt for Commerce: The amendment changes the definition of a genetic test to the current state of the science. The amendment also requires that "An insurer shall not use genetic testing or any information derived from a genetic test, unless such use is based on sound actuarial principles and actual or reasonably anticipated loss experience." The effect of this language will require the Insurance Department to investigate any consumer complaint about the use of genetic testing. Currently no insurance companies use any genetic test. **Vote 17-0.**

HB 672, relative to coverage for mental and nervous conditions. **OUGHT TO PASS WITH AMENDMENT**

Rep. John B. Hunt for Commerce: This bill makes needed changes to the mental health insurance laws. The bill resulted from a legislative study committee, chaired by Rep. Sheila Francoeur, which met during the summer of 2000. The study committee met numerous times and identified several problems, which affect consumers' access to mental health and alcohol and other drug insurance benefits. HB 672 was introduced in January 2001 to try and address these problems. In order to review all of the issues, the Commerce Committee re-committed the bill and a sub-committee worked on it throughout this summer and fall. The committee has worked hard to craft consensus legislation that will benefit consumers without causing financial stress to insurers and their subscribers. Specifically, the bill expands the current mental health parity law (RSA 417-E: 1, III) to include anorexia nervosa, bulimia nervosa, and chronic post-traumatic stress disorder. A parity diagnosis under this chapter is recognized by professionals, and in the law, as "a clinically significant or psychological syndrome or pattern that occurs in a person and that is associated with present distress, a painful symptom or disability; impairment in one or more important areas of functioning; or with a significantly increased risk of suffering death, pain, disability, or an important loss of freedom." For these diagnoses, insurers must provide the same financial benefits as they would for "physical" illness under the plan. The bill also requires that insurers provide chemical dependency benefits (both in and out patient) to all subscribers. The insurers are able to design these benefits. To accommodate the need for adequate providers of services, the bill adds licensed alcohol and drug counselors as service providers for chemical dependency benefits. It has been left up to the insurance companies to determine the specific benefits they will offer, but they must cover both detoxification and rehabilitation. Finally, this bill clarifies the definition of mental illness as a diagnosis from the DSM-IV, which is the standard manual used by mental health professionals to diagnose and treat patients. Insurers are required to provide services for all diagnoses contained in the DSM-IV (with some exceptions noted in the bill). Specifically anorexia and bulimia as well as chronic posttraumatic syndrome has been added to the list. **Vote 17-0.**

HB 713-FN, addressing public health issues relative to indoor smoking. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Stephen G. Avery for the Majority of Commerce: The committee felt strongly that while most members didn't patronize restaurants that allowed smoking, it was not the business of the legislature to mandate a business choice of this magnitude. Under the current law, any New Hampshire community can already have smoking ordinances. The bill attempts to take a step towards banning all smoking in restaurants by creating unenforceable regulations in hope that some restaurants will give up in attempting to comply and choose to go smoke free. The committee agrees with the sponsors that it is good business for restaurants to go smoke free, we just do not agree that the heavy hand of government is necessary. The bill, if passed, would

require a ventilation system that is impossible to ensure if it is in compliance. But then exempts historic buildings from this regulation. By removing the 50 seat exemption from the current law, all but guarantees that small local diners will loose their clientele to larger restaurants and will ultimately close their doors for good. The issue of restaurant employees inhaling second hand smoke has always been treated as an employer and labor issue, and some restaurants have chosen to go smoke free for that reason. Restaurant owners obviously want their employees and their customers to be happy and to return, so it is in the best interest of the owners to address this issue without legislation. The committee supports the work of the lung association in its efforts to get restaurants to make no smoking decisions on their own and praise the lung association for their publication of a list of non-smoking restaurants in New Hampshire. **Vote 13-4.**

Rep. Martha Fuller Clark for the Minority of Commerce: This bill seeks to ban smoking in the dining area of all restaurants. It will allow smoking in the cocktail lounge, provided that this area is separately enclosed and has an independent ventilation system that exhausts air directly outside, rather than a ventilation system that simply filters and recirculates the air. Everyone knows that the attempt to segregate restaurant non-smoking areas from smoking areas, as required under the Current Indoor Smoking Act, is not working. Under HB 713, restaurants must either become 100% smoke-free OR they must construct floor to ceiling walls surrounding the cocktail lounge area and install a separate ventilation system that exhausts air to the outside for that particular area. The choice is theirs. Compliance is required by January 2003. Under the current Indoor Smoking Act, smoking is already prohibited in public educational facilities; childcare agencies; hospitals and other acute care facilities; grocery stores; elevators, tramways, gondolas; and public conveyances. (RSA §155:67 III-VII), as well as regulating restaurants regarding smoking areas and non-smoking areas. In the interest of public health HB 713 extends the prohibition of smoking to all dining areas of restaurants. To those who may believe that we should not be regulating restaurant businesses, it is important to note that both the state and federal government already regulate many other aspects of public health within a restaurant environment. Such regulations involve food handling and sanitary requirements for employees, including regulations as to how food is stored and prepared, as well as requiring employees to wear hairnets or having their hair tied back and to wash their hands after using the restroom. It is also important to note that requiring restaurants to be smoke-free does not hurt business. Many studies have been done on this issue. The studies have shown that business for smoke-free restaurants has, in many instances, increased. States that require all restaurants to be smoke-free include our very own neighbors, Maine and Vermont, as well as Utah and California. Current states with local smoke-free ordinances in effect for certain towns and cities are Colorado, Arizona, New York, Alaska, Georgia, Maryland, Massachusetts, Montana, North Carolina, Ohio, Oregon, Texas, Alabama, New Jersey, New Mexico, Rhode Island, Wisconsin, Minnesota, West Virginia and New Hampshire. The key issue addressed by HB 713 is that recent research unequivocally demonstrates that second hand-smoke is much more dangerous and pernicious than previously believed. The office of the U.S. Surgeon General, the National Heart, Lung and Blood Institute, the American Medical Association, the Centers for Disease Control and Prevention (CDC), and former U. S. surgeon General C. Everett Koop have all recognized and testified to the detrimental health effects of second-hand smoke. While non-smoking restaurant patrons, including children, may be exposed to second-hand smoke for an hour or two, non-smoking restaurant employees are exposed to it for their entire shift. Smoke contains carcinogens that are known to cause cancer. While we are only beginning to realize the full extent of the dangers of second-hand smoke, there is clearly enough evidence to show that it can aggravate such common conditions as asthma and other allergies. Second-hand smoke may be more harmful because the non-smoker does not have the minimal benefit that the cigarette filter provides the actual smoker. The fact is that there is no safe level of exposure to cigarette smoke. Passage of HB 713 will protect the health of both restaurant workers and restaurant patrons, and potentially save millions of dollars that are currently spent treating patients who suffer the ills of smoking and the ill effects of being exposed to second-hand smoke.

EDUCATION

HB 750-L, relative to the development and adoption of the school administrative unit budget. **REFER FOR INTERIM STUDY**

Rep. Steven J. Winter for Education: During Executive Session, the committee decided that, even as amended, this bill still contained procedural questions and flaws which could be corrected by further study and re-write. **Vote 9-7.**

ELECTION LAW

HB 225, relative to applications for recounts. **INEXPEDIENT TO LEGISLATE**

Rep. Douglass P. Teschner for Election Law: While the committee recognizes that there is ambiguity in the law regarding the procedure for filing for a recount, the majority is concerned that this bill will, in solving one problem, create new problems. The secretary of state has interpreted present law to require that payment accompany the application for a recount. By allowing an

application by fax (as this bill would do), followed by a check, this bill would create confusion in the secretary of state's office as to the intent of the candidate. It would also create confusion if "the check did not arrive". An unintended result of this bill could be the situation in which a candidate faxes in the request on Friday knowing that he or she can, for practical purposes, rethink the decision over the weekend. Given the tight timeframes of implementing recounts, including sending staff throughout the state to collect ballots, the majority believes this bill would create practical difficulties. **Vote 9-8.**

SB 141, relative to proof of qualifications for voter registration. **OUGHT TO PASS**

Rep. Robert E. Clegg, Jr. for Election Law: This bill requires proof of voter qualification be shown to supervisors of the checklist. The bill changes the word "may" to "shall" in existing statutes dealing with proof of qualification to vote in a community or ward. The majority of the committee, including some who served on the voter fraud study committee felt it was necessary to make the changes requested in this bill. **Vote 11-7.**

ENVIRONMENT AND AGRICULTURE

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

Rep. Betty B. Hall for Environment and Agriculture: The committee believes that an entirely new bill should be introduced next session and is prepared to study what kind of a bill will provide incentives to increase our current rate of 25% - 30% to the statutory goal of 40%. **Vote 18-0.**

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

SB 194-FN, relative to retirement allowances for certain surviving spouses of group II retirement system members. **REFER FOR INTERIM STUDY**

Rep. Mary L. Andosca for Executive Departments and Administration: This bill has some merit but the majority of the committee felt that it was violating a cardinal rule of RSA 100 that a Group II retiree have 20 years of service and reach 45 years of age before receiving spousal and other benefits. This bill would help about 6 police retirees who retired with 20 years of service but had not reached age 45 at the time they retired. **Vote 9-3.**

FINANCE

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. **INEXPEDIENT TO LEGISLATE**

Rep. Joseph E. Stone for Finance: This constitutional amendment would have no practical effect. The sponsor on behalf of a constituent submitted this legislation so that the legislature would address the concern of the constituent. This legislation is not necessary. **Vote 15-4.**

HB 515-FN-L, establishing parental choice scholarships. **REFER FOR INTERIM STUDY**

Rep. Kenneth L. Weyler for Finance: Parental choice scholarships have at least a five-year history. A series of amendments attempted to deal with several objections. Each suggested amendment appeared to create new problems. As there appeared to be no way to resolve what could be policy decisions in the Finance Committee, it was resolved to refer to interim study. **Vote 12-8.**

HB 560-FN-A, establishing a contributory judicial retirement plan. **OUGHT TO PASS WITH AMENDMENT**

Rep. Robert L. Wheeler for Finance: The committee in majority felt that since the current system of retirement for the judiciary has produced a \$2.3 million annual outlay and nearly a \$40 million unfunded accrued liability that it was time for revision. And since the revision is taking place, we should remove the old provision that compelled a judge to work to age 65 or lose it all. In addition, we should make the plan contributory so that we can gain interest earned and reduce the net cost. As a result, you have this bill which creates a new defined benefit contributory retirement plan with the annual contributions shared equally between employer and employees. It will be administered by a seven person board of trustees and will allow someone to retire at age 60 with 20 years of service at 70% of final year's salary. If they chose to work to age 65 with 25 years of service, then the benefit would be 75% of final year's salary. A retirement obligation bond will be used to fund the unfunded liability, and when

the bond is amortized, pension costs should be reduced to almost half of current costs. Until then, the annual cost for the state's share of pension obligations plus debt service on the bond will be higher than the current \$2.3 million annual pension outlay. The bill also provides a \$250 thousand general fund appropriation for start-up costs. **Vote 14-3.**

HB 656-FN-L, relative to the formula for distributing school building aid grants. **REFER FOR INTERIM STUDY**

Rep. Kenneth L. Weyler for Finance: After this bill was retained, the LBA delivered a performance audit on the School Construction Aid Department. The committee felt that information contained in this audit was relevant to this bill. The audit also contained an area where legislation was recommended. As the committee developed an amendment, it was felt that the areas involved should be reviewed by the Committee on Education and a new hearing should be held. **Vote 20-0.**

SB 182-FN-A, establishing a brain and spinal cord injury trust fund and appropriating certain moneys to such fund. **OUGHT TO PASS WITH AMENDMENT**

Rep. Francine Wendelboe for Finance: The Finance Committee amendment preserves the brain injury program established by the policy committee but changes the method and amount of funding. The bill as it came to Finance proposed paying for the program with a dedicated fund based on two unpredictable revenue sources. In hearings before Finance, it was determined that there were significant problems in this funding approach. It was also determined that at least \$200,000 in unanticipated general fund revenues would be available from penalty assessments on fines for driving and non-driving offenses for FY 2003. The Committee amendment eliminates the dedicated fund and makes a direct budgetary program appropriation of \$400,000, half of which comes from general funds and the other half from federal funds. In the future, funding for this program will be determined through the normal budgetary process. **Vote 20-0.**

JUDICIARY

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

Rep. Tony F. Soltani for Judiciary: This bill is comprised of two sections: first, creating an independent judicial conduct commission, and second, establishing a body charged with supervision and discipline or conduct of attorneys. The first part has been rendered moot by passage of SB 197, which established the new and diverse Judicial Conduct Commission. The issue of supervision and discipline of lawyers' professional conduct needs additional review and study. **Vote 12-6.**

HB 465, relative to the admission to practice law and to bar association membership for attorneys. **OUGHT TO PASS WITH AMENDMENT**

Rep. Christopher P. Reid for Judiciary: At present, the New Hampshire Supreme Court uses mandatory fees to license and regulate the legal profession. In this way New Hampshire is similar to surrounding states. Unlike surrounding states, however, the New Hampshire Supreme Court also requires that all licensed attorneys be members of the New Hampshire Bar Association. This association uses mandatory dues to provide services to its members and to the public and to engage in lobbying the legislature. Because the association is not a voluntary association, there are constitutional limits on its political activities. Some attorneys testified that they disagree with positions taken by the association and object to their dues being used to support those political positions. There was also testimony that the association often oversteps the constitutional limits placed on mandatory bar associations. The bill as amended would require that the members of the association vote every five years on whether the association should be mandatory. Unless the majority of members voting supports the continuation of mandatory membership in the association, then the association will become a voluntary association (but the Supreme Court will continue to regulate the profession and may assess fees for this purpose only). If membership in the association continues to be mandatory, this bill as amended protects association members in two important ways. First, consistent with the U.S. Constitution, it limits the subject matters on which the Bar Association can take positions. Officers and members of the association can lobby on any other issues they want, but cannot claim to be speaking on behalf of the association or its members and cannot use association resources. Second, the bill allows dissenting members to withhold that portion of their Bar Association dues that is used for political activities. **Vote 15-3.**

LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES

HB 589, relative to eligibility for unemployment benefits for part-time workers. **OUGHT TO PASS WITH AMENDMENT**

Rep. John M. Whittier for Labor, Industrial and Rehabilitative Services: This bill, as amended, will allow a good cause

exemption for two very narrowly defined groups of unemployed people to become eligible for unemployment compensation. They will have to meet all the current eligibility criteria, but will be able to restrict their availability if they have a history of part-time work and are providing care for a dependent child under the age of 16 or an infirm adult family member. This bill will require annual reports by the Department of Employment Security and will sunset July 01, 2005. **Vote 10-3.**

MUNICIPAL AND COUNTY GOVERNMENT

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

Rep. Mary R. Cooney for Municipal and County Government: This bill was introduced because the Department of Health and Human Services did not appear to allow for public input prior to placing a developmentally disabled sexual offender in a housing unit located in a Manchester neighborhood. The intent of the original bill was to prevent the possibility of any sex offenders from being housed in any state community living facilities that are located near schools or neighborhoods where children are present by requiring that those facilities come under the regulation of local zoning ordinances. The purpose of RSA 126-A:1 is "to provide an integrated, administrative structure for the design and delivery of a comprehensive and coordinated system of health and human services which is family-centered and community based for the citizens of New Hampshire." This bill could have had the effect of putting the placement of all citizens with all types of disabilities at risk. However, the committee recognized that there is a need to balance the rights of the disabled with the rights of the residents of a municipality. HB 251 was retained by the committee to see if there was a process put in place that would give the communities meaningful input in the siting process of DHHS. Another bill, SB 161, was also dealing with the same population though in a different manner. SB 161 as passed by the Health, Human Services and Elderly Affairs Committee sets up a commission to review and approve proposed locations for the provision of residential treatment to individuals with complex and significant disabilities who have engaged in behavior which endangers the community and who require intensive therapeutic interventions and close supervision. Based on the comprehensive process being set up in SB 161 the Municipal and County Government Committee voted to recommend Inexpedient to Legislate on HB 251 and work to ensure passage of a process that recognizes the need for balance between the rights of a disabled person and the rights residents of a municipality. **Vote 14-0.**

SPECIAL ORDER

HB 285-FN, relative to the adoption of a state building code. **OUGHT TO PASS WITH AMENDMENT**

Rep. Robert W. Brundige for Municipal and County Government: There is a multiplicity of building codes in this state. This bill incorporates the International Building Code 2000, the International Plumbing Code 2000, the International Mechanical Code 2000, the International Energy Conservation Code and the National Electric Code 1999 to form the basis of the state building code to insure that the state has a uniform, modern construction code which will protect public health, safety and welfare. This act provides requirements for construction consistent with national recognized standards and will permit to the fullest extent possible the use of modern technical methods, devices and improvements. This bill also establishes the state building code review board, consisting of the Commissioner, Department of Safety or designee and 15 additional members nominated by the various affected boards and appointed by the Commissioner of Safety. The board shall meet to review and assess the application of the state building code and shall recommend legislation as the board deems necessary to modify the requirements of the state building code and the state fire code in order to provide consistency with the application of other laws, rules or regulations that will promote public safety and best practices. The board shall hear appeals of variances or exceptions to the state fire code. The board shall adopt rules under RSA 541-A within six months of the effective date of RSA 155-A:2 relative to the operation of the board, the procedures for appeals to the board and procedures for updating or changing the state building code. **Vote 12-3.**

RESOURCES, RECREATION AND DEVELOPMENT

HB 556-FN-A, making certain appropriations to the department of cultural resources and the department of safety. **OUGHT TO PASS WITH AMENDMENT**

Rep. D. L. Chris Christensen for Resources, Recreation and Development: This bill encourages restoration and rehabilitation of historically and culturally significant buildings and structures through a public-private education process that will enhance creativity, flexibility and efficiency in such endeavors, with highest regard for life safety. Planned appropriation is \$70,000, offset by \$35,000 in private sector grants. Funds will be used for seminars and information dissemination in a variety of formats. The committee believes that the education provided to architects, engineers, building officials and municipalities will result in higher quality applications and projects under the LCHIP Programs. The amendment authorizes the accepting of

grants and adds video/electronic methodologies as low cost tools. It also provides that expenditures will be in a matching grant format with no state funds expended until matched by private sector funds. **Vote 15-1.**

L A I D O N T A B L E

HB 730, establishing a committee to study the transfer of the Goffstown district court to a new location. (Pending question is adoption of the committee report of Ought to Pass with Amendment.)

C O M M I T T E E M E E T I N G S

M O N D A Y , J A N U A R Y 7

STATE OPERATED TRAILS USED BY ALL TERRAIN VEHICLES (HB 717, Chapter 259:2, Laws of 2001), Room 305, LOB

10:00 a.m. Regular meeting.

T U E S D A Y , J A N U A R Y 8

CHILDREN AND FAMILY LAW, Room 206, LOB

- 10:00 a.m. Rescheduled public hearing on **HB 1287**, establishing a committee to study the need for additional training of attorneys representing clients in domestic relations matters.
- 11:00 a.m. Rescheduled public hearing on **HB 1301**, relative to grounds for divorce for persons with minor children.
- Executive session on pending legislation may be held throughout the day, time permitting, from the time the committee is initially convened.

COMMERCE, Room 302, LOB

- 10:00 a.m. **HB 1332-FN-A**, requiring an audit of New Hampshire housing finance authority programs and making an appropriation therefor.
- 11:00 a.m. **HB 1153**, relative to the jurisdiction of the board of manufactured housing.
- 1:30 p.m. **HB 1361-FN**, relative to the regulation of business practices between off highway recreational vehicle manufacturers, distributors, and dealers.

CRIMINAL JUSTICE AND PUBLIC SAFETY, Room 204, LOB

- 10:00 a.m. **HB 1186-FN**, relative to penalties for flag desecration.
- 11:00 a.m. **HB 1303-FN**, prohibiting the wearing of certain facial coverings.
- 1:30 p.m. **HB 1187-FN**, relative to criminal penalties for possession of a firearm in a safe school zone and **HB 1185-FN**, relative to the possession of deadly weapons in a safe school zone.
- Executive session on pending legislation may be held throughout the day, time permitting, from the time the committee is initially convened.

EDUCATION, Room 207, LOB

- 10:00 a.m. **HB 1371-FN-A-LOCAL**, relative to state aid for provision of an adequate education, and for additional local education tax relief.
- 11:00 a.m. **HB 1233-FN-A**, requiring an audit of the department of education and making an appropriation therefor.

1:00 p.m. **HB 1229-FN-A-LOCAL**, relative to funding of special education.

2:00 p.m. **HB 1213**, relative to personal school records of pupils.

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

ELECTION LAW, Rooms 306-308, LOB

9:30 a.m. Rescheduled public hearing on proposed amendment to **HB 420**, apportioning state representative districts. (Copies of the amendment will be available from the Sergeant-at-Arms Office.)

1:00 p.m. Rescheduled public hearing on proposed amendment to **HB 379**, apportioning the executive council districts. (Copies of the amendment will be available from the Sergeant-at-Arms Office.)

1:30 p.m. Rescheduled public hearing on proposed amendment to **HB 380**, apportioning county commissioner districts. (Copies of the amendment will be available from the Sergeant-at-Arms Office.)

2:00 p.m. Rescheduled public hearing on proposed amendment to **HB 419**, apportioning delegates to state party conventions. (Copies of the amendment will be available from the Sergeant-at-Arms Office.)

ENVIRONMENT AND AGRICULTURE, Room 303, LOB

9:00 a.m. Subcommittee work session on **HB 1126-FN-A**, establishing the weights and measures laboratory accreditation program.

10:00 a.m. **HB 1170**, extending the environmental audit program.

10:30 a.m. **HB 1143**, establishing a committee to study self-certification of hazardous waste small quantity generators.

11:00 a.m. **HB 1171**, establishing a committee to study the state's role in supporting organic agriculture.

1:00 p.m. **HB 1197-FN**, relative to providing notice of invasive species to New Hampshire citizens.

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

1:30 p.m. Subcommittee work session on **HB 1119-FN-LOCAL**, relative to landfill closing costs reimbursed by the department of environmental services.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 100, State House

10:00 a.m. **HB 1373-FN**, relative to the participation in the New Hampshire retirement system by certain school district employees.

1:30 p.m. **HB 1318**, relative to the regulation of the use of pharmaceutical agents by licensed optometrists.

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

FINANCE, Rooms 210-211, LOB

9:00 a.m. **CACR 30**, relating to the legislature's authority to define and fund education, education taxes, and delegation of power to local school districts. Providing that the legislature shall have the authority to determine the content, extent, beneficiaries, and funding of education or to delegate that

authority to local school districts; and it shall have the authority to determine the proportion of taxes necessary to fund public education which shall be provided by state and local taxes and judicial review of the legislative determination shall be limited to whether the legislature has a rational basis for its decision.

10:00 a.m. **HB 1192**, relative to the use of enrollment by residence data in the calculation of adequate education grants.

10:45 a.m. **HB 1259-FN-LOCAL**, relative to the base cost for calculating adequate education grants.

1:00 p.m. **HB 1272-FN-A-LOCAL**, establishing a statewide special education funding pool.

2:00 p.m. **HB 1124**, establishing a committee to evaluate the administration of the Medicaid "In and Out" Program.

2:45 p.m. **HB 1264-FN-LOCAL**, returning all municipal fines to the municipality.

Executive session on pending legislation may follow.

FISH AND GAME, Room 307, LOB

10:00 a.m. **HB 1245-FN**, requiring applicants for recreational licenses issued by the fish and game department to provide his or her social security number.

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

10:15 a.m. **HB 1269-FN**, requiring the department of health and human services to compile and maintain abortion statistics.

1:00 p.m. **HB 1135**, establishing a study committee to reevaluate the health benefits and risks from fluoridation of water in New Hampshire.

2:30 p.m. **HB 1149**, establishing a committee to study the efficiency of the long-term care facility survey process.

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

JUDICIARY, Room 208, LOB

10:00 a.m. **HB 1236-FN**, abolishing the marital master program and **HB 1360-FN**, relative to appointments and qualifications of marital masters and procedures for cases heard by marital masters.

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

MUNICIPAL AND COUNTY GOVERNMENT, Room 301, LOB

10:00 a.m. **HB 1297**, exempting land which is subject to a governmental conservation easement or development restriction from property taxation.

11:00 a.m. **HB 1226-LOCAL**, allowing discretionary easements to include barns used for farming.

1:00 p.m. **HB 1277**, increasing the optional veterans' property tax credit.

2:30 p.m. **HB 1196**, enabling municipalities to adopt a property tax exemption for deaf persons.

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

PUBLIC WORKS AND HIGHWAYS, Room 201, LOB

10:30 a.m. **HB 1104**, establishing the Danny Carswell Memorial Patrol Shed in the town of Merrimack.

RESOURCES, RECREATION AND DEVELOPMENT, Room 305, LOB

10:00 a.m. **HB 1247**, establishing a study committee to determine the feasibility of assessing land transfer fees on land bought by public agencies from private entities for conservation purposes.

11:00 a.m. **HB 1111**, establishing a committee to study regulation and procedures for lake level investigations and orders.

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

SCIENCE, TECHNOLOGY AND ENERGY, Room 304, LOB

10:00 a.m. **HB 1340**, establishing a committee to study the feasibility of computerizing and consolidating demographic information.

11:00 a.m. **HB 1349-FN-A**, establishing a New Hampshire power authority.

STATE FEDERAL RELATIONS AND VETERANS AFFAIRS, Representatives Hall

10:00 a.m. **HB 1406**, permitting the appointment of a temporary guardian for the children of activated members of the armed services and creating a committee to study the tuition waiver for national guard members.

1:00 p.m. **HR 21**, urging the development and implementation of a national missile defense system.

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

TRANSPORTATION, Room 203, LOB

10:00 a.m. **HB 1348**, clarifying the law regarding title-exempted vehicles.

10:45 a.m. **HB 1163**, relative to child passenger restraints.

11:30 a.m. **HB 1243**, relative to safety devices required for transporting logs, lumber, or timber.

1:00 p.m. **HB 1132**, relative to grip height on motorcycles.

1:30 p.m. **HB 1280-FN**, raising the maximum speed limit on all New Hampshire interstate highways from 65 to 70 miles per hour and on portions of the interstate specifically posted currently at 55 miles per hour to 60 miles per hour.

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

WAYS AND MEANS, Room 202, LOB

10:00 a.m. **CACR 31**, relating to the valuation of real estate. Providing that real property in the state shall be valued in accordance with the method enacted into law by the general court and at such times as it shall order.

10:30 a.m. **HB 1234-FN**, relative to an education property tax cap for retired residents.

11:00 a.m. **HB 1263-FN-A-LOCAL**, establishing the statewide cost of an adequate education at zero dollars and repealing the education property tax.

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

WEDNESDAY, JANUARY 9

211 COMMISSION (HB 707, Chapter 258:1, Laws of 2001), Room 304, LOB

1:00 p.m. Regular meeting.

ADEQUATE EDUCATION AND EDUCATION FINANCING COMMISSION (RSA 198:49), Room 105A, State House

3:00 p.m. Regular meeting.

COMMERCE, Room 302, LOB

10:30 a.m. **HB 1150**, relative to insurance compliance self-audits.

2:00 p.m. **HB 1212**, relative to certain disclosures in real estate sales.

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

CRIMINAL JUSTICE AND PUBLIC SAFETY, Room 204, LOB

10:00 a.m. **HB 1108**, relative to personal appearance by law enforcement officers at administrative license suspension hearings.

10:30 a.m. **HB 1133**, relative to intrastate fresh pursuit.

11:00 a.m. **HB 1286**, increasing the time period during which warrantless arrests for violations of the stalking law and violations of restraining orders in domestic cases are permitted.

1:30 p.m. **HB 1137**, relative to the crime of resisting arrest.

2:00 p.m. **HB 1285**, relative to the applicability of the stalking statute to minors.

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

DAM MANAGEMENT REVIEW (RSA 482:93), Room 305, LOB

1:00 p.m. Regular meeting.

EDUCATION, Room 207, LOB

10:00 a.m. **HB 1105**, relative to the appointment of non-certified employees within a school administrative unit.

11:00 a.m. **HB 1190**, relative to local school management of teacher hiring and retention.

1:00 p.m. **HB 1260-FN**, relative to certification and licensing of teachers and school administrators.

2:00 p.m. **HB 1191**, establishing a committee to study the expansion of opportunities for teacher certification and the election of members of the state board of education.

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

ENVIRONMENT AND AGRICULTURE, Room 303, LOB

10:00 a.m. **HB 1199-FN**, providing for the certification of septage haulers.

10:30 a.m. **HB 1214**, relative to medical waste incinerators and to the polyvinyl chloride content of medical waste.

11:30 a.m. **HB 1110**, relative to the sale of ferrets.

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

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 100, State House

10:00 a.m. **HB 1354-FN**, licensing body art practitioners.

11:30 a.m. **HB 1248-FN**, requiring the notification of renewal prior to expiration to holders of professional licenses issued by state agencies.

1:30 p.m. **HB 1207**, relative to the regulation of the installation and servicing of fire suppression systems.

3:00 p.m. **HB 1378-FN-A**, establishing a sunset review process for executive agency and judicial programs and making an appropriation therefor.

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

FINANCE, Rooms 210-211, LOB

9:00 a.m. **HB 1324-FN**, requiring that budget requests made by the state government be limited by inflationary and population growth indices.

9:45 a.m. **HB 1330-FN**, requiring state agencies to respond to fiscal note requests in a timely manner.

10:45 a.m. **HB 1364-FN**, requiring an accounting of dedicated funds in the budgetary process.

1:00 p.m. **HB 1376-FN**, relative to distribution of tobacco settlement funds.

Executive session on pending legislation may follow.

FISCAL COMMITTEE (RSA 14:30-a), Room 311, LOB

12:30 p.m. Subcommittee meeting on LBA salary increases.

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

9:30 a.m. **HB 1168**, relative to ambulatory surgical facilities owned in whole or in part by a hospital.

11:15 a.m. **HB 1182**, establishing a committee to study a managed care model for New Hampshire's home and community-based care system.

1:30 p.m. **HB 1367-FN**, relative to the childhood lead poisoning prevention program.

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

JUDICIARY, Rooms 206-208, LOB

9:30 a.m. **HB 1278**, establishing an abortion waiting period.

1:00 p.m. **HB 1380-FN**, relative to parental consent for abortions performed on children less than 16 years of age.

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

LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES, Room 306, LOB

9:00 a.m. **HB 1198**, relative to the minimum hourly rate for certain employees.

10:00 a.m. **HB 1228**, relative to union dues.

11:00 a.m. **HB 1325**, prohibiting payroll deductions by public employers for political activities and prohibiting coercive actions against public employees to obtain political contributions.

1:00 p.m. **HB 1384**, making certain technical changes to the workers' compensation law.

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

LEGISLATIVE ADMINISTRATION, Room 307, LOB

1:00 p.m. **HB 1103**, establishing a committee to study the budget process.

1:30 p.m. **HB 1106**, repealing the water pollution control revolving loan fund advisory committee, the local government advisory committee, the New Hampshire industrial heritage commission, and the environmental research advisory committee.

2:00 p.m. **HB 1145-FN-A**, requiring metal detectors in the state house and legislative office building and making an appropriation therefor.

2:30 p.m. Rescheduled public hearing on **HB 1314**, requiring candidates for speaker of the house of representatives to file certain reports and register as political committees.

MUNICIPAL AND COUNTY GOVERNMENT, Room 301, LOB

10:00 a.m. **HB 1240**, establishing a property tax limitation and credit for elderly persons and increasing the amount of the homestead right for elderly persons.

11:00 a.m. **HB 1352-FN-LOCAL**, relative to establishing a hazardous duty classification in the length of service awards program.

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

PUBLIC WORKS AND HIGHWAYS, Room 201, LOB

9:30 a.m. **HB 1216**, erecting a historic sign in Berlin honoring its original settlers.

10:00 a.m. Rescheduled public hearing on **HB 1256**, relative to Clark Pond Road in the town of Haverhill.

10:30 a.m. **SB 102-A**, making a capital appropriation to support affordable housing solutions in the state of New Hampshire.

1:30 p.m. Rescheduled public hearing on **HB 1298**, relative to signage for the adopt-a-highway program.

2:30 p.m. **HB 1334-FN**, relative to a certain highway project in Brookfield, New Hampshire.

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

RESOURCES, RECREATION AND DEVELOPMENT, Room 305, LOB

10:00 a.m. **HB 1172**, relative to the adoption of rules for certain wetland permits.

11:00 a.m. **HB 1343**, relative to processing excavating and dredging permits.

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

time the committee is initially convened.

RULES COMMITTEE, Room 308, LOB

4:00 p.m. Regular meeting.

Executive session to follow.

STATE FEDERAL RELATIONS AND VETERANS AFFAIRS, Representatives Hall

9:30 a.m. Continued public hearing on **HR 21**, urging the development and implementation of a national missile defense system.

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

TRANSPORTATION, Room 203, LOB

9:00 a.m. **HB 1205**, relative to the availability of motor vehicle records for the distribution of seat belt safety materials.

10:00 a.m. **HB 1357-FN**, relative to the form of drivers' licenses.

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

WAYS AND MEANS, Room 202, LOB

10:00 a.m. Revenue briefing.

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

FRIDAY, JANUARY 11

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

9:00 a.m. Rescheduled regular meeting.

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

10:00 a.m. Regular meeting.

EQUALIZATION STANDARDS BOARD (RSA 21-J:14-c), Room 301, LOB

10:00 a.m. Regular meeting.

GOVERNOR'S COMMISSION ON ALCOHOL AND DRUG ABUSE PREVENTION, INTERVENTION, AND TREATMENT (RSA 12-J), Rooms 206-208, LOB

9:30 a.m. Regular meeting.

TASK FORCE TO STUDY PRIVACY ISSUES AS THEY PERTAIN TO FEDERAL LAW (HB 702, Chapter 256:8, Laws of 2001), Rooms 210-211, LOB

9:00 a.m. Regular meeting.

MONDAY, JANUARY 14

CERTIFICATE OF NEED TASK FORCE (RSA 151-C:16), Room 203, LOB

10:00 a.m. Regular meeting.

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

10:00 a.m. Rescheduled regular meeting.

TUESDAY, JANUARY 15

CHILDREN AND FAMILY LAW, Room 206, LOB

10:00 a.m. **HB 1173**, relative to the identification and notification of putative fathers.

11:00 a.m. **HB 1177**, enforcing the prohibition on the possession and use of tobacco products by minors through the juvenile statutes.

1:00 p.m. **HB 1139**, allowing the governor to enter into reciprocal international child support agreements.

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

COMMERCE, Room 302, LOB

10:00 a.m. **HB 1289**, relative to personal health and financial information privacy.

11:00 a.m. **HB 1290**, relative to genetic information.

1:15 p.m. **HB 1220**, relative to assisted living residences and housing for older persons.

2:00 p.m. **HB 1217**, relative to payment of trust income.

2:30 p.m. **HB 1169**, relative to the termination of safe deposit box leases.

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

CRIMINAL JUSTICE AND PUBLIC SAFETY, Room 204, LOB

10:00 a.m. **HB 1122**, establishing a committee to study statistical patterns of DWI offenses.

10:30 a.m. **HB 1261-FN**, relative to penalties for DWI offenses.

11:30 a.m. **HB 1222**, exempting ice-out contests from the laws regulating games of chance.

1:30 p.m. **HB 1189**, relative to the plea of guilty but insane.

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

EDUCATION, Room 207, LOB

10:00 a.m. **HB 1345**, relative to sex education instruction in public schools.

11:00 a.m. **HB 1346**, relative to participation in certain health education programs.

1:00 p.m. **HB 1146**, relative to candidate qualifications for school district office.

2:00 p.m. **HB 1174-FN-LOCAL**, requiring the provision of educational opportunities to expelled pupils.

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

time the committee is initially convened.

ENVIRONMENT AND AGRICULTURE, Room 303, LOB

10:00 a.m. **HB 1305-FN**, relative to the pollution prevention program.

10:30 a.m. **HB 1313**, relative to spreading sludge on excavation sites for reclamation.

11:00 a.m. **HB 1102**, establishing a committee to study a hazardous waste coordinator certification program.

1:00 p.m. **HB 1382-FN**, revising requirements for restoring excavation sites.

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

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 100, State House

10:00 a.m. **HB 1377-FN**, relative to the regulation of physical therapists.

1:30 p.m. **HB 1310**, relative to the city of Manchester's contributory retirement system.

3:00 p.m. **HB 1302-FN**, relative to the purchase of certain prior service credit by members of the retirement system.

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

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

9:00 a.m. Regular business.

9:30 a.m. Audits: State of New Hampshire comprehensive annual financial report for the fiscal year ended June 30, 2001.

State of New Hampshire, Sweepstakes Commission comprehensive annual financial report for the fiscal year ended June 30, 2001.

The UNIQUE College Investing Plan annual report, September 30, 2001.

FISH AND GAME, Room 307, LOB

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

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

10:00 a.m. **HB 1209**, relative to a civil rights act for health care providers.

11:30 a.m. **HB 1194**, relative to medical records.

1:30 p.m. **HB 1219**, establishing a committee to study ways to implement the principles of state health care reform.

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

JUDICIARY, Room 208, LOB

10:00 a.m. **HB 1368-FN**, adopting the Federal Rules of Civil Procedure and the Federal Rules of Criminal Procedure as law.

1:00 p.m. **HB 1292**, relative to interpreters for the deaf in certain governmental or public proceedings.

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

MUNICIPAL AND COUNTY GOVERNMENT, Room 301, LOB

10:00 a.m. **HB 1101**, relative to the payment date for county taxes.

11:00 a.m. **HB 1215**, relative to county delegations.

1:00 p.m. **HB 1306-FN-LOCAL**, increasing the county's portion of fees collected from the real estate transfer tax.

2:00 p.m. **HB 1355-FN-LOCAL**, relative to merging unincorporated places with abutting municipalities in Coos county.

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

PUBLIC WORKS AND HIGHWAYS, Room 201, LOB

10:30 a.m. **HB 1375-FN**, relative to the sale of land by the department of transportation.

1:00 p.m. **HB 1370**, relative to establishing a 6-year capital budget.

2:30 p.m. **HB 1116**, establishing a committee to study the feasibility of placing state liquor stores at the Manchester airport and at the Pease International Tradeport.

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

RESOURCES, RECREATION AND DEVELOPMENT, Room 305, LOB

11:00 a.m. **HB 1402**, designating segments of the isinglass River as protected under the rivers management and protection program.

1:00 p.m. **HB 1160-FN-LOCAL**, requiring the state to rebuild and maintain the dam controlling Russell Reservoir in the town of Harrisville.

Rooms 305-307, LOB

2:00 p.m. **HB 1273-FN**, relative to planning and procedures for state owned or leased trails for all-terrain vehicles and relative to registration fees for certain off highway recreational vehicles.

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

STATE FEDERAL RELATIONS AND VETERANS AFFAIRS, Room 306, LOB

10:00 a.m. **HCR 22**, encouraging multiple use management and access for future land transfers to the White Mountain National Forest.

11:00 a.m. **HCR 23**, urging Congress to abolish the Recreational Fee Demonstration Program on public lands including the White Mountain National Forest.

1:00 p.m. **HCR 25**, encouraging an increased distribution of federal money from the military budget to the states.

1:45 p.m. **HCR 26**, urging the U.S. Food and Drug Administration to remove all unapproved prescription fluoride products from the market.

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

WAYS AND MEANS, Room 202, LOB

- 9:30 a.m. **HB 1239-FN-A**, relative to off-track wagering by certain establishments.
- 10:30 a.m. **HB 1353-FN-A-LOCAL**, relative to video lottery at the racetracks.
- 11:30 a.m. **HB 1282**, establishing a committee to study the impact of legalized casino gambling on the state of New Hampshire.
- 1:30 p.m. **HB 1362-FN-A**, establishing a state-owned casino to provide funds for public education.
- Executive session on pending legislation may be held throughout the day, time permitting, from the time the committee is initially convened.

WEDNESDAY, JANUARY 16

CAPITAL BUDGET OVERVIEW COMMITTEE (RSA 17-J:2), Room 201, LOB

- 9:30 a.m. Regular meeting. Update on University System of New Hampshire construction projects.

COMMERCE, Room 302, LOB

- 10:00 a.m. **HB 1167**, relative to wine tasting.
- 10:30 a.m. **HB 1336-FN**, permitting wine manufacturers to maintain restaurants or catering facilities.
- 11:00 a.m. **HB 1166**, relative to sign restrictions regarding alcoholic beverages.
- 1:30 p.m. **HB 1238**, requiring seating accommodations in retail establishments.
- Executive session on pending legislation may be held throughout the day, time permitting, from the time the committee is initially convened.

CRIMINAL JUSTICE AND PUBLIC SAFETY, Room 204, LOB

- 11:30 a.m. **HB 1293**, relative to the specificity of criminal complaints and warrants.
- 1:30 p.m. **HB 1309**, prohibiting arrests for violation-level offenses.
- 2:30 p.m. **HB 1356-FN**, establishing the criminal offense of felony pursuit.
- Executive session on pending legislation may be held throughout the day, time permitting, from the time the committee is initially convened.

EDUCATION, Room 207, LOB

- 10:00 a.m. **HB 1291**, requiring the department of education to develop a plan to address and reduce the number of persons awaiting vocational rehabilitation transition services.
- 11:00 a.m. **HB 1230-FN**, establishing the office of the special education advocate.
- 1:00 p.m. **HB 1231-FN**, implementing a pre-engineering technology curriculum in the public high schools in the state.
- 2:00 p.m. **HB 1151**, establishing a commission to examine the status of public school curriculum requirements in civic education.
- Executive session on pending legislation may be held throughout the day, time permitting, from the time the committee is initially convened.

ELECTION LAW, Room 308, LOB

9:30 a.m. **HB 1158**, relative to the definition of "party."

10:00 a.m. **HB 1181**, requiring registration of political parties.

10:30 a.m. **HB 1246**, relative to the chairperson of the board of recount in school district recounts.

11:00 a.m. **CACR 32**, relating to the number of members of the senate and senatorial districts. Providing that the senate shall consist of 30 members with 3 elected at large from each district and that senate districts shall conform to county boundaries.

1:00 p.m. **HB 1144**, establishing a committee to study access to the polls by disabled persons and the use of new technology to accommodate disabled voters.

1:30 p.m. **HB 1308**, relative to checklist corrections on election day.

2:00 p.m. **HB 1262-FN-A-LOCAL**, relative to implementing on-line exchange of voter registration information and making an appropriation therefor.

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

ENVIRONMENT AND AGRICULTURE, Room 303, LOB

10:00 a.m. **HB 1157**, providing for the local option to apply the current use laws.

10:30 a.m. **HB 1396**, authorizing the state veterinarian to provide wildlife disease prevention and treatment.

11:00 a.m. **HB 1399-LOCAL**, relative to assessment of the land use change tax.

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

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 100, State House

10:00 a.m. **HB 1241-FN**, relative to salaries for the wardens of department of corrections facilities.

11:00 a.m. **HB 1271-FN**, relative to dental care insurance for state employees and retired state employees.

1:30 p.m. **HB 1206-FN**, increasing the annuity paid to a surviving spouse or beneficiary upon the accidental death of a group II member in the performance of duty.

2:30 p.m. **HB 1128-FN**, relative to the retirement system classification for the director of field services, department of corrections.

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

FINANCE, Rooms 210-211, LOB

9:00 a.m. **HB 294-FN**, excluding certain pension income from household income for purposes of determining education property tax hardship relief.

9:45 a.m. **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.

10:30 a.m. **HB 592-FN-A**, relative to a milfoil and other exotic plants prevention and research grant program and fund.

11:30 a.m. **HB 768-FN**, relative to DNA testing of criminal offenders.

Executive session on pending legislation may follow.

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

9:30 a.m. **HB 1251**, relative to the use of mercury amalgam fillings by dentists.

11:30 a.m. **HB 1337**, establishing a study committee to review and determine steps to fully implement the infant deafness program.

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

JUDICIARY, Room 208, LOB

10:00 a.m. Rescheduled public hearing on **HB 1188**, prohibiting discrimination because of political belief.

10:30 a.m. **HB 1175**, relative to proclaiming oneself a New Hampshire native.

1:00 p.m. **HB 1165**, establishing a committee to study issues arising from State v. Laurie.

2:00 p.m. **HB 1129**, relative to discriminatory practices by owners of public accommodations.

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

LEGISLATIVE ADMINISTRATION, Room 203, LOB

1:00 p.m. **HB 1329-FN**, relative to fiscal notes.

1:30 p.m. **HB 1342**, relative to preparation of fiscal notes.

2:00 p.m. **HB 1331**, requiring that the effect on revenues, expenditures, and fiscal liability be included in the reports of house standing committees.

2:30 p.m. **HB 1386-FN**, establishing a research and investigation unit for the house of representatives.

3:00 p.m. **HB 1387**, relative to toll exemptions for legislators.

3:30 p.m. Rescheduled public hearing on **HB 1279-FN-A**, making an appropriation for the purchase of equipment to record committee sessions.

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

LONG-RANGE CAPITAL PLANNING AND UTILIZATION (RSA 17-M), Room 201, LOB

1:30 p.m. Regular meeting. Skyhaven master plan presentation by Jack Ferns, Director, Aeronautics Commission.

MUNICIPAL AND COUNTY GOVERNMENT, Room 301, LOB

10:00 a.m. **HB 1221**, relative to coordinating certain town and school district meetings.

11:00 a.m. **HB 1242**, relative to the required vote for approving school district bond articles.

11:45 a.m. **HB 1398**, relative to the vote required for issuance of bonds by the Sunapee water and sewer commission.

1:00 p.m. **HB 1254**, relative to the budget preparation procedures of municipalities.

2:00 p.m. ***HB 1275-FN-LOCAL***, relative to approval of budget calculations in the default budget of a municipality using the official ballot system.

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

RESOURCES, RECREATION AND DEVELOPMENT, Room 210-211, LOB

2:00 p.m. Informational forum on the International Paper Land Conservation Project. Open to the public.

WAYS AND MEANS, Room 202, LOB

9:30 a.m. ***HB 1383***, relative to lucky 7.

10:15 a.m. ***HB 1319-FN-A-LOCAL***, establishing the New Hampshire electronic gaming commission, creating New Hampshire electronic gaming districts, and authorizing the licensing and use of electronic gaming machines and equipment.

1:30 p.m. ***HB 1294-FN-A***, reducing the tobacco tax.

2:15 p.m. ***SB 201-FN***, creating a dedicated fund for the job training program for economic growth and making certain changes to the program.

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

FRIDAY, JANUARY 18

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

9:00 a.m. Regular meeting.

COMMISSION ON THE EDUCATION OF THE DEAF (HB 1283, Chapter 43:2, Laws of 2000), Room 203, LOB

10:00 a.m. Regular meeting.

NEW HAMPSHIRE COUNCIL ON APPLIED TECHNOLOGY AND INNOVATION (RSA 12-H:1), Rooms 205-207, LOB

9:30 a.m. Regular meeting. Representatives and senators are invited: Presentation of State E-Government Strategic Plan demonstration of buying from the Visitors' Center over the Internet and update on NH broadband telephone communication.

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

1:00 p.m. Regular meeting.

TUESDAY, JANUARY 22

CHILDREN AND FAMILY LAW, Room 206, LOB

10:00 a.m. Rescheduled public hearing on ***HB 1107***, establishing a committee to study the telephone policies for juveniles under the care of the department of youth development services.

11:00 a.m. Rescheduled public hearing ***HB 1115***, relative to the procedure for assignment of juvenile probation and parole officers.

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

COMMERCE, Room 302, LOB

10:00 a.m. **HB 1203**, relative to retroactive health insurance denials.

11:00 a.m. **HB 1225**, relative to disclosure of referral restrictions.

1:15 p.m. **HB 1159**, prohibiting mail-order pharmacies from substituting generic drugs without written authorization.

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

CRIMINAL JUSTICE AND PUBLIC SAFETY, Room 204, LOB

11:00 a.m. **HB 1147**, relative to the annulment of certain criminal offenses committed under the laws of another jurisdiction.

1:30 p.m. **HB 1255-FN**, relative to an extended term license to carry a concealed firearm.

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

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 100, State House

10:00 a.m. **HB 1381-FN-A**, requiring licensing of public bathing facilities and of the operators, designers, and installers of public bathing facilities.

1:30 p.m. **HB 1118**, relative to participation by certain judges in the state employee group health and dental insurance programs.

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

FINANCE, Rooms 210-211, LOB

9:00 a.m. **SB 64-FN-A**, establishing a fund to pay mediators in the probate courts.

9:45 a.m. **SB 161-FN-A**, relative to treatment for individuals with disabilities and making an appropriation therefor.

Executive session on pending legislation may follow.

FISH AND GAME, Room 307, LOB

10:00 a.m. Rescheduled public hearing on **HB 1178-FN**, relative to the recreational taking of lobster by scuba diving.

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

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

9:30 a.m. Executive session on pending legislation.

JUDICIARY, Room 208, LOB

10:00 a.m. **HB 1307**, relative to the Dover-Somersworth-Durham district court.

1:00 p.m. **HB 1127**, relative to the timing for the filing of an affidavit for the disposition of nursing home patient accounts after death.

1:30 p.m. **HB 1311**, relative to expunging certain mental health records.

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

MUNICIPAL AND COUNTY GOVERNMENT, Room 301, LOB

10:00 a.m. **HB 1391**, relative to municipal budgets.

10:45 a.m. **HB 1389**, enabling towns to charge fees for the disproportionate use of municipal safety services.

11:30 a.m. **HB 1401**, relative to the authority of highway agents.

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

PUBLIC WORKS AND HIGHWAYS, Room 201, LOB

10:15 a.m. Rescheduled public hearing on **HB 1164**, renaming the Sugden House in Odiorne State Park in the town of Rye as the Clark House.

11:00 a.m. Rescheduled public hearing on **HB 1148**, naming the state office complex on Hazen Drive in the city of Concord the Meldrim Thomson, Jr. State Office Complex.

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

RESOURCES, RECREATION AND DEVELOPMENT, Room 305, LOB

10:00 a.m. Rescheduled public hearing on **HB 1195**, relative to the comprehensive shoreland protection act.

11:00 a.m. Rescheduled public hearing on **HB 1252**, relative to the membership of the wetlands council.

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

STATE FEDERAL RELATIONS AND VETERANS AFFAIRS, Room 306, LOB

10:00 a.m. **HCR 21**, urging the state attorneys general and the Federal Trade Commission to enforce the Telemarketing Sales Rule and urging Congress to adopt the Know Your Caller Act of 2001.

11:00 a.m. **HCR 24**, urging the federal government to declare a moratorium on major airline industry mergers.

11:15 a.m. **HB 1312**, establishing a committee to study the needs of the Native American population in New Hampshire.

1:30 p.m. **HCR 20**, encouraging trade with the Central American Northern Triangle.

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

WAYS AND MEANS, Room 202, LOB

10:00 a.m. **HB 710-FN**, relative to liquor licenses and fees.

11:30 a.m. **HB 557-FN-A**, relative to victims' assistance programs and the victims' assistance fund.

1:00 p.m. **HB 1404-FN-A-LOCAL**, establishing an economic development resort and casino at Jericho Lake Park in Berlin.

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

WEDNESDAY, JANUARY 23

COMMERCE, Room 302, LOB

10:00 a.m. **HB 1223**, establishing a committee to study the model insurance rating laws.

11:00 a.m. **HB 1162**, relative to unsolicited electronic mail.

1:15 p.m. **HB 1125**, extending insurance coverage by health service corporations to certain call firefighters and emergency medical technicians employed by municipalities.

2:00 p.m. **HB 1184-FN**, permitting the department of health and human services to use the National Medical Support Notice.

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

CRIMINAL JUSTICE AND PUBLIC SAFETY, Room 204, LOB

10:00 a.m. Quarterly report from the Department of Corrections.

1:30 p.m. **HB 1385**, relative to trespassing on certain rail lines.

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

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 100, State House

10:00 a.m. **HB 1276**, permitting pharmacists to dispense emergency contraception.

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

JUDICIARY, Room 208, LOB

9:30 a.m. **HB 1249**, adopting the model Drug Dealer Liability Act.

11:00 a.m. **HB 1338**, clarifying that the judicial council is responsible for payment of indigent defense expenses.

1:00 p.m. **HB 1316**, eliminating the application of the rule against perpetuities in certain trusts which contain safeguards relative to the continued alienability of property.

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

MUNICIPAL AND COUNTY GOVERNMENT, Room 301, LOB

10:00 a.m. **HB 1227**, relative to the appraisal of affordable housing developments.

11:00 a.m. **HB 1339**, relative to the offices of forest fire warden and deputy forest fire warden.

1:00 p.m. **HB 1152**, establishing a committee to study methods for clarifying the division of authority between boards of selectmen and elected chiefs of police.

2:00 p.m. **HB 1138**, requiring the attorney general to initiate a declaratory judgement action concerning record title matters related to the Green Hills subdivision in the town of Raymond.

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

time the committee is initially convened.

FRIDAY, JANUARY 25

SOURCES THAT BURN PETROLEUM PRODUCTS OR COAL TO COMPLY WITH THE AIR TOXIC CONTROL ACT (SB 93, Chapter 88:1, Laws of 2001), Room 101, LOB

9:00 a.m. Regular meeting.

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

9:00 a.m. Regular meeting.

MONDAY, JANUARY 28

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

1:00 p.m. Complaint hearings.

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.

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

9:00 a.m. Hearing and regular meeting.

TUESDAY, JANUARY 29

COMMERCE, Room 302, LOB

10:00 a.m. **HB 1211**, prohibiting insurers from discriminating against a person on the basis of the person holding elective office.

11:00 a.m. **HB 1201**, relative to charitable trust customer data.

1:30 p.m. **HB 1114**, establishing a committee to study the state's real estate leasing practices and requirements.

2:00 p.m. **HB 1392**, relative to mediation before the board of manufactured housing.

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

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 100, State House

10:00 a.m. **HB 1295**, establishing an environmental services review commission.

1:30 p.m. **HB 1123**, establishing a committee to study the feasibility of integrating the functions of the departments of education and health and human services.

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

JUDICIARY, Room 208, LOB

10:00 a.m. **HB 1390**, relative to quality assurance information.

11:00 a.m. **HB 1393**, relative to the determination of just compensation in eminent domain

proceedings.

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

MUNICIPAL AND COUNTY GOVERNMENT, Room 301, LOB

10:00 a.m. ***HB 1202-FN***, reducing fees for municipal permits for registration of certain hybrid vehicles.

11:00 a.m. ***HB 1274***, relative to deputy town clerks.

1:00 p.m. ***HB 1109***, establishing a commission to study problems related to the delivery of local assistance.

2:00 p.m. ***HB 1321-LOCAL***, permitting municipalities to reimburse persons who assist applicants in obtaining social security benefits.

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

STATE FEDERAL RELATIONS AND VETERANS AFFAIRS, Room 306, LOB

9:30 a.m. ***HB 1405***, relative to the Memorial Day holiday.

1:00 p.m. ***HCR 27***, urging Congress to release information to the public regarding restrictions placed on Italian-American citizens of the United States during World War II.

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

WEDNESDAY, JANUARY 30

COMMERCE, Room 302, LOB

10:00 a.m. ***HB 1208***, relative to real estate broker liens.

11:00 a.m. Rescheduled public hearing on ***HB 1176***, limiting the hours available for telephone solicitation.

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

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 100, State House

10:00 a.m. ***HB 1237***, relative to a conflict of interest policy for persons having a substantial interest in grants awarded by or contracts with a state agency.

1:30 p.m. ***HB 1140***, providing for the nomination and appointment of a "state treasure."

2:30 p.m. ***HB 1183***, establishing a committee to study the conformity of administrative rules to statutory authority.

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

MUNICIPAL AND COUNTY GOVERNMENT, Room 301, LOB

10:00 a.m. ***HB 1112***, relative to the notice period for hearings on excavation permits.

11:00 a.m. ***HB 1121***, relative to planning board recommended programs of capital improvements.

1:00 p.m. **HB 1156**, relative to the issuance of building permits on private roads.

2:00 p.m. **HB 1193-LOCAL**, relative to local enforcement of junk yards and motor vehicle recycling yards.

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

WAYS AND MEANS, Room 202, LOB

10:00 a.m. Rescheduled public hearing on **HB 1317-FN-A-LOCAL**, targeting aid for education to certain school districts.

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

FRIDAY, FEBRUARY 1

FISCAL COMMITTEE (RSA 14:30-a), Room 102, LOB

9:00 a.m. Subcommittee on PUC low income energy assistance programs (RSA 6:12-b)

TUESDAY, FEBRUARY 5

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 100, State House

10:00 a.m. **HB 1218**, relative to the regulation of pharmacists and prescription drug orders.

1:30 p.m. **HB 1304**, prohibiting preferences in hiring, promotion, or admission by state agencies, the university system, the regional community-technical colleges, and the postsecondary education commission.

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

MUNICIPAL AND COUNTY GOVERNMENT, Room 301, LOB

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

STATE FEDERAL RELATIONS AND VETERANS AFFAIRS, Room 306, LOB

10:00 a.m. Rescheduled public hearing on **HR 20**, supporting the country of Tibet.

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

WEDNESDAY, FEBRUARY 6

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 100, State House

10:00 a.m. **HB 1224**, adopting the nurse licensure compact and rescheduled public hearing on **HB 1394**, establishing a committee to study entering into the nurse licensure compact for interstate reciprocity for nurses.

11:00 a.m. **HB 1210**, relative to training to be a licensed esthetician.

1:30 p.m. **HB 1204**, relative to administrative rulemaking of the sweepstakes commission.

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

MUNICIPAL AND COUNTY GOVERNMENT, Room 301, LOB

- 10:00 a.m. **HB 1154**, relative to appeals of historic district commissions.
 - 11:00 a.m. **HB 1141**, relative to the adoption of innovative land use zoning.
 - 1:00 p.m. **HB 1344-LOCAL**, establishing a village plan alternative in zoning and land use planning laws.
 - 2:00 p.m. **HB 1395**, relative to historic district commissions.
- Executive session on pending legislation may be held throughout the day, time permitting, from the time the committee is initially convened.

MONDAY, FEBRUARY 11

CERTIFICATE OF NEED TASK FORCE (RSA 151-C:16), Room 203, 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, FEBRUARY 12

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 100, State House

- 10:00 a.m. **HB 1323**, establishing a committee to study performance-based public salaries.
 - 1:30 p.m. **HB 1359-FN**, establishing a department of financial services.
- Executive session on pending legislation may be held throughout the day, time permitting, from the time the committee is initially convened.

MUNICIPAL AND COUNTY GOVERNMENT, Room 301, LOB

- 10:00 a.m. **HB 1284**, relative to the time frame for petitions for zoning changes submitted to local planning boards.
 - 11:00 a.m. **HB 1288**, relative to regular meetings of local planning boards.
 - 1:00 p.m. **HB 1320**, establishing a committee to study establishing enterprise zones in economically deprived communities.
- Executive session on pending legislation may be held throughout the day, time permitting, from the time the committee is initially convened.

WEDNESDAY, FEBRUARY 13

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 100, State House

- 10:00 a.m. **HB 1366-FN**, establishing a state employee cost-saving award program.
- Executive session on pending legislation may be held throughout the day, time permitting, from the time the committee is initially convened.

MUNICIPAL AND COUNTY GOVERNMENT, Room 301, LOB

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

FRIDAY, FEBRUARY 15

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

9:00 a.m. Regular meeting.

TUESDAY, FEBRUARY 19

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 100, State House

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

MUNICIPAL AND COUNTY GOVERNMENT, Room 301, LOB

10:00 a.m. Executive session on pending legislation, if needed.

WEDNESDAY, FEBRUARY 20

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 100, State House

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

MUNICIPAL AND COUNTY GOVERNMENT, Room 301, LOB

10:00 a.m. Executive session on pending legislation, if needed.

OFFICIAL NOTICES

COUNTY DELEGATION NOTICE

Cheshire County Delegation will meet on January 10, during the lunch break from session in section 5, to authorize Commissioners to execute documents to expend funds for SW Community Services to continue their housing rehabilitation program for low and moderate income families.

Rep. Stephen G. Avery, Chairman

Cheshire County Delegation

NOTICE

LEGISLATIVE ETHICS COMMITTEE

All legislators and legislative officers are required to complete and file the annual "Financial Disclosure Form" with the Office of Secretary of State no later than January 31, 2002.

Rep. Jeb E. Bradley, Chairman

Legislative Ethics Committee

REVISED FISCAL NOTES

The following HBs have revised fiscal notes: HBs 656, 1192, 1260, 1266, 1270, 1271, 1275, 1319, 1352, 1353, 1355, 1358, 1359, 1360, 1362, 1363, 1364, 1365, 1366, 1367, 1369, 1371, 1372, 1373, 1374, 1375, 1377, 1379, 1380, 1381 and 1382.

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.

James A. Whittemore, PO Box 6058, Franklin, New Hampshire 03235-6058.

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

Karen O. Wadsworth, Clerk of the House
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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 New Hampshire State Library (20 Park Street, Concord, NH) first-ever exhibition of sixty-one of its vintage posters from World War II runs from Dec. 7, 2001 to February 2, 2002. In addition to the poster exhibition will be information regarding the NH Cemetery Association's plans for a NH Veteran's Memorial Walkway to be established at the Veteran's Cemetery in Boscawen.

Gene G. Chandler, Speaker

On December 19 a presentation was given by the Department of Revenue regarding elderly exemptions, tax credits, tax deferrals and application procedure for statewide property tax relief. Packets are available from the Municipal and County Government Committee in Room 301, LOB, after January 2, 2002.

Rep. Betsey L. Patten, Chairman

Municipal and County Government

Legislators and legislative staff who are members of the American Mensa Society are invited to contact Rep. Soltani at 736-3320 or TSoltani@metrocast.net, to explore the possibility of an interest group.

Rep. Tony F. Soltani

There will be a Pro-Life Caucus meeting on Tuesday, January 8 at the Upham Walker House at 9:00 a.m.

Rep. Phyllis L. Woods

A reception honoring the NH Student Intern Program will be held on Tuesday, January 8 (5:00-7:00 p.m.) at the Eagle Court Deli, 5 Eagle Square, Concord. Dr. Tom Rocco, President of the University System College for Lifelong Learning will offer a few words about involving citizens with their government. \$20 per person to assist in minimal costs for the students and the program.

Gene G. Chandler, Speaker

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: January 16, February 6 and 20 and at 11:30 a.m. on the following Wednesdays: January 9, 23 and February 13.

Rep. Paul M. Mirski

Members and the public are welcome to attend the next meeting of the Governor's Commission on Alcohol and Drug Abuse Prevention, Intervention and Treatment which will be held on January 11 from 9:30 a.m. to 11:30 a.m. in Rooms 206-208, LOB. The agenda will include further discussion about the Statewide Plan and the upcoming public forums to be scheduled around the state in February and March. Be sure to watch for the forum near you and take the opportunity to attend and provide input to the plan to prevent or overcome the addiction problems.

Reps. William E. Leber, Russell N. Cox and Kathleen N. Taylor

The New Hampshire Women's Policy Institute is sponsoring workshops in Plymouth, Durham and Concord to help concerned citizens learn how they can make a difference in the New Hampshire legislative process. For more information or to pre-register (so we can plan for enough materials) please contact the co-sponsoring organization or contact the NH Women's Policy Institute.

Concord: Saturday, January 19, 9:30 a.m. to 12:30 p.m. Fellowship Hall, Unitarian Universalist Church, 274 Pleasant Street. To pre-register contact the NH Women's Lobby/NH Women's Policy Institute, 603-224-9105, nhwomen@earthlink.net.

Rep. Marjorie K. Smith

All legislators are invited to a luncheon on January 31, 2002 hosted by the New Hampshire State Library /Department of Cultural Resources for a last viewing of the WW II Poster Exhibit entitled "Unifying a Nation," which closes on February 2. Lunch will be provided by BAE Systems and available from 11:30 a.m. to 1:30 p.m. on the second floor of the State Library in the Computer Training Lab.

Gene Chandler, Speaker

Importance of NH’s Forest Luncheon: All members are invited to join the New Hampshire Timberland Owners Association and New Hampshire Sustainable Forestry Initiative’s State Implementation Committee at the New Hampshire Historical Society’s Tuck Library on Wednesday, February 6 from 11:30 a.m. to 1:00 p.m. for an informal luncheon reception and presentation on New Hampshire’s forest industry and its environmental and economic importance to the entire state. Sandwiches and all the fixings will be provided by Durgin Lane Deli.

Reps. David M. Scanlan and Peter H. Burling

The Department of Transportation will hold the following meetings:

Jan 16 – Police Station Training Room, 22 Dump Road, Hillsborough, 7:00 p.m. Combined public officials/public informational meeting, Hillsborough-Antrim, NH Route 9 at western terminus of Hillsborough by-pass – reclaim and repave.

Jan 24 – Boscawen Town Hall, Junction Routes 3&4, Boscawen, 7:00 p.m. Combined public officials/public informational meeting, Boscawen-Canterbury, Concord US Route 4/Merrimack River.

Jan 24 – Town Office, 661 Turnpike Road, New Ipswich, 7:00 p.m. Combined public officials/informational meeting, New Ipswich, NH 123/124 approximately 400 feet west of Dark Lane in New Ipswich and proceeds east approximately .8 miles to a point approximately 400 feet east of Temple Road.

Rep. Edwin O. Smith, Chairman

Public Works and Highways Committee

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 **January 2002**. These listings will replace individual notifications in an effort to reduce paper usage and to ensure all members will be notified in a timely manner. Our schedule is tightly booked for the remainder of the school year. Please contact the Visitors’ Center concerning school tour booking information. Thank you for your continued participation with your School Visitation Program.

Kenneth Leidner, Director

DATE	TIME	GROUP	CLASS/Size
Jan. 7	9:30 & 11:00	Broad St. School - Nashua	4/75
Jan. 8	11:00	Granite State Christian - Salem	4&5/11
Jan. 9	9:30 & 11:00	Fisk School - Salem	4/75
Jan. 10	9:00	Pembroke Hill School	4/50
Jan. 11	9:30, 10:30, & 11:30	Rochester Middle School	8/90
Jan. 14	10:00 & 11:30	Moultonborough Central School	4/52
Jan. 15	9:00	Pembroke Hill School	4/25

Jan. 15	10:30 & 12:25	Appleton Elementary – New Ipswich	4/60
Jan. 16	10:00	J.P. Kids Kindergarten - Windham	K/22
Jan. 16	11:00 & 12:30	Dondero Elementary - Portsmouth	4/40
Jan. 16	1:40	Bosnian Students	HS/12
Jan. 17	9:30 & 11:00	Chester Academy	4/75
Jan. 18	9:30 & 11:00	Charlotte Avenue School - Nashua	4/50
Jan. 22	9:30 & 11:00	Mountain View Middle School - Goffstown	4/75
Jan. 23	9:30 & 11:00	Mountain View Middle School - Goffstown	4/50
Jan. 24	9:30 & 11:00	Mountain View Middle School - Goffstown	4/50
Jan. 25	9:30 & 11:00	Charlotte Avenue School - Nashua	4/50
Jan. 25	1:00	Proctor Academy - Concord	12
Jan. 28	9:30, 10:30, & 11:30	Rochester Middle School	8/90
Jan. 29	9:30	Maple Avenue School – Goffstown	4/45
Jan. 29	11:00	Wheelock Elementary - Keene	4/31
Jan. 30	9:30 & 11:00	Lancaster Memorial School - Salem	4/75
Jan. 31	10:00 & 11:30	Elm St. School - Laconia	4/65

NOTICE

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

Carol J. Holahan, Director

SPONSOR	COUNTY	DISTRICT	LSR NUMBER
Belanger, Ronald	Rockingham	26	2001-H-2380-R
Bergin, Peter	Hillsborough	16	2001-H-2407-R
Burling, Peter	Sullivan	01	2001-H-2394-R
Burling, Peter	Sullivan	01	2001-H-2416-L
Clegg, Robert	Hillsborough	23	2001-H-2380-R
Clegg, Robert	Hillsborough	23	2001-H-2394-R
Clemons, Jane	Hillsborough	31	2001-H-2368-R
Coes, Betsy	Rockingham	19	2001-H-2270-R
Craig, James	Hillsborough	38	2001-H-2374-L

Davis, Perley	Coos	01	2001-H-2416-L
Ford, Nancy	Hillsborough	28	2001-H-2407-R
Gilmore, Gary	Strafford	11	2001-H-2429-L
Jacobson, Alf	Merrimack	02	2001-H-2411-R
Jean, Loren	Hillsborough	17	2001-H-2399-R
Kacavas, John	Hillsborough	37	2001-H-2413-R
Kelley, Jane	Rockingham	22	2001-H-2399-R
McGuirk, Paul	Cheshire	01	2001-H-2416-L
Mears, Edgar	Coos	07	2001-H-2362-R
Millham, Alida	Belknap	04	2001-H-2379-L
Mirski, Paul	Grafton	12	2001-H-2424-R
Palangas, Eric	Hillsborough	41	2001-H-2413-R
Peterson, Andrew	Hillsborough	08	2001-H-2374-L
Phinizy, James	Sullivan	07	2001-H-2424-R
Quandt, Marshall	Rockingham	20	2001-H-2414-R
Rodeschin, Beverly	Sullivan	04	2001-H-2402-R
Scanlan, David	Grafton	11	2001-H-2375-R
Soltani, Tony	Merrimack	10	2001-H-2424-R
Spiess, Paul	Hillsborough	14	2001-H-2375-R
Wall, Janet	Strafford	09	2001-H-2396-R
Wendelboe, Fran	Belknap	02	2001-H-2393-R
Wheeler, Robert	Hillsborough	07	2001-H-2416-L
Woods, Phyllis	Strafford	11	2001-H-2424-R

NOTICE

The House Clerk’s Office is now accepting orders for the 2001 hardcover Permanent House Journal. The deadline to place an order is **January 25, 2002**. Production will begin soon, with distribution expected sometime in the spring of 2002.

Upon request, members of the House, Senate and all state agency heads are entitled to one Journal at no charge. Additional copies ordered by legislators, agencies, and all others will cost approximately \$45 each, plus any applicable mailing expenses. Those who order paid copies will be notified *and billed* when the Journals are ready. **DO NOT** send money now.

In an effort to contain costs, the number of Journals printed will be determined by the number of advance orders received.

Please do not order a Journal if you have no intention of claiming it.

Please clip this form and return in person or via mail to:

House Clerk’s Office
Room 317, State House
107 North Main St.
Concord, NH 03301

Please Print

REP./SEN./ NAME_____

AGENCY/BUSINESS _____

CONTACT _____

ADDRESS_____

CITY/STATE/ZIP _____

PHONE/EXT. _____

I WISH TO ORDER _____ 2001 PERMANENT HOUSE JOURNAL (S)

SIGNED _____

THURSDAY, JANUARY 10

AMENDMENTS

(LISTED IN NUMERICAL ORDER)

2001-1968h

Amendment to HB 179-FN

Proposed by the Committee on Children and Family Law - R

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

AN ACT including 17 year olds under RSA 169-B, the juvenile delinquency statute.

Amend the bill by replacing section 19 with the following:

19 Effective Date. This act shall take effect July 1, 2004.

AMENDED ANALYSIS

This bill changes the scope of RSA 169-B and related juvenile delinquency laws to include 17 year olds.

The bill defines a minor, for purposes of RSA 169-B, as a person under the age of 18, and a delinquent as a person who committed an offense before reaching the age of 18.

2001-1954h

Amendment to HB 285-FN-LOCAL

Proposed by the Committee on Municipal and County Government - R

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

1 Findings and Purpose.

I. The general court finds that a multiplicity of construction codes and standards currently exist in this state. The general court further finds that the model codes of the International Building Code 2000, the International Plumbing Code 2000, the International Mechanical Code 2000, the International Energy Conservation Code 2000, and the National Electric Code 1999, are recognized construction codes whose uniform adoption as the state building code pursuant to this act will insure that the state has a uniform, modern construction code which will protect the public health, safety, and welfare.

II. It is the intent and purpose of this act to:

- (a) Provide requirements for construction consistent with nationally recognized standards;
- (b) Permit to the fullest extent feasible the use of modern technical methods, devices and improvements, consistent with reasonable requirements for the health, safety, and welfare of occupants or users of buildings and structures; and
- (c) Insure adequate protection of the public health, safety, and welfare.

2 Cities; Reference to State Building Codes. Amend RSA 47:22 to read as follows:

47:22 Grant of Power. The board of mayor and aldermen, or the corresponding governmental body of any city, is hereby empowered and authorized in the passing and adopting of ordinances, establishing codes, rules and regulations for the construction of buildings, relating to the installation of plumbing, the use of concrete, masonry, metal, iron and wood, and other building material, the installation of electric wiring, and fire protection incident thereto or for the prevention of fires to adopt any ~~[nationally recognized code, rules and regulations to develop good engineering practice or safety that have been printed as a code in book form or such portions thereof by reference thereto in such ordinance]~~ ***additional regulations provided that the regulations are not less stringent than the requirements of the state building code under RSA 155-A or the state fire code under RSA 153***; provided, that upon adoption of such ordinance wherein such code, rules and regulations or portions thereof have been incorporated by reference, there shall be filed 3 copies of such codes, rules and regulations in the main office of the municipal department or agency administering the same and 3 copies in the office of the city clerk. All copies of any code, rules and regulations filed as provided herein, shall be for use and examination by the public.

3 New Hampshire Building Code; Construction Standards. RSA 155-A is repealed and reenacted to read as follows:

CHAPTER 155-A

NEW HAMPSHIRE BUILDING CODE

155-A:1 Definitions. In this chapter:

- I. "Building" means building as defined and interpreted by the International Code Council's International Building Code 2000.
- II. "County" means the local legislative body of a county in which there are unincorporated towns or unorganized places.
- III. "Local enforcement agency" means for a municipality that has adopted enforcement provisions or additional regulations under RSA 674:51, the building inspector or other local government official with authority to make inspections and to enforce the laws, ordinances and rules enacted by the state and by local government that establish standards and requirements applicable to the construction, alteration, or repair of buildings.
- IV. "New Hampshire building code" or "state building code" means the adoption by reference of the International Building Code 2000, the International Plumbing Code 2000, the International Mechanical Code 2000, the International Energy Conservation Code 2000, as published by the International Code Council, and the National Electric Code 1999. The provisions of any other national code or model code referred to within a code listed in this definition shall not be included in the state building code unless specifically included in the codes listed in this definition.
- V. "Person" means any individual or organized group of any kind, including partnerships, corporations, limited liability

partnerships, limited liability companies, and other forms of association, as well as federal, state or local instrumentalities, political subdivisions, or officers.

VI. "Structure" means structure as defined and interpreted by the International Code Council's International Building Code 2000.

155-A:2 State Building Code.

I. Except as provided in paragraphs II and III, all buildings, building components, and structures constructed in New Hampshire beginning one year after the effective date of the section, shall comply with the state building code and state fire code. The construction, design, structure, maintenance, and use of all buildings or structures to be erected and the alteration, renovation, rehabilitation, repair, maintenance, removal, or demolition of all buildings and structures previously erected shall be governed by the provisions of the state building code.

II. Standards, including definitions, established by the most recent edition of the Life Safety Code, NFPA Doc. No. 101, shall take precedence over all standards in the state building code relative to means of egress.

III. All new buildings shall conform to the requirements of the state fire code adopted pursuant to RSA 153:5 and to the extent that there is any conflict between the state building code and the state fire code, the state fire code shall take precedence unless otherwise determined by the board, subject to the review provisions contained in RSA 155-A:10.

IV. To the extent that it does not conflict with any other provision of law, the issuance of permits and the collection of fees pursuant to the state building code is expressly reserved for counties, towns, cities, and village districts.

V. Except for buildings owned by the state or the university system, the issuance of certificates of occupancy pursuant to the state building code is expressly reserved for counties, towns, cities, and village districts.

VI. Counties, towns, cities, and village districts may adopt by ordinance pursuant to RSA 674:51 any additional regulations provided that such regulations are not less stringent than the requirements of the state building code pursuant to this chapter and the state fire code pursuant to RSA 153.

VII. For any municipality which has not adopted an enforcement mechanism for the state building code under RSA 674:51, the contractor of the building, building component, or structure shall notify the state fire marshal concerning the type of construction before construction begins excluding one- and 2-family dwellings.

VIII. The contractor of a building, building component, or structure shall be responsible for meeting the minimum requirements of the state building code. No municipality shall be held liable for any failure on the part of a contractor to comply with the provisions of the state building code.

IX. Nothing in this chapter shall be construed as amending, repealing, or superseding any local law, ordinance, code, or regulation, except local building code requirements that are less stringent than the state building code, and all buildings, building components, and structures shall comply with all applicable state or local building and fire code requirements, land use restrictions including but not limited to subdivision regulations, use and location restrictions, density and dimensional limitations, or historic district laws or ordinances.

X. Nothing in this chapter shall be construed to permit or encourage the state to initiate or assume an independent role in the administration and enforcement of the New Hampshire building code for a building or structure that is not owned or operated by the state unless otherwise authorized by law.

XI. No state agency, authority, board, or commission shall modify the state building code, unless approved by the state building code review board pursuant to RSA 155-A. Nothing in this chapter shall affect the statutory authority of the public utilities commission, the state board for the licensing and regulation of plumbers, or the state electricians' board, to administer their respective programs, provided that any changes to codes adopted under the rulemaking authority of these agencies shall not be implemented until approved by the state building code review board.

155-A:3 Local Amendments; Application. For a municipality which has adopted an enforcement mechanism or additional regulations to the state building code pursuant to RSA 674:51:

I. The municipality may adopt local amendments to the state building code which do not prohibit minimum implementation and enforcement of the state building code.

II. The procedure for amendment shall be in accordance with applicable statutes and local regulations.

III. At a minimum, the municipality shall ensure that implementation and enforcement includes:

- (a) Review and acceptance of appropriate plans.
- (b) Issuance of building permits.
- (c) Inspection of the work authorized by the building permits.
- (d) Issuance of appropriate use and occupancy certificates.

IV.(a) The provisions of this chapter and any local amendments under this section shall not be construed to restrict or encumber the local governing body's authority relative to the appointment, removal, or duties of municipal employees and the organization of municipal departments.

(b) Any provision of the state building code that conflicts with existing or amended local ordinances, regulations, policies, practices, or procedures regarding the appointment, removal, or duties of municipal employees and the organization of municipal departments, shall not apply.

155-A:4 Permit Required. Before starting new construction or renovation of schools, halls, theaters or other public buildings the person responsible for such construction shall obtain a permit signed by the board of selectmen, after their due consideration of any written recommendations of the fire chief. In municipalities that have adopted an enforcement mechanism pursuant to RSA 674:51, the permit under this section shall conform to the locally adopted process.

155-A:5 Accessibility of Public Buildings. Notwithstanding RSA 155-A:2, all new buildings constructed by the state or any of its agencies, and all new schools, halls, theaters or other public buildings in this state in which more than 100 people can be assembled shall be required to provide at least one entrance and exit designed so that the public areas of the entire building are accessible to persons with disabilities.

155-A:6 Inspection of State Buildings. The commissioner of safety and the commissioner of transportation shall provide for periodic safety inspection of all occupied public buildings owned by the state.

155-A:7 Enforcement Authority.

I. The local enforcement agency appointed pursuant to RSA 674:51 shall have the authority to enforce the provisions of the state building code, provided, however, that where there is no building inspector, the state fire marshal or the state fire marshal's designee shall have the authority to enforce the provisions of the state building code, subject to the review provisions contained in RSA 155-A:10.

II. Upon the request of a local enforcement agency, state agencies, boards, and commissions may provide advisory services and technical assistance concerning any building or any construction project in the local enforcement agent's jurisdiction.

III. The local enforcement agency appointed to enforce the state building code shall have the authority to inspect all buildings, structures, construction sites, and other places in the jurisdiction. If consent for such inspection is denied or not reasonably obtainable, the local enforcement agency may obtain an administrative inspection warrant under RSA 595-B.

155-A:8 Penalty. Fines, penalties, and remedies for violations of this chapter shall be the same as for violations of title LXIV, as stated in RSA 676:15 and 676:17.

155-A:9 Fees. The municipality may establish fees to defray the costs of administration, implementation, and enforcement of the state building code and any local amendments. Such fees shall be for the general use of the municipality having responsibility over the local enforcement agency.

155-A:10 State Building Code Review Board.

I. There is established a state building code review board consisting of the commissioner of safety or the commissioner's designee, and 15 additional members appointed by the commissioner of safety as follows:

- (a) One architect licensed in this state for a minimum of 5 years, nominated by the board of architects established in RSA 310-A:29.

(b) One structural engineer licensed in this state for a minimum of 5 years, nominated by the board of engineers established in RSA 310-A:3.

(c) One mechanical engineer licensed in this state for a minimum of 5 years, nominated by the board of engineers established in RSA 310-A:3.

(d) One electrical engineer licensed in this state for a minimum of 5 years, nominated by the board of engineers established in RSA 310-A:3.

(e) One representative of the state's municipalities, nominated by the New Hampshire Municipal Association.

(f) One municipal building official, nominated by the New Hampshire Building Officials Association.

(g) One municipal fire chief, nominated by the New Hampshire Association of Fire Chiefs.

(h) One municipal volunteer fire chief, nominated by the New Hampshire Association of Fire Chiefs.

(i) One building contractor, primarily engaged in the business of constructing non-residential buildings, nominated by the Associated General Contractors of New Hampshire.

(j) One building contractor primarily engaged in the business of constructing residential buildings, nominated by the New Hampshire Home Builders Association.

(k) One representative from the state energy conservation code office under RSA 155-D, nominated by the New Hampshire public utilities commission.

(l) One master plumber licensed in this state for a minimum of 5 years, nominated by the state board for the licensing and regulation of plumbers established in RSA 329-A.

(m) One mechanical contractor with a minimum of 5 years experience, primarily engaged in the business of mechanical construction, nominated by the New Hampshire Plumbing and Mechanical Contractors Association.

(n) One master electrician licensed in this state for a minimum of 5 years, nominated by the New Hampshire Electrical Contractors Business Association.

(o) One representative of the Committee on Architectural Barrier – Free Design nominated by the governor's commission on disability.

II. The term of each member shall be 3 years except that persons initially appointed under subparagraphs I(a), (d), (g), (j) and (m) shall serve one-year terms, and persons initially appointed under subparagraphs I(b), (e), (h), (k) and (n) shall serve 2-year terms. The chair shall be appointed by the commissioner of safety. Board members shall be appointed for no more than 2 consecutive 3-year terms.

III. The board shall be administratively attached to the department of safety under RSA 21-G:10.

IV. The board shall meet to review and assess the application of the state building code and shall recommend legislation, as the board deems necessary, to modify the requirements of the state building code and the state fire code in order to provide consistency with the application of other laws, rules, or regulations, and to promote public safety and best practices.

V. The board may adopt rules to update or change the state building code manuals for the codes described in RSA 155-A:1, III, to the extent the board deems that such updates or changes are necessary, provided that any such updates or changes are ratified by the adoption of appropriate legislation within 2 years of their adoption. If such updates or changes are not ratified, then the rules shall expire, notwithstanding RSA 541-A:17, I, at the end of the 2-year period. With the approval of the commissioner of safety, the board shall be authorized, pursuant to RSA 541-A, to adopt rules relative to procedures of its operation and appeals to the board.

VI. The board shall review the National Fire Protection Association Building Code and its companion manuals when published, and shall review any other building codes when published, in order to evaluate whether the state should continue with the International Building Codes and its manuals, switch to other codes or adopt a combination of codes.

155-A:11 Appeals of Decisions of the State Fire Marshal.

- I. The board shall hear appeals of variances or exceptions to the state fire code that have been granted or denied by the state fire marshal or the state fire marshal's designee, and appeals of a decision of the state fire marshal or the state fire marshal's designee, in enforcing provisions of the state building code pursuant to RSA 155-A:7, I.
- II. The board shall hold a hearing within 40 days of receipt of a complaint, unless an extension of time has been granted by the board at the written request of one of the parties and shall render a decision within 30 days of the conclusion of a hearing.

155-A:12 Appeal From Board's Decision.

- I. A party to the proceeding shall have the right to file a petition in the superior court of the county in which the building or structure is located to review the final order of the board within 30 days of the date of the final order.
- II. At the earliest practical time, the court shall review the record as developed before the board, together with any written legal argument presented to the court. Based on that review, the court may affirm or reverse the decision of the board or order that oral argument be held. As justice may require, the court may remand the case to the board for further findings and rulings. The petition for appeal shall set forth all the grounds upon which the final order is sought to be overturned. Issues not raised by the appellant before the board shall not be raised before the superior court. The burden of proof shall be on the appellant to show that the decision of the board was clearly unreasonable or unlawful.
- III. No new or additional evidence shall be introduced in the superior court, but the case shall be determined upon the record and evidence transferred, except that in any case, if justice requires the review of evidence which by reason of accident, mistake or misfortune could not have been offered before the board, the superior court shall remand the case to the board to receive and consider such additional evidence.

4 Energy Conservation in New Building Construction; State Building Code. RSA 155-D:2, II is repealed and reenacted to read as follows:

- II. "Code for Energy Conservation in New Building Construction" or "code" means the applicable parts of the state building code as defined in RSA 155-A.

5 Modular Housing; State Building Code. RSA 205-C:1, II is repealed ad reenacted to read as follows:

- II. "State building code" means the state building code pursuant to RSA 155-A.

6 Modular Building Standards. Amend RSA 205-C:2 to read as follows:

205-C:2 Modular Building Standard.

- I. All modular buildings and building components ~~[installed in New Hampshire]~~ **ordered** on or after ~~[July 24, 1992]~~ **the date one year after the effective date of RSA 155-A:2** shall comply with the ~~[BOCA National Building Code and the National Electrical Code]~~ **state building code and the state fire code**.
- II. All modular buildings and building components bearing a label of certification pursuant to the requirements of this chapter shall be deemed by local enforcement agencies as meeting the ~~[BOCA National Building Code and the National Electrical Code. Such certification]~~ **state building code**, however, **such certification** shall not be deemed to preempt enforcement of any state or local standards governing installation or work performed on the building site, including but not limited to site grading, foundations, driveways, on-site water and sewer systems or connections to off-site systems, and electrical line connections to the power source.
- III. Nothing in this chapter shall be construed as amending, repealing or superseding any ~~[other state or]~~ local law, ordinance, code or regulation, and all modular buildings and building components shall comply with all applicable state or local building requirements that exceed the ~~[BOCA National Building Code or the National Electrical Code,]~~ **state building code, in addition to any** land use restrictions including but not limited to subdivision regulations, use and location restrictions, density and dimensional limitations, or historic district laws or ordinances.

7 New Paragraph; Electricians; Rulemaking. Amend RSA 319-C:6-a by inserting after paragraph V the following new paragraph:

- V-a. The applicable version of the National Electrical Code with any discretionary changes, provided that any such changes are no less stringent than provided in the state building code administered and approved by the state building code review board

under RSA 155-A.

8 Plumber's Board; State Plumbing Code; Adoption by Reference; Rules. Amend RSA 329-A:15 to read as follows:

329-A:15 State Code; Rules.

I. The board shall adopt such plumbing rules under RSA 541-A as it may deem necessary for the protection of the public health. Such rules shall be considered minimum standards. ~~[The rules shall be no less stringent than the plumbing provisions of the 1984 edition of the BOCA Basic Plumbing Code sponsored by the Building Officials and Code Administrators International, Inc.]~~ The board ~~[may]~~ **shall** adopt ~~[the BOCA code]~~ **the International Plumbing Code, as published by the International Code Council**, by reference, provided it specifies which sections of the code are in force in New Hampshire and makes specific and discretionary provisions in the code, **subject to the provisions of RSA 155-A:2, XI**.

II. The board shall periodically review the rules adopted under paragraph I to assure that they are not less stringent than the most recent edition of the ~~[BOCA]~~ **International Plumbing** Code published at the time of the review.

9 Environmental Services; Public Water Systems; Plumbing Code. Amend RSA 485:41, III to read as follows:

III. Adopt rules governing the installation of pipes, fixtures and other apparatus which are used to connect the water system to a building. Such rules shall be considered minimum standards. ~~[The rules shall be no less stringent than the applicable provisions of the current edition of the BOCA Basic Plumbing Code, sponsored by the Building Officials and Code Administrators International, Inc.]~~ The department ~~[may]~~ **shall** adopt the ~~[BOCA code]~~ **International Plumbing Code as published by the International Code Council** by reference, provided the department specifies which sections of the code are in force in New Hampshire and makes specific any discretionary provisions in the code subject to approval by the state building code review board. The department shall periodically review the rules adopted under this paragraph to assure that they are no less stringent than the requirements of the current ~~[BOCA]~~ code.

10 Zoning and Planning; Building Codes. RSA 674:51 is repealed and reenacted to read as follows:

674: 51 Power to Amend State Building Code and Establish Enforcement Procedures.

I. The local legislative body may enact as an ordinance or adopt, pursuant to the procedures of RSA 675:2-4, additional provisions of the state building code for the construction, remodeling, and maintenance of all buildings and structures in the municipality, provided that such additional regulations are not less stringent than the requirements of the state building code. The local legislative body may also enact a process for the enforcement of the state building code and any additional regulations thereto, and the provisions of a nationally recognized code that are not included in and are not inconsistent with the state building code.

II. Any such ordinance adopted under paragraph I by a local legislative body shall be submitted to the state building code review board for informational purposes.

III. The local ordinance or amendment adopted according to the provisions of paragraph I shall include, at a minimum, the following provisions:

(a) The date of first enactment of any building code regulations in the municipality and of each subsequent amendment thereto.

(b) Provision for the establishment of a building code board of appeals as provided in RSA 673:1, V; 673:3, IV; and 673:5.

(c) Provision for the establishment of the position of building inspector as provided in RSA 673:1, V. The building inspector shall have the authority to issue building permits as provided in RSA 676:11-13 and any certificates of occupancy as enacted pursuant to paragraph III, and to perform inspections as may be necessary to assure compliance with the local building code.

(d) A schedule of fees, or a provision authorizing the governing body to establish fees, to be charged for building permits, inspections, and for any certificate of occupancy enacted pursuant to paragraph III.

IV. The regulations adopted pursuant to paragraph I may include a requirement for a certificate of occupancy to be issued prior to the use or occupancy of any building or structure that is erected or remodeled, or undergoes a change or expansion of use, subsequent to the effective date of such requirement.

11 Rulemaking Required. The state building code review board established by this act shall adopt rules under RSA 541-A within 6 months of the effective date of RSA 155-A:2 relative to the operation of the board, the procedure for appeals to the board, and

procedures for updating or changing the state building code.

12 Repeal. The following are repealed:

I. RSA 205-C:1, XII, relative to the definition of the National Electrical Code.

II. RSA 674:52, relative to local adoption of building codes by reference.

III. RSA 675:9, II, relative to filing exemption for national building codes adopted by reference.

13 Effective Date.

I. RSA 155-A:10 as inserted by section 3 of this act shall take effect 30 days after its passage.

II. The remainder of this act shall take effect 180 days after its passage.

2001-2062h

Amendment to HB 465

Proposed by the Committee on Judiciary - R

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

AN ACT relative to membership of attorneys in the New Hampshire Bar Association and lobbying by the Bar Association.

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

1 New Subdivision; State Bar Association. Amend RSA 311 by inserting after section 7-f the following new subdivision:

State Bar Association

311:7-g State Bar Association Membership; Vote Required.

I. The supreme court, pursuant to its power to regulate the practice of law under this chapter and its continuing supervisory authority over attorneys practicing before courts of this state, may assess fees for the purpose of regulating the practice of law and for maintaining a professional conduct committee.

II. The supreme court may require all persons engaged in the practice of law in this state to be members of the New Hampshire Bar Association; provided that the members of the Bar Association have approved the requirement pursuant to paragraph III.

III. The board of governors of the New Hampshire Bar Association shall place on the ballot with the election of officers of the Association, the following question: "Shall membership in the New Hampshire Bar Association be required for all attorneys licensed to practice in this state?" An affirmative vote of a majority of those voting on the question, shall allow for the requirement by the supreme court under paragraph II. Approval by the membership under this paragraph shall be valid for a 5-year period beginning on the date of the affirmative vote.

311:7-h Bar Association Legislative Activities.

I. The New Hampshire Bar Association, if membership is mandatory for attorneys under RSA 311:7-g, shall be prohibited from using any part of dues paid by its members for the purpose of lobbying or influencing the general court on any matter, except as provided in paragraph III.

II. If membership in the New Hampshire Bar Association is mandatory for attorneys under RSA 311:7-g, no person shall be permitted to engage in legislative activities on behalf of the New Hampshire Bar Association for the purpose of lobbying or influencing the general court on any matter, except as provided in paragraph III.

III. The Bar Association may use a part of dues paid by its members, and may engage a person to lobby or influence the legislature on its behalf provided the Association:

(a) Limits its activities before the general court to those matters which are directly related to the regulation of the legal profession and improving the quality of legal services available to the people of the state. The scope of such permissible

activities shall be narrowly defined; and

(b) Has determined that substantial unanimity exists within the bar as a whole in agreement with the position taken on a matter.

IV. Nothing in the section shall prevent officers and members of the Bar Association from appearing before the general court to express their views as individuals, as members of voluntary associations, or as representatives of clients.

V. Any member of the New Hampshire Bar Association, if membership is mandatory for attorneys under RSA 311:7-g, may refuse to pay that portion of the Bar Association dues that are used for lobbying or influencing the legislature or other political matters.

311:7-i Severability. If any provision of this subdivision or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications hereof which can be given effect without the invalid provisions or application, and to this end the provisions of this subdivision are severable.

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

AMENDED ANALYSIS

This bill requires a vote at least every 5 years by licensed attorneys to authorize the supreme court to continue the requirement for mandatory membership in the New Hampshire Bar Association. The bill also defines when the New Hampshire Bar Association may lobby the general court.

2001-2047h

Amendment to HB 556-FN-A

Proposed by the Committee on Resources, Recreation and Development - R

Amend the bill by replacing section 2 with the following:

2 Appropriations; Purposes; Authority to Accept Grants.

I. The sum of \$22,000 is hereby appropriated for the biennium ending June 30, 2003 to the department of cultural resources to be used for matching grants for a minimum of 4 conferences on building rehabilitation and historic preservation to be held during the biennium. The purpose of these conferences shall be to assist municipal, county, and state officials, New Hampshire Main Street organizations, regional development corporations, regional planning commissions, property owners, design professionals, and non-profit organizations to understand and develop strategies for the successful preservation and rehabilitation of historic and culturally significant buildings and structures and older commercial and industrial buildings. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated. The commissioner of cultural resources may **accept grants**, services, and property from the federal government, foundations, organizations, and other entities as may be available for the purposes of paying the costs of holding the conferences. The state sums appropriated shall be a 50/50 matching grant against these federal and other sources of funds.

II. The sum of \$48,000 is hereby appropriated for the biennium ending June 30, 2003 to the department of safety to be used for matching grants for contract services for the development, publication, and distribution of a handbook, and/or other media, that will include information on life safety, fire and building codes and standards, historic preservation codes and standards, procedures and guidelines for local and state approval of preservation and rehabilitation projects, and resources available to assist political subdivisions, property owners, non-profit organizations, and developers with preservation and rehabilitation projects. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated. The commissioner of safety may **accept grants**, services, and property from the federal government, foundations, organizations, and other entities as may be available for the purposes of paying the costs of this project. The state sums appropriated shall be a 50/50 matching grant against these federal and other sources of funds.

AMENDED ANALYSIS

This bill makes an appropriation to the department of cultural resources, and allows the commissioner to accept grants, for the purpose of holding 4 conferences on building rehabilitation and historic preservation. The bill also makes an appropriation to the department of safety, and allows the commissioner to accept grants, for contract services for the development, publication, and distribution of a handbook that will provide information on life safety, fire and building codes and standards, procedures

and guidelines for local and state approval of preservation and rehabilitation projects, and resources available to assist political subdivisions, property owners, non-profit organizations, and developers with preservation and rehabilitation projects.

2001-2049h

Amendment to HB 560-FN-A

Proposed by the Committee on Finance - R

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

1 Purpose. The purpose of this act is to create a defined benefit contributory retirement plan for the judiciary; to allow benefits to be influenced by interest earned; to allow greater flexibility in benefits; and to eliminate over time the budgetary pay-as-you-go system.

2 New Chapter; Judicial Retirement Plan. Amend RSA by inserting after chapter 100-B the following new chapter:

CHAPTER 100-C

JUDICIAL RETIREMENT PLAN

100-C:1 Definitions. The following words and phrases as used in this chapter, unless a different meaning is plainly required by the context, shall have the following meanings:

I. "Accumulated contributions" means the sum of all the amounts deducted from the compensation of a member.

II. "Actuarial equivalent" means a benefit of equal value when computed at regular interest upon the basis of the mortality tables last adopted by the board of trustees.

III. "Actuary" means:

(a) A member of the American Academy of Actuaries; or

(b) An individual who has demonstrated to the satisfaction of the board of trustees that such individual has the educational background necessary for the practice of actuarial science and has had at least 7 years of actuarial experience.

IV. "Beneficiary" means any person receiving a retirement allowance or other benefit as provided in this chapter.

V. "Board of trustees" or "board" means the board provided for in RSA 100-C:12.

VI. "Creditable service" means prior service plus membership service, as provided in RSA 100-C:4.

VII. "Earnable compensation" means a member's annual salary.

VIII. "Judicial retirement plan" or "plan" means the New Hampshire judicial retirement plan as defined in RSA 100-C:2.

IX. "Member" means any full-time supreme court, superior court, district court, or probate court judge.

X. "Member annuity" means annual payments for life derived from the accumulated contributions of the member.

XI. "Membership service" means service rendered while a member of the judicial retirement plan.

XII. "Predecessor system" means any state retirement plans or systems for judges in effect prior to the date of implementation of the judicial retirement plan by this chapter.

XIII. "Regular interest" means interest at such rate or rates compounded annually as may be set from time to time by the board of trustees.

XIV. "Retirement" means withdrawal from active service with a retirement allowance granted under the provisions of this chapter.

XV. "Retirement allowance" means the sum of the member annuity and the state annuity. All retirement allowances shall be payable in equal monthly installments which shall cease with the last monthly payment prior to death, unless otherwise

specifically provided for in this chapter; provided, however, that if the retirement allowance is less than \$10 per month, it may be paid, at the discretion of the board of trustees, in quarterly or semiannual installments due at the midpoint of such period, or in a lump sum of equivalent actuarial value.

XVI. "Retirement system" means the New Hampshire retirement system as defined in RSA 100-A:2.

XVII. "Service" means service as a supreme court, superior court, full-time district court, or full-time probate court justice.

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

XIX. "State annuity" means annual payments for life derived from contributions by the state.

XX. "Terminal funding" means providing the full present value of the total liability for benefit improvement. Unless otherwise specified, the source of terminal funding shall be the special account established under RSA 100-C:14, III(g).

100-C:2 Establishment of Judicial Retirement Plan.

I. The judicial retirement plan is hereby established. It shall be known as the New Hampshire judicial retirement plan, and by such name all of its business shall be transacted, all of its funds invested, and all of its cash, securities and other property held in trust for the purpose for which received. It is intended for all time to meet the requirements of a qualified pension trust within the meaning of section 401(a), and to qualify as a governmental plan within the meaning of section 414(d) of the United States Internal Revenue Code of 1986, as amended. It is a defined benefit plan providing disability, death, and retirement protection to members and their families.

II. The board of trustees shall have the exclusive authority and full power to invest and manage those assets of the judicial retirement plan and may cause any stock or other securities to be registered and held in the name of a nominee without mention of the judicial retirement plan's ownership, provided that no nominee shall have possession of or access to the stock or other securities unless the nominee shall be an officer of a corporate custodian of such stock or other securities, in which case the custodian shall maintain on its books accurate and current records of the New Hampshire judicial retirement plan's interest in such stock or other securities and the custodian shall be strictly liable for all acts or omissions of the nominee in connection with such stock or other securities and the nominee shall be bonded by the custodian.

III. All benefits to which any member or beneficiary of this judicial retirement plan may be entitled to receive under the provisions of RSA 490:2; RSA 491:2; RSA 502-A:6-a, or RSA 547:2-a, if any, shall be offset by those benefits to which such members or beneficiaries may be entitled under the judicial retirement plan established in this chapter.

100-C:3 Membership. Membership in the judicial retirement plan shall be mandatory for any full-time supreme court, superior court, district court, or probate court judge.

100-C:4 Creditable Service.

I. Creditable service at retirement on which the retirement allowance of a member shall be based shall consist only of that membership service since such judge became a member of the judicial retirement plan plus that service credited a member for retirement allowance under RSA 490:2; RSA 491:2, RSA 502-A:6-a, or RSA 547:2-a, if any.

II.(a) The board shall fix and determine by appropriate rules how much service in any year is equivalent to one year of service, but in no case shall it allow credit for a period of absence without pay of more than a month's duration, nor shall more than one year of service be creditable for all service in a calendar year. Service rendered for the full normal working time in any year shall be equivalent to one year's service.

(b) Notwithstanding the provisions of subparagraph (a) or any other law to the contrary, any member who receives a weekly award under the provisions of RSA 281-A from the commissioner of labor, for injury arising out of and in the course of employment, shall be entitled to creditable service for the period not in excess of one year. To receive creditable service, a member shall file a department of labor memo of payment of disability compensation form, with the board of trustees, verifying the first and last payment of disability compensation not later than one year after the date of each new unrelated injury.

III. Notwithstanding the provisions of paragraph II of this section, any member who is absent without salary due to a disability for which the member is compensated by a salary continuance plan which is funded wholly or partially by the state shall continue to accrue creditable service until such time as the member returns to work, dies, retires, or is no longer compensated by such salary continuance plan. Amounts received under such salary continuance plan are earnable compensation to the extent

attributable to state funding and shall be subject to the regular member contributions required under RSA 100-C:15 and the required state contributions, if applicable, as are in effect from time to time. All such contributions shall be remitted to the judicial retirement plan in accordance with remittance procedures of the board of trustees. Any member who is absent without salary due to a disability for which the member is compensated by a salary continuance plan which has not been funded in whole or in part by the state shall not accrue any creditable service for the period of such absence. Further, amounts received from such salary continuance plan shall not be included as earnable compensation for purposes of the judicial retirement plan.

100-C:5 Service Retirement Benefits.

I. Any member who has at least 10 years of creditable service and is at least 60 years of age may retire on a service retirement allowance or a reduced service retirement allowance, upon written application to the board setting forth on what date, not less than 30 days nor more than 90 days subsequent to the filing of the application, the member desires to be retired. During such period of notification, the member may have separated from service.

II. A member who is at least 60 years of age with 20 years of creditable service may retire on a service retirement allowance equal to 70 percent of the member's final year's salary.

III. A member who is at least 60 years of age but who has not attained 20 years of creditable service may retire on a reduced service retirement allowance calculated as follows:

(a) Determine the retirement allowance the member would have been eligible for under paragraph II if the member had 20 years of service.

(b) Multiply $3\frac{1}{2}$ percent of the allowance in subparagraph (a) by the number of full years of creditable service needed for the member to reach 20 years.

(c) Subtract the product in subparagraph (b) from the amount determined in subparagraph (a). The result is the reduced service retirement allowance for the member.

IV. A member who has at least 20 years of creditable service and is at least 60 years of age shall be granted an additional percent over the 70 percent level for each year of continued service until the age of 65. A member who is at least 65 years of age with 25 years of creditable service may retire on a service retirement allowance equal to 75 percent of the member's final year's salary. Under no circumstance shall a service retirement allowance exceed 75 percent of the member's final year's salary. Any member attaining eligibility for 75 percent of final year's salary under this paragraph shall not be required to make employee contributions to the plan pursuant to RSA 100-C:15.

100-C:6 Disability Retirement Benefits. Regardless of a member's length of service, any member who becomes permanently and totally disabled may apply to the board of trustees to retire on a disability retirement allowance not less than 30 nor more than 90 days subsequent to the filing of such application. Such application shall be granted provided that a physician or physicians designated by the board of trustees, after a medical examination of such member, certifies that the member is mentally or physically incapacitated for further performance of duty, that such incapacity is likely to be permanent, and that such person should be retired. A member's disability retirement allowance shall be equal to $66\frac{2}{3}$ percent of the member's final salary where the disability is the result of an accident, repeated trauma or occupational disease occurring while in the performance of duty or arising out of or in the course of employment. For a disability not occurring while in the performance of duty or arising out of or in the course of employment, a member's disability retirement allowance shall be equal to 50 percent of the member's final salary. A member who retires on a disability retirement allowance shall lose eligibility for said allowance if in any calendar year the member's earned income, as defined under the Internal Revenue Code, exceeds 15 percent of the annual amount of compensation currently payable for the judicial position last held by said member.

100-C:7 Vested Deferred Retirement Benefit.

I. A member who has completed 10 years of creditable service and who, for reasons other than retirement or death, ceases to be a judge may elect, in lieu of the refund of accumulated contributions under RSA 100-C:9, on a form prescribed by the board of trustees for such purpose, to receive a vested deferred retirement allowance.

II. At any time after attainment of age 60, a member who has made such election may apply for and receive a vested deferred retirement allowance which shall consist of a member annuity which shall be the actuarial equivalent of the member's accumulated contributions on the date of retirement and a state annuity which, together with the member annuity, shall be equal to either the service retirement allowance or the reduced service retirement allowance payable under RSA 100-C:5, based on the member's age when the vested deferred retirement allowance begins and on the member's final year's salary and

creditable service at the time service is terminated.

100-C:8 Optional Allowance.

I. Any member who has reached service retirement age as provided in RSA 100-C:5 or RSA 100-C:7, or any retiree within 120 days after the effective date of retirement, may elect to receive, instead of the retirement allowance otherwise payable, a reduced retirement allowance of equivalent actuarial value payable during the retired member's life, with the provision that it shall continue after the member's death at 1/2 the rate paid to the member and be paid for the life of, and to, the beneficiary nominated by the member by written designation duly acknowledged and filed with the board of trustees at the time of retirement. When the member elects to receive the optional retirement allowance, the beneficiary or beneficiaries whom the member nominates may include the member's spouse and/or children. The optional allowance shall be effective upon retirement if the election is made before the effective date of retirement, and on the first day of the month following receipt by the board of the notice of election if made during the 120-day grace period. When an election is made during the 120-day grace period, no retroactive adjustments will be made in payments already received by the retiree.

II.(a) Any retired member who has elected the optional allowance and whose beneficiary nominated by the retiree was the retiree's spouse at the time of such election, may terminate such elected option upon the issuance of a divorce decree and subsequent remarriage of the former spouse. Upon termination, the allowance received under the elected option shall be converted to the retirement allowance that would have been payable in the absence of such election. Any supplemental allowance, or COLAs, granted to the retiree and effective before the date of termination of the option shall continue in effect and shall not be adjusted as a result of the termination. Notice of such termination shall be given by the retiree on a form designated by the board. Payment of the converted allowance shall commence on the first day of the month following receipt of termination by the board. Said termination action shall become effective on the first day of the month following receipt of such notice by the board. If the retiree dies after giving valid notice of such termination but before the effective date, the option shall terminate as of the date of the retiree's death.

(b) Where a retired member has elected an optional allowance, and has designated a single beneficiary, the beneficiary may at any time voluntarily renounce his or her right to any future benefits by signing and filing with the board a form designated by the board. Upon such renunciation, the allowance received under the elected option shall be converted to the retirement allowance that would have been payable in the absence of such election. Any supplemental allowance, or COLAs, granted to the retiree and effective before the date of renunciation of the option shall continue in effect and shall not be adjusted as a result of the renunciation. The renunciation shall become effective, and payment of the converted allowance shall commence, on the first day of the month following receipt of the signed form by the board. If the retiree dies after the board's receipt of such renunciation but before the effective date, the option shall terminate as of the date of the retiree's death.

100-C:9 Return of Members' Contributions.

I. If a member ceases to be a judge for reasons other than retirement or death and if such member has not elected to receive a vested deferred retirement allowance under RSA 100-C:7, the amount of such member's accumulated contributions shall be paid to such member within 3 months after such member's written request therefor, provided that the member may not file a written request for such payment until at least 30 days from the date the member ceases to be a judge. Upon the refund of such contributions all rights of the member, any beneficiary, and any survivor of the member under this chapter shall terminate.

II. Upon the death of a member in service who does not have a surviving spouse or dependent children, the amount of the member's accumulated contributions shall be paid to any beneficiary or beneficiaries nominated by the member, if living, or otherwise to the member's estate.

III. Upon the death of a member, who does not have a surviving spouse or dependent children, after retirement allowance payments have commenced, any excess amount of the member's accumulated contributions at retirement over the sum of the retirement allowance payments received shall be paid in one sum to the beneficiary or beneficiaries nominated by the member, if living, otherwise to the member's estate.

IV. Upon the death of a member who has a surviving spouse or dependent children and who had not elected the optional allowance under RSA 100-A:8, the amount of the member's accumulated contributions shall be paid to the surviving spouse or dependent children.

V. The return of a member's contributions shall include accrued interest at such rates as the board of trustees may from time to time determine in its discretion.

100-C:10 Designation of Beneficiaries; Effect. When more than one person is designated by the member as beneficiary under this chapter, the member may provide the portion of the whole sum which each designee shall receive and may also provide that on the death of one of multiple designees the share of that designee shall automatically be added to the share of another or other designees or be payable to the estate of the member.

100-C:11 Maximum Benefit Limitations. Notwithstanding any other provisions of this chapter, the maximum benefit payable to any retired member or beneficiary of the New Hampshire judicial retirement plan shall be limited to such extent as may be necessary to conform to the requirements of sections 401(a)(9) and 415 of the United States Internal Revenue Code of 1986 for a qualified retirement plan.

100-C:12 Administration and Delegation.

I. The judicial retirement plan shall be administered by a board of trustees, which shall be separate from the board of trustees of the New Hampshire retirement system. The board of the judicial retirement plan shall have the exclusive authority and full power to administer and to invest and manage those assets of the judicial retirement plan.

II. The board of trustees of the judicial retirement plan shall consist of 7 members. The governor and council shall appoint 2 trustees, one of whom the governor shall designate to serve as chairman of the board of trustees, and who shall be qualified persons with business experience and not members of the judicial retirement plan, and who shall serve for a term of 3 years and until such trustee's successor is appointed and qualified, except that the original appointment of one of the trustees shall be for a term of one year. The chief justice of the state supreme court, with the advice and consent of the chief justice of the superior court and the administrative justices of the district and probate courts, shall appoint 3 trustees, who shall be active members of the judicial retirement plan, and who shall serve for a term of 3 years and until such trustee's successor is appointed and qualified, except that the original appointment of one of the trustees shall be for a term of one year, and the original appointment of another of the trustees shall be for a term of 2 years. One member of the state senate shall be appointed biennially by the senate president as a trustee of the board, and one member of the house of representatives shall be appointed biennially by the speaker of the house as a trustee of the board.

III.(a) In addition to those other powers conferred herein, the board of trustees shall have exclusive authority and full power, consistent with the board's duties under this chapter, to:

(1) Establish an administrative budget sufficient to exercise the board's powers and to perform the board's duties and, as appropriate and reasonable, draw upon assets of the plan to fund the budget;

(2) Obtain by employment or contract the services necessary to exercise the board's powers and perform the board's duties, including actuarial, auditing, custodial, investment, and legal services; and

(3) Procure and dispose of goods and property necessary to exercise the board's powers and perform the board's duties.

(b) In exercising its authority under this section, the board shall be subject to the fiduciary duties of this chapter, but not to civil service, personnel, procurement, or similar general laws relating to the subjects of subparagraph III(a).

IV. The members of the board of trustees shall serve without compensation but shall be reimbursed for actual and necessary traveling and other expenses and disbursements incurred or made by them in the discharge of their official duties.

V. Each trustee shall be entitled to one vote in the board of trustees. Five trustees shall constitute a quorum for the transaction of any business. Four trustees voting shall be necessary for any resolution or action by the board at any meeting.

VI.(a) The board may engage such administrative services as may be required to transact the business of the judicial retirement plan. The compensation for such services, and all other necessary expenses of the board shall be paid at such rates and in such amounts as the board shall approve. The New Hampshire retirement system may be engaged to provide such administrative services to the judicial retirement plan on such terms as the board of trustees of each plan may both agree.

(b) The board may delegate functions, including the administration of the plan, that a prudent trustee acting in a like capacity and familiar with such matters could properly delegate under the circumstances.

(c) The board shall exercise reasonable care, skill, and caution in:

(1) Selecting an agent, including administrator of the judicial retirement plan;

(2) Establishing the scope and terms of the delegation, consistent with the purposes and terms of this chapter; and

(3) Periodically reviewing the agent's performance and compliance with the terms of the delegation.

(d) In performing a delegated function, an agent owes a duty to the judicial retirement plan and to its members and beneficiaries to comply with the terms of the delegation and, if a fiduciary, to comply with the duties imposed by this chapter.

(e) A trustee of the board who complies with subparagraphs (b) and (c) shall not be liable to the plan or to its members or beneficiaries for the decisions or actions of the agent to whom the function was properly delegated.

(f) By accepting the delegation of a function from the board, an agent submits to the jurisdiction of the courts of this state.

(g) The board may limit the authority of an agent to further delegate functions under this section.

VII. The board shall keep a record of all of its proceedings. In furtherance of public disclosure:

(a) The board by the plan administrator shall prepare and disseminate:

(1) A summary plan description of the judicial retirement plan;

(2) A summary description of any material modification in the terms of the plan and any material change in the information required to be contained in the summary plan description, to the extent the modification or change has not been integrated into an updated summary plan description;

(3) An annual disclosure of the plan's financial and actuarial status; and

(4) An annual report.

(b) The board shall make available for public examination in the principal administrative offices of the plan or in such other places as the board may designate:

(1) The governing law of the judicial retirement plan;

(2) The most recent summary plan description;

(3) Summary descriptions of modifications or changes described in subparagraph (a)(2) that have been provided to members and beneficiaries but have not yet been integrated into the summary plan description;

(4) The most recent annual disclosure of financial and actuarial status; and

(5) The most recent annual report.

(c) Upon written request by a plan member, beneficiary, or member of the public, the board by its administrator shall provide a copy of any publication described in subparagraph (b). Except as otherwise provided herein, the board may charge a reasonable fee to cover the cost of providing copies. The board by its administrator shall provide the copies within 30 days after the request or, if a fee is charged, within 30 days after receiving payment.

VIII. The board of trustees shall direct the administrator of the plan to make the following disclosure to members and beneficiaries of the judicial retirement plan:

(a) The administrator shall furnish to each member and to each beneficiary who is receiving benefits under the plan:

(1) A copy of the most recent summary plan description, along with any summary descriptions of modifications or changes described in paragraph III(a)(2); within 30 days after a person becomes a member or, in the case of a beneficiary, within 30 days after a person first receives benefits;

(2) The summary description of any modifications or changes described in paragraph III(a)(2), within 7 months after the end of the fiscal year of the plan in which a modification or change has been made;

(3) A copy of an updated summary plan description that integrates all modifications and changes at intervals not exceeding 5 years; and

(4) The annual report within 7 months after the end of each fiscal year of the plan.

- (b) The board by its administrator shall provide to a member or beneficiary a statement containing information that would permit the member or beneficiary to reasonably estimate projected benefits to the extent the information is regularly maintained by the plan. The information may be provided periodically with the annual report or upon written request of the member or beneficiary. The information need not be provided to a member or beneficiary who is currently receiving benefits.
- (c) A member who is not currently receiving benefits is entitled without charge to one statement under subparagraph (b) during any fiscal year of the plan. The administrator may charge a reasonable fee to cover the cost of providing additional statements. The administrator shall provide the statements within 30 days of receipt of the member or beneficiary's written request or, if a fee is charged, within 30 days after receiving payment.
- (d) A summary plan description and summary description of modifications or changes provided herein must be written in a manner calculated to be understood by the average member and be accurate and sufficiently comprehensive reasonably to inform the members and beneficiaries of their rights and obligations under the plan and shall contain:
- (1) The name of the plan and type of administration;
 - (2) The name and business address of the administrator appointed by the board;
 - (3) The name and business address of each agent for service of process;
 - (4) Citations to the governing law of the judicial retirement plan;
 - (5) A description of the plan's requirements concerning eligibility for participation and benefits;
 - (6) A description of the plan's provisions providing for nonforfeitable benefits;
 - (7) A description of circumstances that may result in disqualification, ineligibility, or denial or loss of benefits;
 - (8) A description of the benefits provided by the plan, including the manner of calculating benefits and any benefits provided for spouses and survivors;
 - (9) The source of financing of the program;
 - (10) The identity of any organization through which benefits are provided;
 - (11) The date the fiscal year of the plan ends;
 - (12) The procedures to claim benefits under the program and the administrative procedures available under the program for the redress of claims that are denied in whole or in part; and
 - (13) Notice of the availability of additional information provided herein.
- (e) The board of trustees shall file with the secretary of state a copy of:
- (1) The summary plan and of updated summary plan descriptions at the same time such are first furnished to plan members or beneficiaries pursuant to subparagraph (a)(3);
 - (2) Any summary description of modifications or changes within 7 months after the end of the fiscal year in which a modification or change has been made; and
 - (3) The annual disclosure of the plan's financial and actuarial status and its annual report within 7 months after the end of each fiscal year of the plan.
- IX. The board shall make annual disclosure of the financial and actuarial status of the judicial retirement plan as provided herein.
- (a) As used in this paragraph, "qualified public accountant" means:
- (1) An auditing agency of this state which has no direct relationship with the functions or activities of the judicial retirement plan or its fiduciaries other than:
- (A) Functions relating to this chapter, or

(B) A person who is an independent public accountant, certified or licensed by a regulatory authority of a state.

(b) As used in this paragraph, "related person" of an individual means:

(1) The individual's spouse or a parent or sibling of the spouse;

(2) The individual's descendant, sibling, or parent, or the spouse of the individual's descendant, sibling, or parent;

(3) Another individual residing in the same household as the individual;

(4) A trust or estate in which an individual described in above subparagraphs (1), (2), or (3) has a substantial interest;

(5) A trust or estate for which the individual has fiduciary responsibilities; or

(6) An incompetent, ward, or minor for whom the individual has fiduciary responsibilities.

(c) The annual disclosure of the financial and actuarial status of the plan shall contain:

(1) The name of the plan;

(2) The name and principal business office of the administrator appointed by the board of trustees;

(3) The name and business address of each member of the board of trustees and a brief description of how the trustee was selected;

(4) The name and business address of the plan's agent for service of process;

(5) The name and business address of each fiduciary;

(6) The current statement of investment objectives and policies of the plan;

(7) Financial statements and notes to the financial statements in conformity with generally accepted accounting principles;

(8) An opinion on the financial statements by a qualified public accountant in conformity with generally accepted auditing standards;

(9) Actuarial schedules and notes to the actuarial schedules in conformity with generally accepted actuarial principles and practices for measuring pension obligations;

(10) An opinion by the actuary that the actuarial schedules are complete and accurate to the best of the actuary's knowledge, that each assumption and method used in preparing the schedules is reasonable, that the assumptions and methods in the aggregate are reasonable, and that the assumptions and methods in combination offer the actuary's best estimate of anticipated experience;

(11) A description of any material interest held by any trustee, administrator, or employee who is a fiduciary with respect to the investment and management of assets of the plan, and, if the fiduciary is an individual, by a related person of the beneficiary, in any material transaction with the plan within the last 3 years or proposed to be effected;

(12) A schedule of the rates of return, net of total investment expense, on assets of the plan overall and on assets aggregated by category over the most recent one-year, 3-year, 5-year, and 10-year periods, to the extent available, and the rates of return stated against appropriate benchmarks for assets of the system overall and for each category over each period; and

(13) A schedule of the sum of total investment expense and total general administrative expense paid by the plan for the fiscal year expressed as a percentage of the fair value of assets of the system on the last day of the fiscal year, and an equivalent percentage for the preceding 5 fiscal years.

X. The annual report for the plan shall contain:

(a) The name and business address of each member of the board of trustees;

(b) The financial statements, but not the notes, required by paragraph IX(c)(7);

(c) The actuarial schedules, but not the notes, required by paragraph IX(c)(9);

- (d) The schedules described in paragraphs IX(c)(12) and (13);
- (e) A brief description of the above statements and schedules;
- (f) Other material to summarize fairly and accurately the annual disclosure of the plan's financial and actuarial status; and
- (g) A general notice of the availability of the public, member and beneficiary information provided herein.

100-C:13 Fiduciary Duties of Board of Trustee in Investing and Managing Assets of Judicial Retirement Plan.

I. The members of the board of trustees shall be the trustees of all funds of the judicial retirement plan created under this chapter and shall have full power to invest, and reinvest such funds, subject to all the terms, conditions, limitations, and restrictions herein. Each member of the board of trustees or other fiduciary shall discharge duties with respect to the plan:

- (a) Solely in the interest of its members and beneficiaries;
- (b) For the exclusive purpose of providing benefits to members and beneficiaries and paying reasonable expenses of administering the plan;
- (c) With the care, skill, and caution under the circumstances then prevailing which a prudent person acting in a like capacity and familiar with those matters would use in the conduct of an activity of like character and purpose;
- (d) Impartially, taking into account any differing interests of members and beneficiaries;
- (e) Incurring only costs that are appropriate and reasonable; and
- (f) In accordance with a good-faith interpretation of the law governing the judicial retirement plan.

II. In investing and managing assets of the judicial retirement plan, the board of trustees:

- (a) Shall consider among other circumstances:
 - (1) General economic conditions;
 - (2) The possible effect of inflation or deflation;
 - (3) The expected total return from income and the appreciation of capital;
 - (4) Needs for liquidity, regularity of income, and preservation or appreciation of capital; and
 - (5) The adequacy of funding for the plan based on reasonable actuarial factors;
- (b) Shall diversify the investments of the plan unless the board reasonably determines that, because of special circumstances, it is clearly prudent not to do so;
- (c) Shall make a reasonable effort to verify facts relevant to the investment and management of assets of the plan; and
- (d) May invest in any kind of property or type of investment consistent with the fiduciary provisions of this chapter.

III. The board may return a member or state contribution, or make alternative arrangements for reimbursement, if the board determines the contribution was made because of a mistake of fact or law.

IV. In evaluating the performance of a trustee or other fiduciary of the plan, compliance by the trustee or other fiduciary with those duties and liabilities under this chapter shall be determined in light of the facts and circumstances existing at the time of the trustee or fiduciary's decision or action and not by hindsight; and the board's investment and management decisions shall be evaluated not in isolation but in the context of the trust portfolio as a whole and as a part of an overall investment strategy having risk and return objectives reasonably suited to the plan.

V. The board of trustees may insure against liability or losses occurring because of a breach of duty hereunder if the insurance is purchased or provided either by the trustee or fiduciary personally or, on the trustee or fiduciary's behalf, by the state, the plan, the employer whose members participate in the plan, or the trustee or fiduciary's employer.

100-C:14 Method of Financing.

I. All of the assets of the judicial retirement plan shall be credited, according to the purpose for which they are held, between 2 funds, namely, the member annuity savings fund and the state annuity accumulation fund. In making the determinations required under this section for financing the judicial retirement plan, the board shall determine and use an appropriate actuarial funding methodology. The board shall direct the plan's actuary to prepare biennial valuations of the system's assets and liabilities commencing with a valuation prepared as of the date of implementation of this chapter. Such biennial valuation shall be the sole basis for determining the annual contribution requirements of the judicial retirement plan until the next following biennial valuation.

II. Member Annuity Savings Fund.

(a) The member annuity savings fund shall be a fund in which shall be accumulated the contributions deducted from the compensation of members to provide for their member annuities. The board of trustees shall certify to the proper authority responsible for making up the payroll of the judicial branch, and such authority shall cause to be deducted from the compensation of each member, on each and every payroll for each and every payroll period, the percentage of earnable compensation applicable to such member. In determining the amount earnable by a member in a payroll period, the board may consider the rate of compensation payable to such member on the first day of a payroll period as continuing throughout the payroll period and it may omit deduction from compensation for any period less than a full payroll period if such person was not a member on the first day of the payroll period, and to facilitate the making of deductions it may modify the deduction required of any member by such an amount as shall not exceed 1/10 of one percent of the annual earnable compensation upon the basis of which such deduction is made. The amounts deducted shall be reported to the board. Each of such amounts, when deducted, shall be paid to the judicial retirement plan at such times as may be designated by the board and credited to the individual account, in the member annuity savings fund, of the member from whose compensation the deduction was made.

(b) Every member shall be deemed to consent and agree to the deductions provided in this section as a condition of membership.

(c) The accumulated contributions of a member withdrawn by such member, or paid to such member's estate or to such member's designated beneficiary in event of the member's death in service, shall be paid from the member annuity savings fund. Upon the retirement of a member, such member's accumulated contributions shall be transferred from the member annuity savings fund to the state annuity accumulation fund.

III. State Annuity Accumulation Fund.

(a) The state annuity accumulation fund shall be the fund in which shall be accumulated all reserves for the payment of all state annuities payable from contributions made by the state, any amounts transferred to the fund from a similar fund under one or more of the predecessor systems, and amounts transferred from the member annuity savings fund and from which shall be paid all benefits payable under the plan other than those payable from the member annuity savings fund.

(b) The contributions of the state for benefits under the judicial retirement plan shall consist of a percentage of the earnable compensation of its members to be known as the "normal contribution," and an additional amount to be known as the "accrued liability contribution." The rate percent of such normal contribution in each instance shall be fixed on the basis of the liabilities of the plan with respect to its members.

(c) Commencing with the valuation as required in paragraph I, the actuary in determining the percentage normal contribution rate may include a projection of the membership, earnable compensation, and assets of the judicial retirement plan from the valuation date to the beginning of the year to which such percentage normal contribution rate is applicable; or the actuary may base such determination on the anticipated level of contribution as is necessary to maintain such reasonable actuarial funded ratio as may be directed by the board of trustees, and for purposes of this determination the actuarial funded ratio shall be the ratio of the fair market value of the judicial retirement plan's assets to the present value of accumulated benefits under the judicial retirement plan for all members, but without regard to any future compensation increase.

(d) Immediately following the actuarial valuation prepared under paragraph I, the board shall have an actuary determine the amount of the unfunded accrued liability as the amount of the total liabilities of the state annuity accumulation fund which is not dischargeable by the total of the funds in hand to the credit of the state annuity accumulation fund, and the normal contributions to be made on account of the members during the remainder of their active service. The amount so determined shall be known as the "unfunded accrued liability". On the basis of the unfunded accrued liability, the board shall have an actuary determine the level annual contribution required to discharge such amount over a period of 20 years from the date of implementation of this chapter.

(e) The total amount payable to the state annuity accumulation fund in each year shall not be less than the normal contribution rate multiplied by the total compensation earnable by all members for such year, plus the amount of the accrued liability contribution necessary to liquidate the unfunded accrued liability as determined by the actuary under subparagraph (d) above including such additional normal contribution percentages as determined by the actuary to be paid by the state under subparagraphs (b) and (c) above.

(f) All interest and dividends earned on the funds of the judicial retirement plan shall be credited to the state annuity accumulation fund. The board shall allow interest at such rate or rates as it shall determine from time to time on the individual accounts of members in the member annuity savings fund and shall annually transfer such interest amount from the state annuity accumulation fund. Such interest shall be compounded monthly or more frequently as the board of trustees may determine and shall be allowed to the date of processing upon termination of active service for any reason including withdrawal, retirement, or death.

(g) There shall be a special account for additional benefits held by the board of trustees. Beginning with the first state fiscal year ending after the date of implementation of the judicial retirement plan, all of the earnings of the judicial retirement plan which are in excess of the assumed rate of return as determined by the board of trustees, plus one half of one percent added to such rate, shall be allocated to the special account. None of the assets held in the special account shall be used in the actuarial determination of the rate percent of normal contribution as set forth in subparagraphs (b) and (c). The actuarial cost of all legislation enacted during each fiscal year and calling for funding from the special account shall be withdrawn from the special account, as of June 30 of each year, after funds are credited to the special account as provided in this subparagraph. The special account shall be used only to fund or partially fund additional benefits as follows: first, to provide supplemental allowances, or COLAs, pursuant to RSA 100-C:18, and, second, to the extent that funds may be available in the special account, to provide additional benefits to retired members and beneficiaries of the judicial retirement plan.

(h) If the actuarially determined normal contribution rate as set forth in subparagraphs (b) and (c) is negative in any fiscal year, then the excess amount resulting from the difference between zero and the negative actuarially determined normal contribution rate shall be used to reduce the member contribution rate in that fiscal year.

IV. State Contributions. On or before the first day of October next preceding each regular session of the state legislature, the board of trustees shall certify to the commissioner of administrative services the amounts which will become due and payable by the state during the biennium next following to the judicial retirement plan and it shall be the duty of the commissioner of administrative services in preparing the executive budget for each ensuing biennium to include in the budget the amounts so certified which amounts shall be appropriated by the legislature. The amounts so certified under this paragraph shall include the unfunded accrued liability of the judicial retirement plan.

100-C:15 Member Contributions. All member contributions to the judicial retirement plan shall be payable only with respect to membership service, and picked up by the state by means of payroll deduction and shall be treated as employer contributions for purposes of Section 414(h) of the Internal Revenue Code of 1986, as amended. The member contribution rate shall be fixed biennially by the board of trustees and shall be calculated so that the rate percent of earnable compensation deducted is one-half of the annual contribution requirements of the judicial retirement plan as determined in RSA 100-C:14, I. For any member appointed as a judge prior to the date of implementation of this chapter, all member contributions required by this section shall be paid by the state according to the procedure in RSA 100-C:14, IV. A member in service who attains the age of 65 and who has 25 years of service shall not be required to have deductions made from earnable compensation for purposes of this section provided that the state contributions for such member under RSA 100-C:14, IV shall continue until the member's retirement.

100-C:16 Exemption From Taxation and Execution.

I. The right of a person to any benefit or to any other right accrued or accruing to any person under the provisions of this chapter, and the moneys in the funds created by this chapter, shall be exempted from any state, county, or municipal tax in the state; shall not be subject to execution, trustee process, attachment or any other process whatsoever, legal or equitable; and shall be unassignable except as provided in paragraph II.

II. Notwithstanding any provision of law to the contrary, the right of a person to any benefit or to any other right accrued or accruing to any person under the provisions of this chapter, and the moneys in the funds created by this chapter shall be subject to assignment, attachment, and execution to the same extent as such rights under private retirement systems.

100-C:17 Protection Against Fraud. Any person who knowingly makes any false statement or falsifies or permits to be falsified any record or records of the judicial retirement plan in any attempt to defraud the system as a result of such act, shall be guilty of a class B felony if a natural person, or guilty of a felony if any other person. Should any change or error in the records result

in any member or beneficiary receiving from the plan more or less than such person would have been entitled to receive had the records been correct, the board of trustees shall have the power to correct such error, and to adjust as far as practicable the payments in such a manner that the actuarial equivalent of the benefit to which such member or beneficiary was correctly entitled shall be paid.

100-C:18 Supplemental Allowances.

I. On February 1 of each year, the fiscal committee of the general court may approve COLA's upon certification from the board of the amount of the COLA which may be granted based on the funds available in the special account. The board shall direct an actuary to certify to the fiscal committee the funds available, and any other information required by the committee, including but not limited to any change in the Consumer Price Index-Urban for the year prior to the year in which the allowance is granted. Any such supplemental allowance when granted by the fiscal committee of the general court shall become a permanent addition to the beneficiary's base retirement allowance, and shall be included in the monthly annuity paid to the retired member, or to the member's beneficiary if the member is deceased and the beneficiary is receiving an allowance.

II.(a) The granting of any such supplemental allowance, or of any increase in supplemental allowances, shall be contingent on terminal funding of the total actuarial cost thereof at the time of granting. Such terminal funding shall be from the special account established under RSA 100-C:14, III(g).

(b) No supplemental allowance shall be granted or increased if such grant or increase would reduce the funds in the special account to an amount less than zero.

3 Current Supreme Court Justices; Retirement Benefits; Contributions to Retirement. Amend RSA 490:2, VI to read as follows:

VI. *This section shall apply only to justices appointed on or before the date of implementation of the judicial retirement plan under RSA 100-C.* A sum sufficient to pay any and all benefits or compensation pursuant to this section is hereby continually appropriated therefor. The governor is authorized to draw ~~his~~ **a** warrant for the payment thereof out of any funds in the treasury not otherwise appropriated.

4 Superior Court Justices; Retirement Benefits; Contributions to Retirement. Amend RSA 491:2, VI to read as follows:

VI. *This section shall apply only to justices appointed on or before the date of implementation of the judicial retirement plan under RSA 100-C.* A sum sufficient to pay any and all benefits or compensation pursuant to this section is hereby continually appropriated therefor. The governor is authorized to draw ~~his~~ **a** warrant for the payment thereof out of any funds in the treasury not otherwise appropriated.

5 District Court Justices; Retirement Benefits; Contributions to Retirement. Amend RSA 502-A:6-a, VI to read as follows:

VI. *This section shall apply only to justices appointed on or before the date of implementation of the judicial retirement plan under RSA 100-C.* A sum sufficient to pay any and all benefits or compensation pursuant to this section is hereby continually appropriated therefor. The governor is authorized to draw ~~his~~ **a** warrant for the payment thereof out of any funds in the treasury not otherwise appropriated.

6 Probate Court Judges; Retirement Benefits; Contributions to Retirement. Amend RSA 547:2-a to read as follows:

547:2-a Full-Time Judges. A probate judge designated to be full-time pursuant to RSA 491-A:4, IV shall not be permitted to engage in the practice of law to any degree. Full-time probate judges shall receive the salary specified in RSA 491-A:1 and shall be entitled to the same disability and retirement benefits as full-time justices of the district court ***under RSA 502-A:6-a***. Full-time judges designated pursuant to RSA 491-A:4, IV shall assist the probate courts in the other counties whenever a probate judge in such other county is disqualified, disabled, or otherwise unable to sit.

7 Appropriation. The sum of \$250,000 is hereby appropriated for the fiscal year ending June 30, 2003 to the board of trustees of the judicial retirement system as established in this act. Such sum shall be non-lapsing and shall be used for legal, administrative, and other start-up costs of this act. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

8 Contingent Implementation of Judicial Retirement Plan. The provisions of RSA 100-C relating to contributions by members, retirement benefits, and operation of the judicial retirement plan shall be implemented beginning on the latter of July 1, 2003 or 180 days after the date that the board of trustees established under RSA 100-C certifies to the joint legislative fiscal committee of the judicial retirement plan's receipt of a favorable determination letter from the Internal Revenue Service as to the tax

qualified status of the plan under section 401(a) of the Internal Revenue Code of 1986 as amended. Such date shall be the date of implementation of the judicial retirement plan. The provisions of RSA 100-C:12 for the appointment of the board and the administration of the duties and responsibilities of the board may begin on the effective date of this act.

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

2001-0580h

Amendment to HB 589

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 Unemployment Compensation; Total and Partial Unemployment. Amend RSA 282-A:14, II to read as follows:

II.**(a)** An individual shall be deemed to be "partially unemployed" in any week of less than full-time work if the wages computed to the nearest dollar payable to him **or her** with respect to such week fail to equal his **or her** weekly benefit amount.

(b) An individual who is seeking only part-time work shall be deemed to be partially unemployed in any week during which the individual was employed fewer than 20 hours.

2 Unemployment Compensation; Benefit Eligibility Conditions; Part-Time Workers. Amend RSA 282-A:31, I(a)-(f) to read as follows:

(a) ~~[He]~~ **The individual** has been classified in accordance with his **or her** experience and abilities and so registered for employment with and by the commissioner and has reported and continues thereafter to report at an employment office in accordance with such rules as the commissioner may adopt.

(b) ~~[He]~~ **The individual** has made a claim for benefits in accordance with the provisions of RSA 282-A:43.

(c) ~~[He]~~ **The individual** is ready, willing and able to accept and perform suitable work ~~[on all the shifts and during all the hours]~~ for which there is a market for the services ~~[he]~~ **the individual** offers and that ~~[he]~~ **the individual** has exposed himself **or herself** to employment to the extent commensurate with the economic conditions and the efforts of a reasonably prudent ~~[man]~~ **person** seeking work.

(d) ~~[He]~~ **The individual** is available for and seeking permanent, full-time work for which he **or she** is qualified.

(e) ~~[He]~~ **The individual** has disclosed whether or not he **or she** owes child support obligations that are payable through any agency of the state of New Hampshire or its political subdivisions.

(f) ~~[He]~~ **The individual** has participated in reemployment services when so directed by the commissioner unless he **or she** has completed such services or has good cause for failure to participate in such services.

3 New Paragraphs; Unemployment Compensation; Benefit Eligibility Conditions. Amend RSA 282-A:31 by inserting after paragraph III the following new paragraphs:

IV. Subparagraphs I(c) and I(d) of this section shall not apply to individuals who are seeking solely part-time work if the individual establishes that:

(a) The individual does not meet the requirements of subparagraphs I(c) and I(d) due to the individual being the only available adult to:

(1) Care for the individual's natural, adopted, step, or foster child under the age of 16; or

(2) Care for an ill or infirm immediate family member whom a licensed physician has certified is in need of care for the activities of daily living; and

(b) The individual earned at least 60 percent of the individual's wage credits in part-time employment during the base period.

(c) The individual is ready, willing, and able to accept and perform suitable work at least 20 hours per week for which there is a market for the services the individual offers, and that the individual has exposed himself or herself to employment to the extent

commensurate with the economic conditions and the efforts of a reasonable prudent person seeking work.

(d) The individual remains substantially attached to the labor market and there exists in the individual's labor market area sufficient suitable work during the hours or shifts to which the individual is restricted.

V. The commissioner shall prepare an annual report based on the outcomes of paragraph IV and submit the report to the speaker of the house, the senate president, and the governor on or before November 15 of each year. The report shall include the amount of benefits paid as a result of RSA 282-A:31, IV, the additional administrative expense required thereunder, and recommendations for legislation.

4 Unemployment Compensation; Disqualification for Benefits. Amend RSA 282-A:32, I(d) to read as follows:

(d) ~~[He]~~ ***The individual*** has failed, without good cause, either to apply for available, suitable work when so directed by the employment office or the commissioner or to accept ***any*** suitable work when offered ~~[him]~~, or to return to ~~[his]~~ ***the individual's*** customary self-employment (if any) when so directed by the commissioner.

(1) The commissioner, in determining whether or not any work is suitable for an individual, shall consider the following:

(A) The degree of risk involved to ~~[his]~~ ***the individual's*** health, safety and morals; and

(B) ~~[His]~~ ***The individual's*** physical fitness; and

(C) ~~[His]~~ ***The individual's*** prior training; and

(D) ~~[His]~~ ***The individual's*** experience; and

(E) ~~[His]~~ ***The individual's*** prospects for securing, in his labor market area, work in his ***or her*** customary occupation; and

(F) The distance of the available work from ~~[his]~~ ***the individual's*** residence; but such distance shall not be substantially greater than that distance to all those places to which others living in the same town or city travel for work which utilizes similar or related skills or services, and also to where he ***or she*** acquired his ***or her*** currently available annual earnings; and

(G) ~~[His]~~ Prior earnings, ***prior shifts and hours***, and length of unemployment, but ~~[his]~~ prior earnings shall be given more weight than ~~[his]~~ length of unemployment, ***and length of unemployment shall be given more weight than prior shifts and hours***.

(2) Notwithstanding any other provision of this chapter, no work shall be deemed suitable and benefits shall not be denied under this chapter to any otherwise eligible individual for refusing to accept new work under any of the following conditions:

(A) If the position offered is vacant due directly to a strike, lockout, or other labor dispute;

(B) If the wages, hours or other conditions of the work are substantially less favorable to the individual than those prevailing for similar work in the locality;

(C) If, as a condition of being employed, the individual would be required to join a company union or to resign from or refrain from joining any bona fide labor organization;

(D) If ~~[he]~~ ***the individual*** is unable to apply for or accept work during the hours of ~~[the third]~~ ***a particular*** shift, ~~[so-called;]~~ because he ***or she*** is the only adult available for the care of ~~[his children]~~ ***a natural, adopted, stepchild, or foster child*** under the age of ~~[15]~~ ***16*** during said hours or for the care of an ill or infirm ~~[elderly person who is dependent on him for support]~~ ***family member whom a licensed physician has certified is in need of care for the activities of daily living***.

(E) If the individual is permanently physically and/or mentally disabled, full-time work for such individual shall be deemed to be the hours and shifts the individual is physically able to work as certified by a licensed physician provided there is a market for the services the individual offers during such hours and shifts.

(3) For the purposes of section 3304(a)(8) of the Internal Revenue Code of 1954, this subsection, together with RSA 282-A:31, I(c) shall be waived.

5 Repeal. The following are repealed:

I. RSA 282-A:14, II(b), relative to partial unemployment as defined by hours worked.

II. RSA 282-A:31, IV and V, relative to eligibility of individuals only available to work part-time and the commissioner's annual report thereon.

6 Effective Date.

I. Section 5 of this act shall take effect July 1, 2005

II. The remainder of this act shall take effect January 1, 2002.

AMENDED ANALYSIS

This bill allows individuals willing and able to work at least 20 hours per week to collect unemployment benefits. The commissioner of employment security shall prepare and submit an annual report to the speaker of the house, the senate president, and the governor on the amount of additional benefits paid and administrative expenses incurred as a result. The provisions of this bill will expire on June 30, 2005.

This bill also makes gender neutral changes to RSA 282-A:31.

2001-1975h

Amendment to HB 668

Proposed by the Committee on Commerce - R

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

AN ACT relative to genetic testing.

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

1 Definition; Genetic Testing. RSA 141-H:1, IV is repealed and reenacted to read as follows:

IV. "Genetic testing" means: laboratory testing of human DNA, RNA, mitochondrial DNA, chromosomes or proteins for the purpose of identifying genes, inherited genes, inherited genetic abnormalities, or the presence or absence of inherited characteristics in genetic material, which are associated with a predisposition to disease, illness, impairment or other disease processes. For the purpose of this section, the term genetic testing shall not include testing given for drugs, alcohol, cholesterol, or HIV; any test for the purpose of diagnosing an existing disease process; any test performed due to the presence of symptoms, signs or other manifestations of a disease, illness, impairment or other disease process or any test that is taken as a biopsy, autopsy, or clinical specimen solely for the purpose of conducting an immediate clinical or diagnostic test that is not a test of DNA, RNA, mitochondrial DNA, chromosomes or proteins.

2 New Paragraph; Use of Genetic Testing by Insurers. Amend RSA 141-H:5 by inserting after paragraph II the following new paragraph:

III. An insurer shall not use genetic testing or any information derived from a genetic test, unless such use is based on sound actuarial principles and actual or reasonably anticipated loss experience.

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

AMENDED ANALYSIS

This bill changes the definition of genetic testing and limits the use of genetic testing by insurers.

2001-2021h

Amendment to HB 672

Proposed by the Committee on Commerce - R

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

AN ACT relative to insurance coverage for mental and nervous conditions and for treatment for chemical dependency.

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

1 Coverage for Mental and Nervous Conditions; Coverage for Treatment for Chemical Dependency; Accident and Health. RSA 415:18-a is repealed and reenacted to read as follows:

415:18-a Coverage for Mental or Nervous Conditions and Treatment for Chemical Dependency Required.

I.(a) Each insurer that issues or renews any policy of group or blanket accident or health insurance providing benefits for medical or hospital expenses, 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 arising from the treatment of mental illnesses and emotional disorders which, in the professional judgment of:

- (1) Psychiatrists;
- (2) Licensed psychologists;
- (3) Licensed pastoral psychotherapists;
- (4) Psychiatric/mental health advanced registered nurse practitioners;
- (5) Licensed clinical mental health counselors;
- (6) Licensed alcohol and drug counselors;
- (7) Licensed marriage and family therapists; and
- (8) Licensed clinical social workers

are subject to significant improvement through short-term therapy, and benefits for expenses arising from diagnosis and evaluation of all other mental illnesses and emotional disorders.

(b) Benefits arising from treatment, diagnosis and evaluation of mental illnesses and disorders shall be at least as favorable to the certificate holder as the minimum benefits specified in paragraphs II, III and IV.

(c) Policies written pursuant to this section shall include coverage for expenses arising from treatment for chemical dependency. Coverage for expenses arising from treatment for chemical dependency, including alcoholism, shall include both an inpatient and an outpatient benefit for detoxification and rehabilitation.

II. In the case of policies or certificates providing benefits for hospital expenses on other than a major medical basis, benefits arising from treatment, diagnosis and evaluation of mental illnesses and disorders based upon confinement in a licensed or accredited general hospital, including psychiatric inpatient facilities included under the license of such a hospital, shall be at least as favorable as benefits provided for any other illness in such a hospital. Benefits based upon confinement in a public mental hospital shall be at least as favorable as benefits provided for confinement in a licensed or accredited general hospital.

III. In the case of policies or certificates providing benefits for medical expenses on other than a major medical basis:

(a) Benefits arising from treatment, diagnosis and evaluation of mental illnesses and disorders for services of a psychiatrist, licensed psychologist, licensed pastoral psychotherapist, psychiatric/mental health advanced registered nurse practitioner, licensed clinical mental health counselors, licensed marriage and family therapist, or licensed clinical social worker who customarily bills patients directly shall be subject to terms and conditions at least as favorable as those which apply to the benefits for the services of physicians for other illnesses. The ratio of the benefits to the fees reasonably and customarily charged for the services of such:

- (1) Psychiatrists;
- (2) Licensed psychologists;
- (3) Licensed pastoral psychotherapists;
- (4) Psychiatric/mental health advanced registered nurse practitioners;
- (5) Licensed clinical mental health counselors;

- (6) Licensed alcohol and drug counselors;
- (7) Licensed marriage and family therapists; or
- (8) Licensed clinical social workers

shall be substantially the same as the ratio of the benefits for services of physicians for other illnesses to the fees reasonably and customarily charged for the services of such physicians for other illnesses.

(b) Each insurer, including health maintenance organizations contemplated under RSA 420-B and self-insured benefit plans, funds or programs, that issues or renews any policy of group or blanket accident or health insurance providing benefits for medical or hospital expenses 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, benefits arising from treatment, diagnosis and evaluation of mental illnesses and disorders for services rendered at a community mental health center or psychiatric residential program approved by the department of health and human services. Those benefits shall be subject to terms and conditions at least as favorable as those which apply to the benefits for the treatment of other illnesses. The ratio of the benefits to the full reasonable charges for the services of such a center or program shall be substantially the same as the ratio of the benefits for services of physicians for other illnesses to the fees reasonably and customarily charged for the services of such physicians for other illnesses.

(c) Benefits arising from treatment, diagnosis and evaluation of mental illnesses and disorders for outpatient services rendered at a public mental hospital shall be subject to terms and conditions at least as favorable as those which apply to the benefits for the treatment of other illnesses. The ratio of the benefits to the fees reasonably and customarily charged for the services of such a hospital shall be substantially the same as the ratio of the benefits for services of physicians for other illnesses to the fees reasonably and customarily charged for the services of such physicians for other illnesses.

(d) Benefits arising from treatment, diagnosis and evaluation of mental illnesses and disorders for outpatient services under this paragraph need not be provided for the first or second visit providing such a limitation applies in the case of services for other illnesses. Benefits for outpatient treatment may be otherwise limited to not less than 15 full hours of treatment in any consecutive 12-month period.

IV.(a) In the case of policies or certificates providing benefits for hospital and medical expenses on a major medical basis, benefits arising from treatment, diagnosis and evaluation of mental illnesses and disorders shall be subject to deductibles and coinsurance at least as favorable as those which apply to the benefits for any other illness, provided that benefits payable for expenses incurred in any consecutive 12-month period may be limited to an amount not less than \$3,000 per covered individual, and to a lifetime maximum of not less than \$10,000 per covered individual.

(b) In this paragraph, covered major medical expenses include the reasonable charges for services and treatment on an inpatient, outpatient or partial hospitalization basis by:

- (1) A psychiatrist;
- (2) A licensed psychologist;
- (3) A licensed pastoral psychotherapist;
- (4) A psychiatric/mental health advanced registered nurse practitioner;
- (5) A licensed clinical mental health counselor;
- (6) A licensed alcohol and drug counselor;
- (7) A licensed marriage and family therapist;
- (8) A licensed clinical social worker;
- (9) A licensed general hospital;
- (10) A public or licensed mental hospital; or

(11) A community mental health center or psychiatric residential program approved according to rules adopted by the commissioner of the department of health and human services.

IV-a. Each insurer that issues or renews any policy of group or blanket accident or health insurance providing benefits for medical or hospital expenses shall offer 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, the option of purchasing, for a separate and identifiable premium, additional coverage for expenses incurred as a result of treatment or counseling by a licensed clinical social worker.

V. In this section:

(a) "Psychiatrist" means a licensed physician who is board-certified or board-eligible according to the most recently promulgated regulations of the American Board of Psychiatry and Neurology.

(b) "Psychologist" means a person who:

(1) Is licensed under RSA 330-A as a psychologist;

(2) Is certified or licensed under a statute in another state which meets or exceeds the standards under RSA 330-A; or

(3) Is certified or licensed in another state and is listed in the National Register of Health Service Providers in Psychology.

(c) "Licensed pastoral psychotherapist" means an individual who is licensed as a pastoral psychotherapist under RSA 330-A and is a fellow or diplomat in the American Association of Pastoral Counselors.

(d) "Psychiatric/mental health advanced registered nurse practitioner" means an individual who is licensed as an advanced registered nurse practitioner in psychiatric mental health nursing under RSA 326-B:10, who is defined by and whose scope of practice is described under the rules adopted pursuant to RSA 326-B, and who is a licensed registered nurse, educationally prepared in nursing at a minimum of the master's level and certified in the specialty by a recognized national certifying agency, such as the American Nurses Credentialing Center.

(e) "Licensed clinical social worker" means an individual who is licensed as a clinical social worker under RSA 330-A:18.

(f) "Licensed clinical mental health counselor" means an individual who is licensed as a clinical mental health counselor under RSA 330-A:19.

(g) "Licensed marriage and family therapist" means an individual who is licensed as a marriage and family therapist under RSA 330-A:21.

(h) "Licensed alcohol and drug counselor" means an individual who is licensed as an alcohol and drug counselor under RSA 330-C and is practicing solely within the scope of practice of a licensed alcohol and drug counselor.

(i) "Mental or nervous conditions" or "mental illness and emotional disorders" means mental disorders, as defined in the most recent edition of the American Psychiatric Association's "Diagnostic and Statistical Manual of Mental Disorders" (DSM), excluding those disorders designated by a "V Code" and those disorders designated as criteria sets and axes provided for further study in the DSM. This term shall not include chemical dependency, including alcoholism.

VI. No services provided by a licensed pastoral psychotherapist to a member of his congregation in the course of the duties to which he has been called as a pastor, minister or staff person shall be covered under the provisions of this chapter. This limitation shall not apply to those licensed pastoral psychotherapists serving specifically and only as private, part-time consultants in pastoral psychotherapy to a parish under contract or otherwise for the purpose of providing services to individuals as a licensed pastoral psychotherapist. Nothing in this chapter shall be construed as allowing a parish, church or temple to provide religious ministrations to their parishioners or members under the provisions of this chapter which would normally be the responsibility of the clergy, religious or other religious staff duly called and employed by such congregations.

VII. No group policy or certificate subject to RSA 415:18-a issued, renewed or continued on or after January 1, 1993, shall contain any provision denying insurance benefits for psychiatric or psychological services, including psychological examinations, solely because they are rendered to an insured or a dependent in compliance with the lawful order of any court of this state. Benefits for such services shall be as favorable as for other psychiatric or psychological services, including psychological examinations, and shall be subject to the same dollar limits, deductibles, co-payments and co-insurance factors and to terms and conditions of the policy or certificate, including any managed care provisions.

2 Coverage for Mental and Nervous Conditions; Coverage for Treatment for Chemical Dependency; Health Maintenance Organizations. Amend RSA 420-B:8-b to read as follows:

420-B:8-b Health Maintenance Organization Benefits for Mental and Nervous Conditions ***and Treatment for Chemical Dependency.***

I.(a) Benefits for mental or nervous conditions shall conform to the requirements of RSA 415:18-a or alternatively with the basic health services requirements of the Health Maintenance Organization Act of 1973 (P.L. 93-222), any amendments, and federal regulations issued under the authority of such federal law. However, where a health maintenance organization provides these alternative benefits, such benefits shall not be subject to any deductible. The coinsurance required by the enrolled participant shall not exceed 20 percent of the reasonable and customary charge for the services provided.

(b) In addition to the requirements of subparagraph (a), every health maintenance organization offering such benefits shall provide to its subscribers a list of psychiatrists and mental health care providers within the organization's network. The health maintenance organization shall allow its subscribers 2 visits for diagnosis followed by up to 3 treatment visits in each contract year. Subsequent visits within the contract year may be subject to utilization review. The policy shall also include a statement that a primary care physician may refer an enrolled participant to a psychiatrist or other mental health care provider within the organization's network. There shall be no economic penalty to the primary care physician for such a referral.

II. No evidence of coverage, or amendment thereto, issued, renewed or continued on or after January 1, 1993, shall contain any provision denying insurance benefits for psychiatric or psychological services, including psychological examinations, solely because they are rendered to an insured or a dependent in compliance with the lawful order of any court of this state. Benefits for such services shall be as favorable as for other psychiatric or psychological services, including psychological examinations, and shall be subject to the same dollar limits, deductibles, co-payments and co-insurance factors and to terms and conditions of the policy or certificate, including any managed care provisions.

III. Coverage shall be provided for expenses arising from treatment for chemical dependency, including alcoholism. Coverage shall include both an inpatient and an outpatient benefit for detoxification and rehabilitation.

IV. "Mental and nervous conditions" shall be defined as mental disorders, as defined in the most recent edition of the American Psychiatric Association's "Diagnostic and Statistical Manual of Mental Disorders" (DSM), excluding those disorders designated by a "V Code" and those disorders designated as criteria sets and axes provided for further study in the DSM. This term shall not include chemical dependency including alcoholism.

3 Mental Illnesses Covered. Amend RSA 417-E:1, III to read as follows:

III. The following mental illnesses, as defined in the most current edition of the Diagnostic and Statistical Manual (DSM) of Mental Disorders published by the American Psychiatric Association, shall be covered under this section:

- (a) Schizophrenia ***and other psychotic disorders.***
- (b) Schizoaffective disorder.
- (c) Major depressive disorder.
- (d) Bipolar disorder.
- (e) ~~[Paranoia and other psychotic disorders]~~ ***Anorexia nervosa and bulimia nervosa.***
- (f) Obsessive-compulsive disorder.
- (g) Panic disorder.
- (h) Pervasive developmental disorder or autism.
- (i) Chronic post-traumatic stress disorder.***

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

AMENDED ANALYSIS

This bill revises the laws relative to insurance coverage for mental and nervous conditions. The bill also requires insurance coverage for treatment for chemical dependency.

2001-2032h

Amendment to SB 26

Proposed by the Majority of the Committee on Children and Family Law - R

Amend the bill by deleting section 1 and renumbering the original sections 2-6 to read as 1-5, respectively.

Amend the bill by replacing section 5 with the following:

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

AMENDED ANALYSIS

This bill requires a parent who relinquishes parental rights to be informed of counseling services offered by licensed child-placing agencies by the department of health and human services or a child-placing agency and to file an affidavit with the court stating that such parent was informed of counseling services available through child-placing agencies.

This bill also removes the exemption for child-placing agencies from paying entry fees and certain court costs in adoption and termination of parental rights cases. The bill states that entry fees and court costs will be paid by the petitioner, unless the court waives entry fees and court costs due to hardship.

2001-2011h

Amendment to SB 182-FN-A

Proposed by the Committee on Finance - R

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

AN ACT establishing a brain injury program and making an appropriation therefor.

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

1 New Subparagraph; Added Duty; Advisory Council; Brain Injury Program. Amend RSA 137-K:2, IV by inserting after subparagraph (e) the following new subparagraph:

(f) Review the status of the brain injury program, established under RSA 137-K:9, and recommend to the commissioner priorities and criteria for disbursement of appropriations available to the program.

2 Rulemaking Added; Brain Injury Program. Amend RSA 137-K:3, VIII to read as follows:

VIII. *Eligibility criteria and objectives for the brain injury program, established under RSA 137-K:9.*

IX. Any other matter necessary for the administration of this chapter.

3 New Section; Brain Injury Program. Amend RSA 137-K by inserting after section 8 the following new section:

137-K:9 Brain Injury Program Established. There shall be established in the department a brain injury program to provide direct services on behalf of individuals and their families affected by brain injuries, including, but not limited to, community resource coordination, support of a statewide toll-free number for information and assistance, family support, advocacy and vocational support; to administer the brain and spinal cord injury registry; and to fund the injury prevention effort.

4 Supplemental Appropriation; New PAU; Brain Injury Program. Amend 2001, 130:1 by inserting after PAU 05, 01, 13, 01 the following new PAU:

FISCAL YEAR 2002

05 HEALTH AND SOCIAL SERVICES

01 DEPT OF HEALTH & HUMAN SVCS
13 DIV OF DEVELOPMENTAL SERVICES
10 NH BRAIN INJURY PROGRAM
90 PROGRAM EXPENDITURES G 400,000
TOTAL 400,000

ESTIMATED SOURCE OF FUNDS FOR
NH BRAIN INJURY PROGRAM
00 FEDERAL FUNDS 200,000
GENERAL FUND 200,000

5 Totals Adjustment. The legislative budget assistant shall have the authority to adjust budget totals as necessitated by section 4 of this act.

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

AMENDED ANALYSIS

This bill establishes the brain injury program and inserts a new PAU into the operating budget for the program.